

APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Honorable Kristi L. Harrington

Case No.: 2016-CP-10-3504

RECEIVED
JUL 01 2019
SC Court of Appeals

Ernest McKnight.....Appellant,

v.

Anna Michelle Porcher, Eugene D. Gathers, Estate of Ned Wright, Estate of Hattie Gasden, Edward Wright, Estate of Samuel Wright, James Wright, Estate of Earline Wright Maxwell, Ida Wright, Estate of Wileminia Wright, Henry Wright, Jr., Estate of Henry Wright, Estate of Ernestine Wright, Estate of Samuel Wright, Edward Wright, Estate of James Wright, Estate of Oscar Wright, Martha Wright, Estate of Leroy Wright, Estate of Edward Wright, Estate of Harold Wright, Estate of Charles Wright, Jr., Estate of Hattie Wright Gaston a/k/a Hattie Wright Gadsden, Estate of Earline Wright, Estate of Annie Wright, Walter Nathaniel Porcher, III, Keisha Kenyatta Porcher, and John Doe and Mary Roe, fictitious names representing unknown minors, incompetents, persons in the military service within the meaning of Title 50, United States Code, commonly referred to as the Service Members Civil Relief Act of 2003, persons imprisoned, and persons under any other legal disability and fictitious names representing unknown heirs, devisees, distributes, of personal representatives of any deceased persons, Respondents.

SUPPLEMENTAL RECORD ON APPEAL

Other Counsel of record:

Willie B. Heyward, Esq.
27 Gamecock Avenue, Suite 200
Charleston, S. C. 29407
Attorney for Appellant

Jonathan Altman, Esq.
575 King Street, Suite B
Charleston, S. C. 29403
Attorney for Respondent

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STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

John Wright,)
Plaintiff,)
vs.)

Ned Wright, Hattie Wright Gaston,)
Annie M. Wright, Edward Wright,)
Samuel Wright, James Wright,)
Earline Wright Maxwell, Wilmenia)
Wright, Henry Wright, Oscar Wright,)
Leroy Wright, Harold Wright,)
Charles Wright, Samuel Wright, Jr.,)
Ernestine Wright, Henry Wright, Jr.,)
Ernest McKnight, along with John)
Doe or Mary Roe, fictitious names to)
designate minors, infants, persons of)
unsound mind, under disability or)
incompetent, persons in prison,)
persons in the military service within)
meaning of Title 50, United States)
Code, commonly referred to as The)
Soldiers and Sailors Civil Service Act)
of 1940, if any, and Richard Roe and)
Sarah Roe, fictitious names to)
designate the unknown heirs,)
devisees, distributees, issue,)
executors, administrators, successors)
or assigns of Ned Wright, Hattie)
Wright Gaston, Annie M. Wright,)
Edward Wright, Samuel Wright,)
James Wright, Earline Wright,)
Wilmenia Wright, Henry Wright,)
Oscar Wright, Leroy Wright, Harold)
Wright, Charles Wright, Samuel)
Wright, Jr., Ernestine Wright, and)
Henry Wright, Jr., also all other)
unknown persons claiming any right,)
title, estate or lien upon the real estate)
which is the subject of this action,)
Defendants.)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2010-CP-10- 250

FILED
2010 JAN 12 AM 11:08
JULIE J. ARMSTRONG
CLERK OF COURT

LIS PENDENS

TO THE DEFENDANTS ABOVE NAMED:

NOTICE IS HEREBY GIVEN that an action is about to be commenced by the Plaintiff above-named against the Defendants, and that the following real property is affected by this litigation:

ALL that certain lot, parcel, or tract of land situated, lying and being in Adams Run Township, formerly of Colleton County and now of Charleston County, in the State of South Carolina, containing ten and one-fourth acres, more or less, and bounded as follows: North by Jacksonboro Road, East by lands of Abner Young, and on the South and West by lands formerly owned by J. T. Mitchell, now owned by Fitzsimons, as will more fully appear when reference is had to plat of property made by Wm. Horne, Surveyor, and dated March 12, 1875.

BEING the same property conveyed to Ned Wright by Deed of Margaret Singleton and J. William Washington dated January 21, 1908, and recorded in the Office of the Register of Deeds for Colleton County in Deed Book 31, at Page 86 on January 30, 1908, and recorded in the Office of the Register of Deeds for Charleston County in Deed Book N27, at Page 19.

TMS No. 245-00-00-026



Jonathan S. Altman, Esq.
Derfner, Altman & Wilborn, LLC
575 King Street, Suite B (29403)
P. O. Box 600
Charleston, SC 29402
(843) 723-9804

Attorneys for the Plaintiff

Date: 11/12/10
Charleston, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2010-CP-10-250

John Wright,)
Plaintiff,)
vs.)

Ned Wright, Hattie Wright Gaston,)
Annie M. Wright, Edward Wright,)
Samuel Wright, James Wright,)
Earline Wright Maxwell, Wilmenia)
Wright, Henry Wright, Oscar Wright,)
Leroy Wright, Harold Wright,)
Charles Wright, Samuel Wright, Jr.,)
Ernestine Wright, Henry Wright, Jr.,)
Ernest McKnight, along with John)
Doe or Mary Roe, fictitious names to)
designate minors, infants, persons of)
unsound mind, under disability or)
incompetent, persons in prison,)
persons in the military service within)
meaning of Title 50, United States)
Code, commonly referred to as The)
Soldiers and Sailors Civil Service Act)
of 1940, if any, and Richard Roe and)
Sarah Roe, fictitious names to)
designate the unknown heirs,)
devisees, distributees, issue,)
executors, administrators, successors)
or assigns of Ned Wright, Hattie)
Wright Gaston, Annie M. Wright,)
Edward Wright, Samuel Wright,)
James Wright, Earline Wright,)
Wilmenia Wright, Henry Wright,)
Oscar Wright, Leroy Wright, Harold)
Wright, Charles Wright, Samuel)
Wright, Jr., Ernestine Wright, and)
Henry Wright, Jr., also all other)
unknown persons claiming any right,)
title, estate or lien upon the real estate)
which is the subject of this action,)
Defendants.)

COMPLAINT

Suit to Quiet Title
(Non-Jury)

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2010 JAN 12 AM 10:58
JULIE J. ARMSTRONG
CLERK OF COURT

The Plaintiff would respectfully show unto this honorable court as follows:

1. That the Plaintiff, John Wright (hereinafter "Plaintiff"), is a grandson of Ned Wright (hereinafter referred to as "Decedent") and the sole heir and son of Decedent's daughter, Hattie W. Gaston, who died in 1982.
2. That some of the defendants, including Defendant Ernest McKnight, are residents of Charleston County and the State of South Carolina.
3. By virtue of the subject property being situated in the County of Charleston, State of South Carolina, Plaintiff alleges that this Court possesses subject matter and *in personam* jurisdiction in this action.
4. That the Plaintiff commences this action against the defendants named herein and John Doe; adults and Mary Roe, infants, insane persons, incompetents being fictitious names designating a class of persons, known or unknown, claiming any right, title, estate, interest in or lien upon, the parcel of real estate that is the subject of this action and that it is proper for the Court to appoint a Guardian ad Litem during the pendency of this action to protect any such interests that may exist as to these parties.
5. That joined as Defendants are other persons unknown, claiming any right, title, estate, interest in or lien upon the real estate described in the Complaint herein.
6. That the Plaintiff does not know the true names of all defendants, including persons unknown claiming any legal or equitable right, title, estate, lien or interest in the property described in the Complaint adverse to Plaintiff's interest or any cloud on Plaintiff's interest, and therefore sues them by those fictitious names, Plaintiff is informed and believes, and on that basis alleges, that each such defendant claims, or may claim, some interest in the real property described in this Complaint.

7. That any claim of an estate or interest in the real property by the unknown defendants would be adverse to the interest of the Plaintiff.

8. That the real property (hereinafter "the property") that is the subject of this action is located in Charleston County, State of South Carolina, and is more specifically described as follows:

ALL that certain lot, parcel, or tract of land situated, lying and being in Adams Run Township, formerly of Colleton County and now of Charleston County, in the State of South Carolina, containing ten and one-fourth acres, more or less, and bounded as follows: North by Jacksonboro Road, East by lands of Abner Young, and on the South and West by lands formerly owned by J. T. Mitchell, now owned by Fitzsimons, as will more fully appear when reference is had to plat of property made by Wm. Horne, Surveyor, and dated March 12, 1875.

BEING the same property conveyed to Ned Wright by Deed of Margaret Singleton and J. William Washington dated January 21, 1908, and recorded in the Office of the Register of Deeds for Colleton County in Deed Book 31, at Page 86 on January 30, 1908, and recorded in the Office of the Register of Deeds for Charleston County in Deed Book N27, at Page 19.

TMS No. 245-00-00-026

9. That the Decedent acquired the subject property by deed dated January 21, 1908 and recorded in the Colleton County RMC Office on January 30, 1908 and designated as TMS No. 245-00-00-026.

10. That the Plaintiff desires to have this Court determine the parties' respective interests in the property.

11. Defendant Ernest McKnight is named as a defendant herein by virtue of Defendant McKnight's status as an adjacent property owner and Plaintiff's belief that Defendant McKnight may claim an interest in the property.

12. That Decedent died intestate leaving as his heirs and distributees at law, his children, Defendants Hattie Wright Gaston, Annie M. Wright, Edward Wright, Samuel

Wright, James Wright, Earline Wright Maxwell, Wilmenia Wright and Henry Wright. Upon information and belief, the estates of said children of Decedent have not been probated and they are therefore identified as defendants herein.

13. Defendant Wright died during the 1960's and was survived by three children, Defendants Oscar Wright, Leroy Wright and a third son whose name is unknown. Defendants Oscar Wright and Leroy Wright have since died. Upon information and belief, their estates have not been probated and they are identified as Defendants.

14. Defendant Edward Wright died during the 1970's. Upon information and belief, his estate has not been probated and he is identified as a Defendant. Defendant Edward Wright was survived by two children, Defendants Delores Wright and Carolyn Wright, who, upon information and belief, are the sole heirs of his estate.

15. Defendant Samuel Wright died during the 1960's. Upon information and belief, Defendant Samuel Wright's estate has not been probated and he is identified as a Defendant in this action. Defendant Samuel Wright was survived by three children, Harold Wright, Charles Wright and Samuel Wright, Jr. who have all since died. Upon information and belief, their estates have not been probated and they are identified as Defendants.

16. Defendants James Wright and his wife, Hattie Wright, died during the 1960's. Neither Defendants James Wright or Hattie Wright's estates have been probated and they are identified as Defendants in this action. Upon information and belief, Defendants James Wright and Hattie Wright had no children.

17. Defendant Earline Wright Maxwell is deceased and her estate was not probated. Upon information and belief, Defendant Earline Wright Maxwell was survived by one

child, who has since died. Plaintiff has no information or belief as to whether Defendant Earline Wright Maxwell's child predeceased her or was survived by any heirs.

18. Defendant Wilmenia Wright died during the 1960's. Upon information and belief, her estate was not probated and she is identified as a Defendant in this action. Defendant Wilmenia Wright was predeceased by her spouse and, upon information and belief, was survived by no children.

19. Defendant Henry Wright died in 1982. His estate has not been probated and he is identified as a Defendant herein. Upon information and belief, Defendant Henry Wright was survived by his spouse, Defendant Ernestine Wright, who has since died, along with one child, Defendant Henry Wright, Jr., who died on June 26, 1997. Upon information and belief, the Estates of Ernestine Wright and Henry Wright, Jr. have not been probated and they are identified as Defendants herein.

20. Plaintiff paid taxes and maintained possession of the property for a period of over twenty years and that such possession was open, notorious, hostile and continuous for the stated period of time and as such constituted an ouster of all other heirs and possible claimants of the property. As a result of said acts, title to the subject parcel should vest in Plaintiff because of the ouster of all other claimants through adverse possession of the property.

21. Plaintiff possesses no knowledge or belief as to the existence of any other heirs of Decedent, defendants or interested parties other than those individuals identified herein. Plaintiff brings this action for the purpose of having an order issued by the Court recognizing Plaintiff's holding of fee simple title to the property. That unknown Defendants may exist or be deceased with heirs having been undetermined. Therefore, a

Guardian ad Litem should be appointed to represent the interests of said unknown persons.

WHEREFORE, Plaintiff prays that this Court inquire as to the matters herein and adjudge and declare:

1. That Plaintiff is the owner of the subject property holding fee simple title thereto;
2. That Plaintiff has acquired title to the subject property through adverse possession; and
3. That Defendants named and all entities joined as Defendants in this action in the fictitious names of John Doe, adults and Mary Roe, infants, insane persons, incompetents be declared forever barred of and from any claim, right, title, estate, interest and/or lien upon the parcel of real estate above described or any part thereof and that they be barred from claiming any right, title, estate, interest or lien thereon.

Date: Jan 12, 2010
Charleston, South Carolina


DERFNER, ALTMAN & WILBORN, LLC
Jonathan S. Altman, Esq.
575 King Street, Suite B (29403)
P.O. Box 600
Charleston, SC 29402
843-723-9804

Attorney for the Plaintiff

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NUMBER 2010-CP-10-0250

John Wright,)
Plaintiff,)

-versus-

**ANSWER
and
COUNTERCLAIM**

Ned Wright, Hattie Wright Gaston,)
Annie M. Wright, Edward Wright,)
Samuel Wright, James Wright,)
Earline Wright Maxwell, Wilmenia)
Wright, Henry Wright, Oscar Wright,)
Leroy Wright, Leroy Wright, Harold)
Wright, Charles Wright, Samuel)
Wright, Jr., Ernestine Wright, Henry)
Wright, Jr., Ernest McKnight, along)
with John Doe or Mary Roe, fictitious)
names to designate minors, infants,)
persons of unsound mind, under)
disability or incompetent persons in)
prison, persons in the military service)
within meaning of Title 50, United)
States Code, commonly referred to as)
The Soldiers and Sailors Civil Service)
Act of 1940, if any, and Richard Roe)
and Sarah Roe, fictitious names to)
designate the unknown heirs,)
devisees, distributes, issue, executors,)
administrators, successors or assigns)
of Ned Wright, Hattie Wright Gaston,)
Annie M. Wright, Edward Wright,)
Samuel Wright, James Wright,)
Earline Wright, Wilmenia Wright,)
Henry Wright, Oscar Wright,)
Leroy Wright, Harold Wright,)
Charles Wright, Samuel Wright, Jr.,)
Ernestine Wright and Henry Wright,)
Jr., also all other unknown persons)
claiming any right, title, estate or lien)
upon the real estate which is the.)

BY _____

JULIE J. ARMSTRONG
CLERK OF COURT

2010 MAR 18 PM 12:37

FILED

subject of this action,)
)
Defendants.)
_____)

COMES NOW THE DEFENDANT, ERNESTINE McKNIGHT,
answering the Summons and Complaint of the Plaintiff above named, who would
show unto this Honorable Court as follows:

- 1.) **THAT** each and every allegation contained in the Plaintiff's
Complaint which is not hereinafter specifically admitted, qualified and explained
is hereby denied.
- 2.) **THAT** the Defendant is without sufficient knowledge to either admit
or deny the allegations contained in paragraph One (1) of the Plaintiff's Complaint
and therefore demands strict proof thereof.
- 3.) **THAT** the Defendant admits paragraph Three (3) of the Plaintiff's
Complaint.
- 4.) **THAT** the Defendant is without sufficient knowledge to either admit
or deny the allegations contained in paragraphs Three (3) through Seven (7) of the
Plaintiff's Complaint and therefore demands strict proof thereof.
- 5.) **THAT** the Defendant admits paragraph Eight (8) of the Plaintiff's
Complaint.
- 6.) **THAT** the Defendant is without sufficient knowledge to either admit
or deny the allegations contained in paragraphs Nine (9) through Ten (10) of the
Plaintiff's Complaint and therefore demands strict proof thereof.

7.) THAT the Defendant admits paragraph Eleven (11) of the Plaintiff's Complaint.

8.) THAT the Defendant is without sufficient knowledge to either admit or deny the allegations contained in paragraphs Twelve (12) through Nineteen (19) of the Plaintiff's Complaint and therefore demands strict proof thereof.

9.) THAT the Defendant denies paragraph Twenty (20) of the Plaintiff's Complaint and therefore demands strict proof thereof.

10.) THAT the Defendant is without sufficient knowledge to either admit or deny the allegations contained in paragraph Twenty-one (21) of the Plaintiff's Complaint and therefore demands strict proof thereof.

**FURTHER ANSWERING THE ALLEGATIONS CONTAINED IN THE
PLAINTIFF'S COMPLAINT THE DEFENDANT WOULD SAY AND
SHOW THE FOLLOWING:**

11.) THAT the Defendant has paid the taxes and maintain continuous, open, notorious, hostile, unbroken and adverse possession of the subject premises for a period of ten years prior to the initiation of this action.

12.) THAT the Defendant is informed and believes that the Defendant has an equitable interest in the subject property and he therefore claims ownership of the same by adverse possession.

13.) THAT on September 25, 2003, John Wright, Anna Michelle Porcher and Harold L. Wright executed a Note in the amount of \$6,187.52 in favor of the Defendant Ernest McKnight.

14.) THAT on September 25, 2003, John Wright, Anna Michelle Porcher and Harold L. Wright executed a Mortgage in the principal amount of \$6,187.52 in favor of the Defendant Ernest McKnight and said mortgage was filed on September 29, 2003 in the Charleston County R.M.C. Office in Book M-469, at page 341.

**COUNTERCLAIM
(Adverse Possession)**

15.) THAT the Defendant realleges the allegations contained in paragraphs One (1) through Fourteen (14) above as if full setforth fully herein.

16.) THAT the Defendant is informed and believes that he should be awarded ownership of the subject property and that he should be given title there by deed of the Master.

**COUNTERCLAIM
(Reimbursement of Taxes)**

17.) THAT the Defendant realleges the allegations contained in paragraphs One (1) through Sixteen (16) above as if full setforth fully herein.

18.) THAT the Defendant is informed and believes that he should be reimbursed for the taxes he paid on the subject property.

**COUNTERCLAIM
(Foreclosure of Mortgage)**

19.) THAT the Defendant realleges the allegations contained in paragraphs One (1) through Eighteen (18) above as if full setforth fully herein.

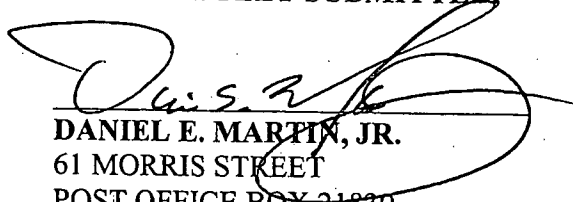
20.) **THAT** according to the terms and conditions of the said note and mortgage, it is provided that in the event the mortgagors failed to pay the taxes, the entire amount of the debt shall become due at the option of the mortgagee.

21.) **THAT** the Defendant is informed and believes that the mortgagors failed to pay taxes for 2003, 2004, 2005, 2006, 2007, 2008 and 2009 and that all of the taxes for those years were paid by the Defendant, Ernest McKnight.

22.) **THAT** the Defendant is further informed and believes that the mortgagors are in default of their obligations under the aforesaid note and mortgage and that he is entitled to have judgment of foreclosure for all amounts due and owing thereon, together with any taxes which may be due, or which have already been paid on behalf of the mortgagors, with a reasonable sum as attorney fees and for the costs incurred in this action.

WHEREFORE, the Defendant having set forth the above, prays that the Plaintiff's Complaint be dismissed and that he be granted the relief sought in his Counterclaim and for such other and further relief as this Court may deem just and proper.

RESPECTFULLY SUBMITTED,


DANIEL E. MARTIN, JR.
61 MORRIS STREET
POST OFFICE BOX 21830
CHARLESTON, S.C. 29403
(843) 723-1686

**ATTORNEY FOR
ERNEST McKNIGHT**

Charleston, South Carolina

March 16, 2010

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO. 2010-CP-10-250

John Wright,)

Plaintiff,)

v.)

AFFIDAVIT OF DEFAULT

Ned Wright, Hattie Wright Gaston,)
Annie M. Wright, Edward Wright,)
Samuel Wright, James Wright,)
Earline Wright Maxwell, Wilmenia)
Wright, Henry Wright, Oscar)
Wright, Leroy Wright, Harold)
Wright, Charles Wright, Samuel)
Wright, Jr., Ernestine Wright,)
Henry Wright, Jr., Ernest)
McKnight, along with John Doe or)
Mary Roe, fictitious names to)
designate minors, infants, persons)
of unsound mind, under disability)
or incompetent, persons in prison,)
persons in the military service)
within meaning of Title 50, United)
States Code, commonly referred to)
as The Soldiers and Sailors Civil)
Service Act) of 1940, if any, and)
Richard Roe and Sarah Roe,)
fictitious names to designate the)
unknown heirs, devisees,)
distributees, issue, executors,)
administrators, successors or)
assigns of Ned Wright, Hattie,)

Defendant.)

FILED
2010 MAR 30 PM 2:35
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

PERSONALLY appeared before me, JONATHAN S. ALTMAN, who, being sworn, states that he is the attorney for the Plaintiff and that more than thirty (30) days have elapsed since the date of service of the Summons and Complaint, and that the below-named Defendants have failed to file an Answer or otherwise defend as allowed by the rules, that these Defendants are not members of the armed forces as contemplated

by the Soldiers and Sailor Civil Relief Act and that the following Defendants are in default.

1. Ned Wright,
2. Hattie Wright Gaston,
3. Annie M. Wright,
4. Edward Wright,
5. Samuel Wright,
6. James Wright,
7. Earline Wright Maxwell,
8. Wilmenia Wright,
9. Henry Wright,
10. Oscar Wright,
11. Leroy Wright,
12. Harold Wright,
13. Charles Wright,
14. Samuel Wright, Jr.,
15. Ernestine Wright,
16. Henry Wright, Jr.

FURTHER AFFIANT SAYETH NOTHING.

DERFNER, ALTMAN & WILBORN, LLC



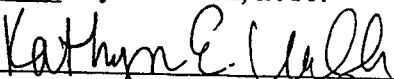
Jonathan S. Altman
575 King Street, Suite B (29403)
P.O. Box 600
Charleston, SC 29402
Tel: (843) 723-9804

Attorney for Plaintiff

March 3, 2010
Charleston, South Carolina

Sworn to and Subscribed before me

this 3rd day of March, 2010.



Notary Public for South Carolina

My Commission Expires: 7/25/17

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) NINTH JUDICIAL CIRCUIT
CASE NO. 2010-CP-10-250

John Wright,

Plaintiff,

v.

REPLY TO COUNTERCLAIM

Ned Wright, Hattie Wright Gaston,
Annie M. Wright, Edward Wright,
Samuel Wright, James Wright,
Earline Wright Maxwell, Wilmenia
Wright, Henry Wright, Oscar
Wright, Leroy Wright, Harold
Wright, Charles Wright, Samuel
Wright, Jr., Ernestine Wright,
Henry Wright, Jr., Ernest
McKnight, along with John Doe or
Mary Roe, fictitious names to
designate minors, infants, persons
of unsound mind, under disability
or incompetent, persons in prison,
persons in the military service
within meaning of Title 50, United
States Code, commonly referred to
as The Soldiers and Sailors Civil
Service Act) of 1940, if any, and
Richard Roe and Sarah Roe,
fictitious names to designate the
unknown heirs, devisees,
distributees, issue, executors,
administrators, successors or
assigns of Ned Wright, Hattie,

Defendant.

FILED
2010 MAR 31 PM 4:07
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

Plaintiff John Wright, replying to the counterclaims of Defendant Ernest

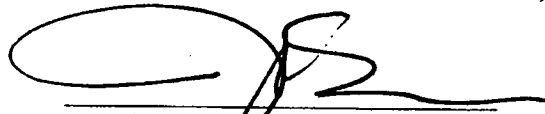
McKnight, alleges and states as follows:

1. Plaintiff denies each and every allegation of Defendant's counterclaims not specifically admitted herein.

2. Paragraphs 1 through 10 constitute Defendant's Answer to Plaintiff's complaint and require no response from Plaintiff.
3. Plaintiff denies the allegations of paragraphs 11 and 12.
4. Plaintiff is without information or belief as to the allegations of paragraphs 13 and 14 and demands strict proof thereof.
5. Plaintiff denies the allegations of paragraphs 15, 16 and 17.
6. Plaintiff is without information and belief as to the allegations in paragraph 18 and demands strict proof thereof.
7. Plaintiff is without information and belief as to the allegations in paragraphs 19, 20, 21 and 22, and therefore denies the same.

WHEREFORE, having replied to Defendants counterclaims, Plaintiff prays that said counterclaims be dismissed and that Plaintiff be awarded the relief sought in Plaintiff's complaint and any other such other and further relief as this Court deems just and proper.

DERFNER, ALTMAN & WILBORN, LLC



Jonathan S. Altman, Esq.
575 King Street, Suite B (29403)
P.O. Box 600
Charleston, SC 29402
(843) 723-9804

March 26, 2010
Charleston, South Carolina

Attorney for Plaintiff

D · A · W

DERFNER
ALTMAN &
WILBORN

RECEIVED BY THE CLERK OF THE COURT

APR 1 2010

March 30, 2010

Clerk of the Court
Charleston County
100 Broad Street
Charleston, SC 29401

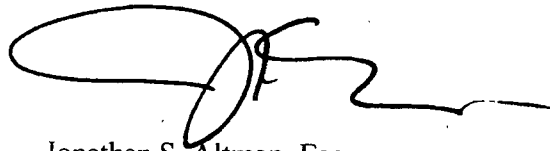
RE: *John Wright v. The Estate of Ned Wright, et al.*
Case No.: 2010-CP-10-250

Dear Madam Clerk,

Please find enclosed an original and one copy of Plaintiff's Reply to Counterclaim in the above matter. Please file the original and return a clocked-in copy to me in the enclosed self-addressed, stamped envelope.

Yours very truly,

DERFNER, ALTMAN & WILBORN, LLC



Jonathan S. Altman, Esq.

cc: Daniel E. Martin, Jr.
JSA/jw
Enclosures

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) NINTH JUDICIAL CIRCUIT
CASE NO. 2010-CP-10-250

John Wright,

Plaintiff,

v.

ORDER OF DEFAULT

Ned Wright, Hattie Wright Gaston,
Annie M. Wright, Edward Wright,
Samuel Wright, James Wright,
Earline Wright Maxwell, Wilmenia
Wright, Henry Wright, Oscar
Wright, Leroy Wright, Harold
Wright, Charles Wright, Samuel
Wright, Jr., Ernestine Wright,
Henry Wright, Jr., Ernest
McKnight, along with John Doe or
Mary Roe, fictitious names to
designate minors, infants, persons
of unsound mind, under disability
or incompetent, persons in prison,
persons in the military service
within meaning of Title 50, United
States Code, commonly referred to
as The Soldiers and Sailors Civil
Service Act) of 1940, if any, and
Richard Roe and Sarah Roe,
fictitious names to designate the
unknown heirs, devisees,
distributees, issue, executors,
administrators, successors or
assigns of Ned Wright, Hattie,

Defendant.

BY _____
JULIE J. ARMSTRONG
CLERK OF COURT

2010 APR - 1 AM 10:27

FILED

IT appearing from the Affidavit of Publication, dated February 17, 2010, and the Affidavit of Default of Jonathan S. Altman, attorney for the Plaintiff, that the below-named Defendants have been duly served with the Summons and Complaint and more than thirty days have elapsed since said service during which no responsive pleadings were filed by said Defendants.

B

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the following

Defendants are hereby declared to be in default:

1. Ned Wright,
2. Hattie Wright Gaston,
3. Annie M. Wright,
4. Edward Wright,
5. Samuel Wright,
6. James Wright,
7. Earline Wright Maxwell,
8. Wilmenia Wright,
9. Henry Wright,
10. Oscar Wright,
11. Leroy Wright,
12. Harold Wright,
13. Charles Wright,
14. Samuel Wright, Jr.,
15. Ernestine Wright,
16. Henry Wright, Jr.

Date:

3/3/11

Presiding Judge, Ninth Judicial Circuit

2010-5381

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

John Wright,)
Plaintiff,)

vs.)

Ned Wright, Hattie Wright Gaston,)
Annie M. Wright, Edward Wright,)
Samuel Wright, James Wright,)
Earline Wright Maxwell, Wilmenia)
Wright, Henry Wright, Oscar Wright,)
Leroy Wright, Harold Wright,)
Charles Wright, Samuel Wright, Jr.,)
Ernestine Wright, Henry Wright, Jr.,)
Ernest McKnight, along with John)
Doe or Mary Roe, fictitious names to)
designate minors, infants, persons of)
unsound mind, under disability or)
incompetent, persons in prison,)
persons in the military service within)
meaning of Title 50, United States)
Code, commonly referred to as The)
Soldiers and Sailors Civil Service Act)
of 1940, if any, and Richard Roe and)
Sarah Roe, fictitious names to)
designate the unknown heirs,)
devisees, distributees, issue,)
executors, administrators, successors)
or assigns of Ned Wright, Hattie)
Wright Gaston, Annie M. Wright,)
Edward Wright, Samuel Wright,)
James Wright, Earline Wright,)
Wilmenia Wright, Henry Wright,)
Oscar Wright, Leroy Wright, Harold)
Wright, Charles Wright, Samuel)
Wright, Jr., Ernestine Wright, and)
Henry Wright, Jr., also all other)
unknown persons claiming any right,)
title, estate or lien upon the real estate)
which is the subject of this action,)

Defendants.)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2010-CP-10-0250

FILED
2010 MAY 19 PM 1:55
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

**MOTION FOR JUDGMENT ON
THE PLEADINGS PURSUANT TO
SCRPC RULE 12(c) OR IN THE
ALTERNATIVE MOTION FOR SUMMARY
JUDGMENT AS PROVIDED FOR IN
SCRPC RULE 56 AS TO
DEFENDANT ERNEST MCKNIGHT'S
COUNTERCLAIM FOR
ADVERSE POSSESSION**

TO: DANIEL E. MARTIN, JR., ESQ.: Attorney for Defendant Ernest McKnight

Please take notice that ten days after service hereof, or as soon thereafter as counsel may be heard the Plaintiff, by and through his undersigned attorney, will move before the Presiding Judge of the Ninth Judicial Circuit, Charleston County for an Order granting Plaintiff judgment on the pleadings pursuant to S.C.R.C.P. Rule 12 (c) or in the alternative, summary judgment as provided for in S.C.R.C.P. Rule 56 as to Defendant Ernest McKnight's Counterclaim for adverse possession. Plaintiff's motion is based upon the allegations set forth in Defendant McKnight's answer and counterclaim, including Defendant McKnight's allegation that he is the holder of a note and mortgage on the subject property dated September 25, 2003. Defendant McKnight claims this note is due and asserts a counterclaim seeking foreclosure of the mortgage securing said note. In so much as Defendant McKnight alleges that he holds a security interest in the subject property and seeks recognition of this lien, Defendant McKnight can not support a claim for adverse possession.



Jonathan S. Altman, Esq.
Derfner, Altman & Wilborn, LLC
575 King Street, Suite B (29403)
P.O. Box 600
Charleston, SC 29403
Telephone: (843) 723-9804

Date: May 3, 2010
Charleston, South Carolina

Attorney for the Plaintiff

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2010-CP-10-250

John Wright,)
Plaintiff,)
vs.)

Ned Wright, Hattie Wright Gaston,)
Annie M. Wright, Edward Wright,)
Samuel Wright, James Wright,)
Earline Wright Maxwell, Wilmenia)
Wright, Henry Wright, Oscar Wright,)
Leroy Wright, Harold Wright,)
Charles Wright, Samuel Wright, Jr.,)
Ernestine Wright, Henry Wright, Jr.,)
Ernest McKnight, along with John)
Doe or Mary Roe, fictitious names to)
designate minors, infants, persons of)
unsound mind, under disability or)
incompetent, persons in prison,)
persons in the military service within)
meaning of Title 50, United States)
Code, commonly referred to as The)
Soldiers and Sailors Civil Service Act)
of 1940, if any, and Richard Roe and)
Sarah Roe, fictitious names to)
designate the unknown heirs,)
devisees, distributees, issue,)
executors, administrators, successors)
or assigns of Ned Wright, Hattie)
Wright Gaston, Annie M. Wright,)
Edward Wright, Samuel Wright,)
James Wright, Earline Wright,)
Wilmenia Wright, Henry Wright,)
Oscar Wright, Leroy Wright, Harold)
Wright, Charles Wright, Samuel)
Wright, Jr., Ernestine Wright, and)
Henry Wright, Jr., also all other)
unknown persons claiming any right,)
title, estate or lien upon the real estate)
which is the subject of this action,)

Defendants.)

FILED
2010 AUG -2 AM 9:50
JULIE J. ARMSTRONG
CLERK OF COURT

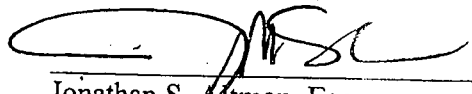
CONSENT ORDER OF DISMISSAL

This matter comes before the court on Plaintiff's Motion for Summary Judgment on the Pleadings Pursuant to SCRPC Rule 12(c) or in the Alternative Motion for Summary Judgment as provided for in SCRPC 56 as to Defendant Ernest McKnight's Counterclaim for Adverse Possession. Prior to said motion being heard, the parties advised the court that Defendant McKnight had agreed to the dismissal of his counterclaim for adverse possession with prejudice. All other counterclaims set forth in Defendant McKnight's Answer and Counterclaim survive this order and remain pending.

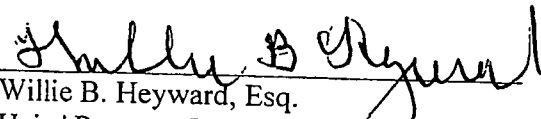
WE SO MOVE.

WE CONSENT:

WE CONSENT:


Jonathan S. Altman, Esq.
DERFNER, ALTMAN & WILBORN, LLC
575 King Street, Suite B (29403)
P.O. Box 600
Charleston, SC 29402
(843) 723-9804
Fax: (843) 723-7446

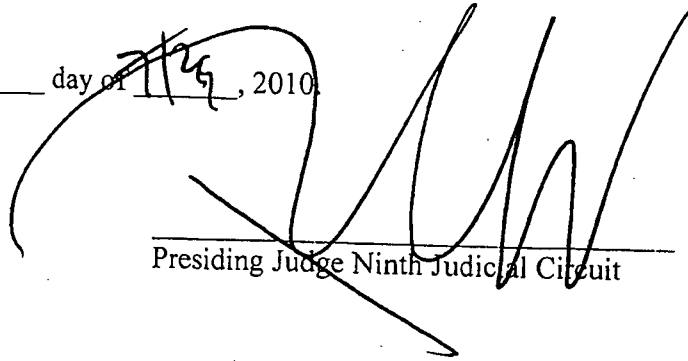
Attorney for the Plaintiff


Willie B. Heyward, Esq.
Heirs' Property Law Center, LLC
2148 Dorchester Rd.
North Charleston, SC 29405

Attorney for the Defendant Ernest McKnight

IT IS SO ORDERED, this _____ day of July, 2010.

Date: _____


Presiding Judge Ninth Judicial Circuit

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2010-CP-10-0250

John Wright,

Plaintiff,

vs.

L-9461-01
Ned Wright, Hattie Wright Gaston,
Annie M. Wright, Edward Wright,
Samuel Wright, James Wright,
Earline Wright Maxwell, Wilmenia
Wright, Henry Wright, Oscar Wright,
Leroy Wright, Harold Wright,
Charles Wright, Samuel Wright, Jr.,
Ernestine Wright, Henry Wright, Jr.,
Ernest McKnight, along with John
Doe or Mary Roe, fictitious names to
designate minors, infants, persons of
unsound mind, under disability or
incompetent, persons in prison,
persons in the military service within
meaning of Title 50, United States
Code, commonly referred to as The
Soldiers and Sailors Act of 1940, if
any, Richard Roe and Sarah Roe,
fictitious names to designate the
unknown heirs, devisees, distributees,
issue, executors, administrators,
successors or assigns of Ned Wright,
Hattie Wright Gaston, Annie M.
Wright, Edward Wright, Samuel
Wright, James Wright, Earline
Wright, Wilmenia Wright, Henry
Wright, Oscar Wright, Leroy Wright,
Harold Wright, Charles Wright,
Samuel Wright, Jr., Ernestine Wright
and Henry Wright, Jr., also all other
unknown persons claiming any right,
title, estate or lien upon the real estate
which is the subject of this action,

Defendants.

2010 OCT -8 PM 4:08
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____
**Motion for Summary Judgment as to
Defendants Ned Wright, Hattie Wright,
Gaston, Annie M. Wright, Edward
Wright, Samuel Wright, James Wright,
Earline Wright Maxwell, Wilmenia
Wright, Henry Wright, Oscar Wright,
Leroy Wright, Harold Wright, Charles
Wright, Samuel Wright, Jr., Ernestine
Wright, Henry Wright, Jr., along with
John Doe or Mary Roe, fictitious names to
designate minors, infants, persons of
unsound mind, under disability or
incompetent, persons in prison, persons in
the military service within meaning of
Title 50, United States Code, commonly
referred to as The Soldiers and Sailors Act
of 1940, if any, Richard Roe and Sarah
Roe, fictitious names to designate the
unknown heirs, devisees, distributees,
issue, executors, administrators,
successors or assigns of Ned Wright,
Hattie Wright Gaston, Annie M. Wright,
Edward Wright, Samuel Wright, James
Wright, Earline Wright, Wilmenia
Wright, Henry Wright, Oscar Wright,
Leroy Wright, Harold Wright, Charles
Wright, Samuel Wright, Jr., Ernestine
Wright and Henry Wright, Jr., also all
other unknown persons claiming any
right, title, estate or lien upon the real
estate which is the subject of this action**

FILED

TO: Defendants above named and Marcus W. Meetze, Esquire, as Guardian ad Litem:

PLEASE TAKE NOTICE that ten (10) days after service hereof, or as soon thereafter as counsel may be heard, the Plaintiff, by and through his undersigned attorney, will move before the Presiding Judge of the Ninth Judicial Circuit, Charleston County for an Order granting Plaintiff Summary Judgment on all matters and causes set forth in Plaintiff's Complaint pursuant to the *South Carolina Rules of Civil Procedure*, Rule 56, as to all Defendants except Ernest McKnight on the grounds that an Order of Default was issued as to these Defendants a copy of which is attached hereto, and as such there are no genuine issues as to any material fact with regard to the causes of action set forth in Plaintiff's Complaint against these Defendants, and therefore, the Plaintiff is entitled to Summary Judgment as a matter of law.



Jonathan S. Altman, Esq.
Derfner, Altman & Wilborn, LLC
575 King Street, Suite B (29403)
P.O. Box 600
Charleston, SC 29403
Telephone: (843) 723-9804

Date: Oct. 6, 2000
Charleston, South Carolina

Attorney for the Plaintiff

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2010-CP-10-250

John Wright,)
Plaintiff,)
vs.)

Ned Wright, Hattie Wright Gaston,)
Annie M. Wright, Edward Wright,)
Samuel Wright, James Wright,)
Earline Wright Maxwell, Wilmenia)
Wright, Henry Wright, Oscar Wright,)
Leroy Wright, Harold Wright,)
Charles Wright, Samuel Wright, Jr.,)
Ernestine Wright, Henry Wright, Jr.,)
Ernest McKnight, along with John)
Doe or Mary Roe, fictitious names to)
designate minors, infants, persons of)
unsound mind, under disability or)
incompetent, persons in prison,)
persons in the military service within)
meaning of Title 50, United States)
Code, commonly referred to as The)
Soldiers and Sailors Civil Service Act)
of 1940, if any, and Richard Roe and)
Sarah Roe, fictitious names to)
designate the unknown heirs,)
devisees, distributees, issue,)
executors, administrators, successors)
or assigns of Ned Wright, Hattie)
Wright Gaston, Annie M. Wright,)
Edward Wright, Samuel Wright,)
James Wright, Earline Wright,)
Wilmenia Wright, Henry Wright,)
Oscar Wright, Leroy Wright, Harold)
Wright, Charles Wright, Samuel)
Wright, Jr., Ernestine Wright, and)
Henry Wright, Jr., also all other)
unknown persons claiming any right,)
title, estate or lien upon the real estate)
which is the subject of this action,)
Defendants.)

ORDER

2011 APR 21 PM 12:19
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

FILED

This matter came before the Court on Plaintiff's Motion for Summary Judgment as to all Defendants except Defendant Ernest McKnight. Plaintiff's motion was filed on October 8, 2010. Present was Jonathan S. Altman, attorney for Plaintiff. No Defendants were present. Marcus W. Meetze, Esq., in his capacity as Guardian ad Litem was not present but provided a letter to the Court advising that he had been timely served with the Notice of Hearing and had received no communication or contact from any of the Defendants since his appointment on January 12, 2010.

The record in this case reflects Plaintiff's Suit to Quiet Title was filed on January 12, 2010. On that date, Marcus W. Meetze was appointed Guardian ad Litem for minors, imprisoned or incompetent persons, members of the military and unknown persons who may have claim or interest in the subject property. An Order for Publication was issued on January 12, 2010. An Affidavit of Publication was filed on February 17, 2010. No answers were filed by any of the Defendants other than Ernest McKnight and an Affidavit of Default was filed on March 30, 2010. An Order of Default was issued on March 31, 2010 and filed on April 1, 2010. Plaintiff's Motion for Summary Judgment was filed on October 8, 2010.

The real property that is the subject of this action is located in the County of Charleston, State of South Carolina and is more specifically described as follows:

ALL that certain lot, parcel, or tract of land situated, lying and being in Adams Run Township, formerly of Colleton County and now of Charleston County, in the State of South Carolina, containing ten and one-fourth acres, more or less, and bounded as follows: North by Jacksonboro Road, East by lands of Abner Young, and on the South and West by lands formerly owned by J. T. Mitchell, now owned by Fitzsimons, as will more fully appear when reference is had to plat of property made by Wm. Horne, Surveyor, and dated March 12, 1875.

BEING the same property conveyed to Ned Wright by Deed of Margaret Singleton and J. William Washington dated January 21, 1908, and recorded in the Office of the Register of Deeds for Colleton County in Deed Book 31, at Page 86 on January 30, 1908, and recorded in the Office of the Register of Deeds for Charleston County in Deed Book N27, at Page 19.

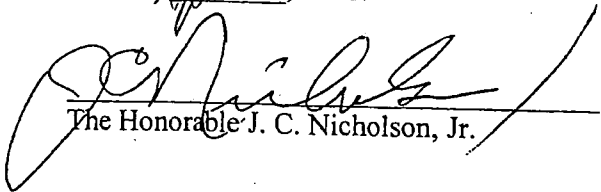
TMS No. 245-00-00-026

As alleged in his Complaint, Plaintiff paid taxes and maintained possession of the property for a period of over twenty years. Plaintiff's possession was open, notorious, hostile and continuous for this period. As such, Plaintiff's actions constitute an ouster of all other heirs and possible claimants. As a result of Plaintiff's acts, title to the subject property has vested in Plaintiff. The record reflects that the Defendants were properly served and an Order of Default has been entered against them.

WHEREFORE, IT IS HEREBY ORDERED that:

1. Plaintiff is the owner of the property holding fee simple title thereto by virtue of the ouster of all others who may claim an ownership interest in the property; and
2. All Defendants, except Defendant Ernest McKnight, and all entities joined as Defendants in this action and the fictitious names of John Doe, adults and Mary Roe, infants, insane persons, incompetents are forever barred of and from any claim, right, title, estate, interest and/or lien upon the parcel of real estate above described or any part thereof from claiming any right title, estate, interest or lien in the property.

IT IS SO ORDERED THIS 21 DAY OF April, 2011.


The Honorable J. C. Nicholson, Jr.

) IN THE COURT OF COMMON PLEAS
) FOR THE NINTH JUDICIAL CIRCUIT
) CASE NO.: 2010-CP-10-250

•

1

;

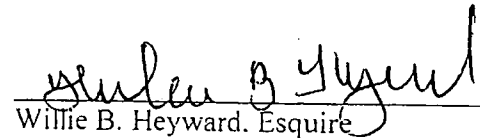
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FILED
2011 SEP 27 PM 4:51
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

OTHER UNKNOWN PERSONS)
CLAIMING ANY RIGHT TITLE. ESTATE)
OR LIEN UPON THE REAL ESTATE)
WHICH IS THE SUBJECT OF THIS)
ACTION.)
DEFENDANTS)
_____)

TO Defendants above-named and Marcus W. Meetze, Esquire. as Guardian *ad Litem*:

PLEASE TAKE NOTICE that ten (10) days after service hereof. or as soon thereafter as counsel may be heard. the Plaintiff, Ernest McKnight by and through his undersigned attorney, will move before the Presiding Judge of the Ninth Judicial Circuit, Charleston County for an Order to Set-Aside Summary Judgement as set forth in Plaintiffs Memorandum in support of this Motion pursuant to the South Carolina Rules of Civil Procedure. Rule 59e.



Willie B. Heyward, Esquire
Heirs Property Law Center, LLC
27 Gamecock Ave., Suite 200
Charleston, SC 29407
Telephone: (843) 225-8754

Charleston, SC
Dated: September 19, 2011

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

JOHN WRIGHT

Plaintiff,

vs.

NED WRIGHT ET AL.

Defendants.

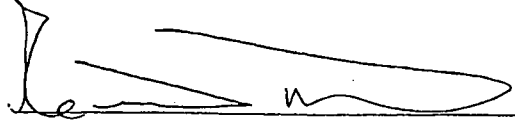
IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
Case Number 2010-CP-10-250

AFFIDAVIT OF EARNEST MCKNIGHT

FILED
2011 SEP 27 PM 4:52
CLERK OF COURT
BY _____

PERSONALLY appeared before me the undersigned who, under oath, deposes and says:

1. I am a Defendant in the above-referenced action and a creditor of the Estate of Ned Wright.
2. I am the secured creditor of a mortgage executed by some of the heirs of the Estate of Ned Wright.
3. The mortgage is secured by their interest in the property that is the subject of the present action.
4. The Order, granted as a result of a Motion for Summary Judgement, that grants the Plaintiff fee simple interest in the subject property and divests all of the other heirs of Ned Wright violates my statutory Right of First Refusal under Section 15-61-25 (A), as a non-petitioning co-tenant.
5. The heirs that are signatories to the mortgage are John Wright, Anna Michelle Procher and Harold L. Wright
6. I ask that this case be referred to Master in Equity of Charleston County for a full adjudication of this matter



ERNEST MCKNIGHT

763 Seaman Lane
Johns Island, SC 29455

Sworn to before me this

8th Day of September, 2011

Edward S. Worthington

Notary Public of South Carolina

My Commission Expires: 5-14-2020



STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

JOHN WRIGHT

Plaintiff,

vs.

NED WRIGHT ET AL.

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
Case Number 2010-CP-10-250

AFFIDAVIT OF
ANNA MICHELLE PORCHER

2011 SEP 27 PM 4:52
JULIE J. ARMSTRONG
CLERK OF COURT

PERSONALLY appeared before me the undersigned who, under oath, deposes and says:

1. I am the daughter of Henry Wright, Sr. a Defendant in the above-referenced action and I am the sister of the Defendant, Henry Wright, Jr. I also have another bother, Edward Wright, who also has snot received any pleadings in this matter.

2. I also live in a mobile home located on the subject property. My father also built a the single-family-home-located-at-4777-Savannah-Highway, Ravenel, South-Carolina: this building-is- also located on the subject property.

3. My father and I have paid the property taxes on the subject property for over Twenty (20) years.

4. I have not received any pleadings in this matter after repeated requests to the Plaintiff's attorney to provide same.

5. I have also not received the Notice of Motion for a hearing in which I have been divested of any possible interest I may have had in the subject property.

6. I ask that I be served with all pleadings in this matter so as to ascertain my rights in the subject property and defend my rights to continue my possession of same.

Anna Michelle Porcher

ANNA MICHELLE PORCHER

4789 Savannah Highway, Ravenel SC

Sworn to before me this

9 Day of September, 2011

[Signature]

Notary Public of South Carolina

My Commission Expires: 3-12-2019

PAMELA PORCHER
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES MARCH 12, 2019

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

John Wright,)
Plaintiff,)
vs.)

Ned Wright, Hattie Wright Gaston,)
Annie M. Wright, Edward Wright,)
Samuel Wright, James Wright,)
Earline Wright Maxwell, Wilmenia)
Wright, Henry Wright, Oscar Wright,)
Leroy Wright, Harold Wright,)
Charles Wright, Samuel Wright, Jr.,)
Ernestine Wright, Henry Wright, Jr.,)
Ernest McKnight, along with John)
Doe or Mary Roe, fictitious names to)
designate minors, infants, persons of)
unsound mind, under disability or)
incompetent, persons in prison,)
persons in the military service within)
meaning of Title 50, United States)
Code, commonly referred to as The)
Soldiers and Sailors Civil Service Act)
of 1940, if any, and Richard Roe and)
Sarah Roe, fictitious names to)
designate the unknown heirs,)
devisees, distributees, issue,)
executors, administrators, successors)
or assigns of Ned Wright, Hattie)
Wright Gaston, Annie M. Wright,)
Edward Wright, Samuel Wright,)
James Wright, Earline Wright,)
Wilmenia Wright, Henry Wright,)
Oscar Wright, Leroy Wright, Harold)
Wright, Charles Wright, Samuel)
Wright, Jr., Ernestine Wright, and)
Henry Wright, Jr., also all other)
unknown persons claiming any right,)
title, estate or lien upon the real estate)
which is the subject of this action,)
Defendants.)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2010-CP-10-0250

**MEMORANDUM IN OPPOSITION
TO DEFENDANT MCKNIGHT'S
MOTION TO SET ASIDE
SUMMARY JUDGMENT**

BY _____

JULIE J. ARMSTRONG
CLERK OF COURT

2012 JAN 11 PM 2:05

FILED

Based on the following, Plaintiff John Wright (hereinafter "Plaintiff") respectfully requests that Defendant Ernest McKnight's (hereinafter "Defendant McKnight") motion to set aside summary judgment be denied.

PROCEDURAL HISTORY

On January 12, 2010, Plaintiff filed his Complaint (Ex. 1) seeking an order quieting title to certain real property and declaring Plaintiff to hold fee simple title thereto.

On March 18, 2010, Defendant McKnight answered Plaintiff's Complaint (Ex. 2) and asserted three counterclaims including claims for adverse possession, reimbursement of taxes and foreclosure of mortgage.

On May 19, 2010, Plaintiff filed a motion for judgment on the pleadings pursuant to Rule 12(c) or in the alternative motion for summary judgment as to Defendant McKnight's counterclaim for adverse possession (Ex. 3). On August 2, 2010, a consent order of dismissal (Ex. 4) was issued by the Honorable Roger Young under which the parties consented to Defendant McKnight's counterclaim for adverse possession being dismissed. Defendant McKnight's remaining counterclaims for reimbursement of taxes and foreclosure of mortgage were unaffected by this consent order.

On October 8, 2010, Plaintiff filed a motion for summary judgment as to all defendants *except* Defendant McKnight (Ex. 5). An order of default (Ex. 6) had been issued as to all other Defendants. On April 6, 2011, Plaintiff served a notice of hearing (Ex. 7) on Defendant McKnight and the Guardian ad Litem. On April 21, 2011, this motion was heard by the Honorable J. C. Nicholson, Jr. Defendant McKnight nor his counsel appeared. The Guardian ad Litem advised the Court that he had been timely

served but had received no communication from any of the Defendants since his appointment. No Defendants appeared or contested Plaintiff's motion. Judge Nicholson granted Plaintiff's motion for summary judgment (Ex. 8) and expressly preserved Defendant McKnight's counterclaims in his order.

On or about August 17, 2011, Plaintiff's counsel spoke with Defendant McKnight's counsel regarding Defendant McKnight's claims. On August 17, 2011, Plaintiff's counsel forwarded Defendant McKnight's counsel a copy of the order issued by Judge Nicholson (Ex. 9).

On September 27, 2011, Defendant McKnight filed a motion to set aside summary judgment (Ex. 10). Defendant McKnight failed to provide Plaintiff's counsel with notice of this filing. Upon information and belief, Judge Nicholson nor the Guardian ad Litem have been served with a copy of Defendant McKnight's motion.

ARGUMENT

A. Defendant McKnight does not have standing to assert a claim under S.C. Code Ann. § 15-61-25.

In his answer and counterclaim, Defendant McKnight seeks reimbursement for taxes he purportedly paid on the subject property and asserts a claim under a mortgage. Plaintiff does not dispute that monies are owed to Defendant McKnight, but contests the amount of that debt. Judge Nicholson preserved Defendant McKnight's claims in his order.

In his affidavit filed in support of his motion, Defendant McKnight affirms his status as a creditor but contends Judge Nicholson's order violates S.C. Code Ann. § 15-61-25 entitled "*Right of First Refusal of Joint Tenants or Tenants in Common.*" He is incorrect. As acknowledged by Defendant McKnight, he is neither a joint tenant or

tenant in common. As a creditor, Defendant McKnight has no statutory right of first refusal under S.C. Code. Ann. § 15-61-25.

Judge Nicholson went to great lengths to confirm the survival of Defendant McKnight's creditor's claim. S.C. Code. Ann. § 15-61-25 provides no basis for the setting aside of Judge Nicholson's order.

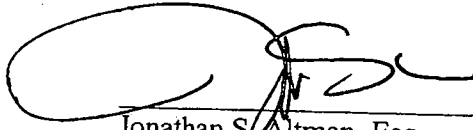
B. Defendant McKnight's motion is improper and untimely.

Rule 59(e) requires a motion to alter or amend judgment to be served no later than ten days after receipt of written notice of the entry of the order. The record in this case reflects that Defendant McKnight was properly served with notice of the hearing of Plaintiff's motion for summary judgment which was heard and granted on April 21, 2011. Defendant McKnight nor his counsel appeared to contest Plaintiff's motion which preserved Defendant McKnight's counterclaims. On August 17, 2011, Plaintiff's counsel forwarded a copy of Judge Nicholson's order to Defendant McKnight's counsel. On September 27, 2011, Defendant McKnight's motion was filed. Defendant McKnight failed to serve a copy of his motion on Plaintiff or Plaintiff's counsel.

Defendant McKnight's motion is untimely and should be denied. In addition, Rule 59(g) requires a moving party filing a written motion under Rule 59 to provide a copy of the motion to the Presiding Judge within ten days after the filing of the motion. Upon information and belief, Defendant McKnight has failed to provide a copy of his motion to Judge Nicholson.

CONCLUSION

For the reasons set forth herein, Plaintiff respectfully requests that Defendant McKnight's motion to set aside Judge Nicholson's order be denied.



Jonathan S. Altman, Esq.
Derfner, Altman & Wilborn, LLC
575 King Street, Suite B (29403)
P.O. Box 600
Charleston, SC 29403
Telephone: (843) 723-9804

Date: January 10, 2012
Charleston, South Carolina

Attorney for the Plaintiff

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

John Wright,

Plaintiff,

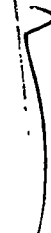
vs.

Ned Wright, Hattie Green Wright, Annie M. Wright, Edward Wright, Samuel Wright, James Wright, Earline Wright Maxwell, Wilmenia Wright, Henry Wright, Oscar Wright, Leroy Wright, Harold Wright, Charles Wright, Samuel Wright, Jr., Ernestine Wright, Henry, Wright, Jr., Ernest McKnight, along with John Doe or Mary Roe, fictitious names to designate minors, infants, persons of unsound mind, under disability or incompetent, persons in prison, persons in the military service within the meaning of Title 50, United States Code, commonly referred to as The Soldiers and Sailors Civil Service Act of 1940, if any, and Richard Roe and Sarah Roe fictitious names to designate unknown heirs, devisees, distributees, issue, executors, administrators, successors, or assigns of Ned Wright, Hattie Wright Gaston, Annie M. Wright, Edward Wright, Samuel Wright, James Wright, Earline Wright Maxwell, Wilmenia Wright, Henry Wright, Oscar Wright, Leroy Wright, Harold Wright, Charles Wright, Samuel Wright, Jr., Ernestine Wright, and Henry Wright, Jr., and also all other unknown persons claiming any right, title estate or lien upon the real estate which is the subject of this action,

Defendants.

) IN THE COURT OF COMMON PLEAS
) FOR THE NINTH JUDICIAL CIRCUIT
) CASE NO.: 2010-CP-10-250

MOTION TO INTERVENE AND
JOIN IN THE MOTION TO SET
ASIDE ORDER

2017 JAN 11 PM 3:11
JULIE J. ARMSTRONG
CLERK OF COURT
BY 

FILED

TO THE PARTIES ABOVE NAMED:

Anna Michelle Porcher, who upon information and belief, is a tenant-in-common of the real property that is the subject of this action, who was not named as a Defendant in the action and was not served within any pleadings or motions herein, and who resides adjacent to the property which is the subject of this action, and who is an heir (granddaughter) of the former owner of the said property, Ned Wright, who died intestate in 1953, and who had acquired the property by deed in 1908, and also the daughter of decedent, Henry Wright, Sr., son of Ned Wright, hereby moves to intervene in this action pursuant to Rule 24(a) of the SCRPC on the grounds that she claims an interest relating to the property which is the subject of the action and is so situated that the disposition of the action may as a practical matter impair or impede her ability to protect her interest. She further moves to join in the pending motion to set aside the Order of the Honorable J. C. Nicholson, Jr., dated and filed April 21, 2011, granting summary judgment.


Frank L. P. Barnwell
23 Broad St.
Charleston, SC 29401
Ph.: 843-722-1789
Fax: 843-577-2241
Email: frankbarnwell@yahoo.com
SC Bar # 537
Attorney for Intervenor, Anna Michelle
Porcher

January 11, 2012

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO. 2010-CP-10-250

John Wright,)

Plaintiff,)

v.)

Ned Wright, Hattie Wright Gaston,)
Annie M. Wright, Edward Wright,)
Samuel Wright, James Wright,)
Earline Wright Maxwell, Wilmenia)
Wright, Henry Wright, Oscar)
Wright, Leroy Wright, Harold)
Wright, Charles Wright, Samuel)
Wright, Jr., Ernestine Wright,)
Henry Wright, Jr., Ernest)
McKnight, along with John Doe or)
Mary Roe, fictitious names to)
designate minors, infants, persons)
of unsound mind, under disability)
or incompetent, persons in prison,)
persons in the military service)
within meaning of Title 50, United)
States Code, commonly referred to)
as The Soldiers and Sailors Civil)
Service Act) of 1940, if any, and)
Richard Roe and Sarah Roe,)
fictitious names to designate the)
unknown heirs, devisees,)
distributees, issue, executors,)
administrators, successors or)
assigns of Ned Wright, Hattie,)

Defendant.)

AFFIDAVIT OF EUGENE D. GATHERS

2012 FEB -9 AM 11:44
JULIE J. ARMSTRONG
CLERK OF COURT
BY *AB*

FILED

Personally appeared before me, Eugene D. Gathers, who being duly sworn, states
as follows:

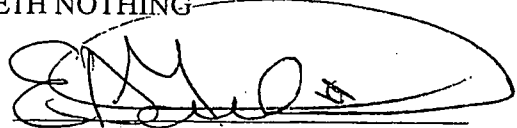
1. I, Eugene D. Gathers, am the son of John Wright and am providing this affidavit
in response to the Motion to Intervene and Join in the Motion to Set Aside Order that was
filed by Anna Porcher.

2. In October 2009, I was advised by Anna Porcher that Ernest McKnight was preparing to file a lawsuit to acquire ownership of my father's property. Ms. Porcher also advised that Mr. McKnight had cut down trees on the property and was planning to build on the family land. I spoke with my father regarding these developments and assisted my father in obtaining legal counsel.
3. My father passed away in August 2010. Ms. Porcher attended the visitation and spoke to me regarding Mr. McKnight and my father's property. She advised that she had spoken with Mr. McKnight and told him to stop what he was doing. She also advised that she would let us know if Mr. McKnight tried to do anything else with the property.
4. On August 27, 2010, Ms. Porcher attended my father's funeral and burial. After the burial, we spoke about this lawsuit and Mr. McKnight's claims. Ms. Porcher was well aware of the lawsuit and knew that we had hired an attorney to address Mr. McKnight's claim and to secure and protect my father's property.
5. In April 2011, my wife and I visited Charleston and were cleaning the property. Ms. Porcher, who lives next door, saw us and came over to visit. We spent thirty to forty-five minutes together and she asked what our plans were for the property. My wife and I told her that we were considering constructing a retirement home on the land. Ms. Porcher advised that it would be great if we did so.
6. Anna Porcher is the daughter of Henry Wright. Henry Wright was my father's uncle. In the 1980s, Henry Wright's portion of the family property was cutoff. After that date, the tax bill was sent to my father's residence at 114 Nassau Street. Accordingly, Henry Wright, nor any of his heirs, including Anna Porcher, have any interest in my father's property. Furthermore, Ms. Porcher knew of the pending litigation, both through

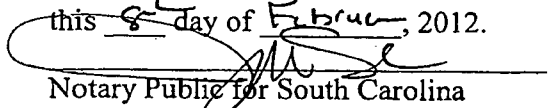
myself and Ernest McKnight. I did not learn of Ms. Porcher's recent claims until receiving notification from my legal counsel. As Ms. Porcher has already received her interest in the family property through the Deed of Distribution issued relative to her father's estate (a copy of which is attached hereto as Exhibit "A"), I do not believe that she or her siblings have any interest whatsoever in my father's property.

FURTHER AFFIANT SAYETH NOTHING

Date: February 8, 2012
Charleston, South Carolina


Eugene D. Gathers

Sworn to and Subscribed before me
this 8 day of Febru, 2012.


Notary Public for South Carolina

My Commission Expires: 11/20/2013

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

UK B

665PG187

PROBATE COURT

IN THE MATTER OF HENRY WILLIAM WRIGHT, SR.

CASE NUMBER 1997-ES-10-0095720

DEED OF DISTRIBUTION

WHEREAS, the decedent died on the 26TH day of June 1997 and,

WHEREAS, the estate of the decedent is being administered in the Probate Court for Charleston County, South Carolina in File # 1997-ES-10-009572; and,

WHEREAS, the grantee herein is either a beneficiary or heir at law, as appropriate, of the decedent; and,

WHEREAS, Ned Wright who died intestate in 1953 was the owner of a parcel of land containing approximately 10.25 acres. The Decedent was one of eight children who were the heirs at law of Ned Wright. Said heirs agreed among themselves as to a partition of the land and the below described lots are a portion of Ned Wright's Estate that was allotted to the Decedent, and,

WHEREAS, the undersigned Personal Representative is the duly appointed and qualified fiduciary in this matter; and,

NOW, THEREFORE, in accordance with the laws of the State of South Carolina, the Personal Representative has granted bargained, sold and released, and by these Presents does grant, bargain, sell and release to:

Anna Michelle Wright Porcher
4789 Savannah Hwy.
Ravenel, SC 29470

the following described property:

All that certain lot, piece, parcel or lot of land, situate, lying and being in St. Paul's Parish, County of Charleston, State of South Carolina, known and designated as Lot 2, on a plat thereof entitled "PLAT OF LANDS OF THE SUBDIVISION OF THE ESTATE OF NED WRIGHT" said plat being dated Nov. 26, 1986 was made by James G. Pennington RLS and recorded in the RMC Office for Charleston County on January 14, 1987 in plat Book BL, at page 150. The aforesaid plat is made a part and parcel of this description by reference.

TMS: 245-00-00-169

ALSO

All that certain lot, piece, parcel or lot of land, situate, lying and being in St. Paul's Parish, County of Charleston, State of South Carolina, known and designated as Lot 1, on a plat thereof entitled "PLAT OF LANDS OF NED WRIGHT ESTATE" said plat being dated June 7, 1983 was made by George D. Sample, PE & LS and recorded in the RMC Office for Charleston County on September 6, 1983 in plat Book AY, at page 35. The aforesaid plat is made a part and parcel of this description by reference.

Being the same property conveyed to Ned Wright by deed dated January 2, 1908 and recorded in Book N27at Page 19 in the RMC Office for Charleston County.

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises/Property belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises/Property unto the said Anna Michelle Wright Porcher her heirs and assigns forever.

IN WITNESS WHEREOF, the undersigned, as Personal Representative of the estate of the decedent, has executed this Deed, this ~~10th~~ ^{July} day of June 2008.

SIGNED, SEALED AND DELIVERED Estate of: HENRY WILLIAM WRIGHT, SR
IN THE PRESENCE OF

by Signature: Anna Michelle Wright Porcher
Name: Anna Michelle Wright Porcher
Personal Representative
Address: 4789 Savannah Hwy.
Ravenel, SC 29470
Telephone :843-556-8301

Witness: James L. Carrell

Notary: [Signature]

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that he/she saw the within named Personal Representative(s) sign, seal, and as their act and deed, deliver the within written Deed, and that he/she with the other witness witnessed the execution thereof.

SWORN to before me this
~~10th~~ ^{July} day of June 2008.

Witness Signature:

[Signature]
Notary Public for South Carolina

My Commission Expires: 02/12/11

J. TED KIENE

Notary Public

State of South Carolina

Commission Expires Feb. 22, 2011

BELOW, PLEASE SPECIFY THE EXACT NAME AND ADDRESS
OF THE PERSON(S) TO WHOM TAX BILL SHALL BE SENT:

Anna Michelle Wright Porcher
4789 Savannah Hwy.
Ravenel, SC 29470

3XB

665PG189

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

AFFIDAVIT

Date of Transfer of Title

7/10/2008

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 is being transferred BY The Estate of Henry William Wright, Sr.
TO Anna Michelle Wright Porcher ON July 10, 2008
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 distribution to a trust beneficiary.
 - (C) X EXEMPT from the deed recording fee because. (Exemption # 1)
(Explanation if required) Less than \$100.00
(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) 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 \$.
 - (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) the amount listed in item 4 above.
 - (B) 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: Attorney
8. Check if Property other than Real Property is being transferred on this Deed.
 - (A) Mobile Home
 - (B) Other
9. X DEED OF DISTRIBUTION - ATTORNEY'S AFFIDAVIT: Estate of Henry William Wright, Sr. deceased CASE NUMBER 1997-ES-10-0095720. Personally appeared before me the undersigned attorney who, being duly sworn, certified that (s)he is licensed to practice law in the State of South Carolina; that (s)he has prepared the Deed of Distribution for the Personal Rep. in the Estate of Henry William Wright, Sr. deceased and that the grantee(s) therein are correct and conform to the estate file for the above named decedent.
10. 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.

Sworn to before me this 10th
day of July, 2008.

Janice L. Carrell
Notary Public for South Carolina
My Commission Expires: 11/13/13

Signed

J. Ted Kiene
Grantor, Grantee, or Attorney that prepared this form
J. Ted Kiene, Attorney
Type or Print Name here

J. TED KIENE
ATTORNEY AT LAW
P.O. BOX 40176
NORTH CHARLESTON, SC

dkB 665PG190

RECORDER'S PAGE

NOTE: This page MUST remain
with the original document



Filed By:

J. Ted Klene

PO Box 40176
N. Charleston

SC 29423

Number of Pages:

4

FILED

July 21, 2008

9:08:59 AM

dkB 665PG187

Charlie Lybrand, Register
Charleston County, SC

AMOUNT

DESCRIPTION	Deed/Dist
Recording Fee	\$ 10.00
State Fee	<Exempt>
County Fee	<Exempt>
Postage	

TOTAL \$ 10.00

\$ Amount (in thousands):

DRAWER:

B - ECP

AUDITOR STAMP HERE

RECEIVED FROM RMC

JUL 25 2008

PEGGY A. MOSELEY
CHARLESTON COUNTY AUDITOR

PID VERIFIED BY ASSESSOR

REP

DATE

MKD
7/25/08

DO NOT STAMP BELOW THIS LINE

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
Case Number 2010-CP-10-250

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

John Wright,)

PLAINTIFF(S))

VS.)

AFFIDAVIT OF
ANNA MICHELLE PORCHER

Ned Wright, Hattie Wright Gadsen, Annie M. Wright, Edward Wright, Samuel Wright, James Wright, Herline Wright Maxwell, Wilhelmenia Wright, Henry Wright, Oscar Wright, Leroy Wright, Harold Wright, Charles Wright, Samuel Wright, Jr., Ernestine Wright, Henry Wright, Jr., Ernest McKnight, along with John Doe or Mary Roe, fictitious names to designate minors, infants, persons of unsound mind, under disability or incompetent, persons in prison, persons in the military service within meaning of Tile 50, United States Code, commonly referred to as The Soldiers and Sailors Civil Service Act) of 1940, if any, and Richard Roe and Sarah Roe, fictitious names to designate the unknown heirs, devisees, distributes, issue, executors, administrators, successors or assigns of Ned Wright, Hattie,

DEFENDANT(S))

FILED
2012 FEB 24 PM 2:04
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

Personally appearing before me, Anna Michelle Porcher, who being duly sworn, states as follows:

1. I, Anna Porcher, am the daughter of the late Henry Wright, Sr. and the granddaughter of the late Ned Wright. I am an heir to Ned Wright's Estate and my name was purposely left off of the defendant's list.
2. I am providing this affidavit in response to the affidavit filed on February 9, 2012 by Eugene D. Gathers. There is information stated in Mr. Gathers' affidavit that is false and I would like to address them at this time.

3. In October, 2009, I had no conversation with Mr. Eugene Gathers telling him that Mr. Ernest McKnight was preparing to file a lawsuit to acquire ownership of Eugene's father's property.
4. Mr. Gathers is not the biological son of John Wright. According to Vital Records and the Ned Wright family tree, John Wright had only one son whose name is Charles Tony Singleton and he is deceased. There is no proof of adoption records at this time to validate if Mr. Wright adopted Mr. Gathers causing him to become a legal heir. He would have to show proof or probable cause to validate his claim to be a legal heir to Mr. Wright's share and to Ned Wright's Estate. Therefore, without such proof, Mr. Gathers is ineligible to become a legal heir to Ned Wright's Estate.
5. John Wright's mother did not leave a Last Will and Testament. Even though Mrs. Hattie Wright Gadsen is a legal heir to Ned Wright's Estate, there is no proof that any real properties were left to Mr. Wright.
6. I never advised Mr. Gathers that Mr. McKnight was seen cutting down trees on the said property to build a house. Mr. McKnight has his own mobile home located near the said property.
7. Mr. McKnight was given permission by John Wright to cut down trees and clear bushes from around the said property on numerous occasions and I was a witness to these conversations.
8. Mr. Gathers stated in a previous affidavit that he did not know where I lived and that he and I had conversed about a lawsuit. I have lived next to the said property all my life and have had no such conversation with him pertaining to a lawsuit. I found out about the lawsuit through paperwork from the courthouse.
9. I never stated to Mr. Gathers that I told Mr. McKnight to stop doing what he was doing. I had no reason to tell Mr. Gathers about anything related to the said property because it was none of his concern and simply because Mr. Gathers is not a legal heir to the property.
10. On August 27, 2010, my immediate family and I attended Mr. Wright's funeral. I never spoke with Mr. Gathers after the burial. I spoke to Mr. Wright's daughter-in-law, Mrs. Roberson Mitchum Singleton. There were other family members with me that can validate that I did not have any conversations with Mr. Gathers whatsoever.
11. In April 2011, I came to my Aunt Hattie's house only because I was told that a man and woman were moving things out of the house. I recommended to Mr. Gathers that he should refrain from removing anything that was in the house until there have been a court hearing since he was not a legal heir to Ned Wright.
12. I called Mr. McKnight to let him know that Mr. Gathers wanted to speak with him. Mr. McKnight said that he was on his way, and before he arrived, Mr. Gathers said that he would be right back; he was leaving to go get something to eat but he never returned.
13. I never asked Mr. Gathers what his plans were for the property nor did I have a reason to because the property was not his to begin with. Mr. Gathers and his attorney told me that Mr. Wright had told them previously, "See that Mr. McKnight never get the property."
14. I never advised Mr. Gathers or his wife to build a retirement home on the property. If Mr. Gathers wanted to build a retirement home, then he should have built one when his mother and step-father were alive and not after they have passed away.
15. My name has also been slandered by Mr. Gathers and there are numerous documents that have been forged. Mr. Wright was terminally ill with cancer and his signature on one of the documents was illegibly signed during his final hours. Therefore, Mr. Wright was not in the best of health nor did he have a sound mind to transact any type of business.

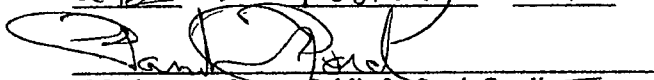
16. Mr. Wright waited until most of the relatives and rightful heirs to the property died to file a motion to gain the property and win the case. I possess all of the necessary documentation to resolve this case so that the property will remain with its rightful heirs.
17. Mr. Gathers changed the tax address without permission to gain unlawful access to the property and that alone is committing mail fraud as well as tax fraud.
18. I have a copy of another family member's property in which Mr. Gathers forged information claiming that he was a relative of this person. I am declared this person's next of kin and legal representative.
19. Mr. Gathers trespassed on a property that was not his. He neglected to contact the legal heir to the property, removed contents from the property, and discarded them without permission.
20. My father had nothing else to do with John Wright after he stole from my deceased mother, Ernestine Wright.
21. Mr. Wright is suing both his mother and grandfather for property but they are both deceased as well as majority of the heirs listed in this lawsuit. A deceased person cannot speak for themselves. Therefore this lawsuit should have been thrown out a long time ago.
22. Lastly, I have siblings and other relatives that are still alive and are legally heirs to Ned Wright's Estate. All heirs to Ned Wright's Estate were not notified. Therefore, it would be unfair and unjust for Mr. Gathers to take their share of property without them knowing and without proper notification, especially when he is not a rightful and legal heir to the property himself.

FURTHER AFFIANT SAYETH NOTHING

Date: February 24, 2012
Charleston, South Carolina

Sworn to before me this

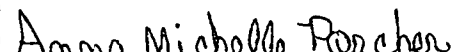
24th day of February, 2012



Magistrate or Notary Public for South Carolina

My Commission expires

3-12-2019


Defendant (or his attorney)

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

John Wright,)
Plaintiff,)
vs.)

Ned Wright, Hattie Wright Gaston,)
Annie M. Wright, Edward Wright,)
Samuel Wright, James Wright,)
Earline Wright Maxwell, Wilmenia)
Wright, Henry Wright, Oscar Wright,)
Leroy Wright, Harold Wright,)
Charles Wright, Samuel Wright, Jr.,)
Ernestine Wright, Henry Wright, Jr.,)
Ernest McKnight, along with John)
Doe or Mary Roe, fictitious names to)
designate minors, infants, persons of)
unsound mind, under disability or)
incompetent, persons in prison,)
persons in the military service within)
meaning of Title 50, United States)
Code, commonly referred to as The)
Soldiers and Sailors Civil Service Act)
of 1940, if any, and Richard Roe and)
Sarah Roe, fictitious names to)
designate the unknown heirs,)
devisees, distributees, issue,)
executors, administrators, successors)
or assigns of Ned Wright, Hattie)
Wright Gaston, Annie M. Wright,)
Edward Wright, Samuel Wright,)
James Wright, Earline Wright,)
Wilmenia Wright, Henry Wright,)
Oscar Wright, Leroy Wright, Harold)
Wright, Charles Wright, Samuel)
Wright, Jr., Ernestine Wright, and)
Henry Wright, Jr., also all other)
unknown persons claiming any right,)
title, estate or lien upon the real estate)
which is the subject of this action,)
Defendants.)

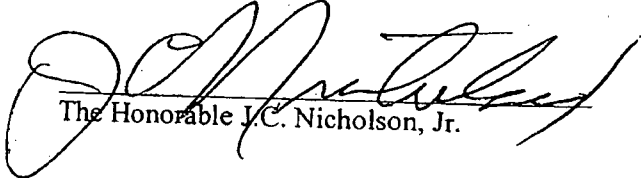
IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2010-CP-10-0250

FILED
2012 FEB 29 AM 10:25
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

ORDER

Upon motion of Jonathan S. Altman, Esq., attorney for Plaintiffs John Wright and Eugene Gathers and in accordance with SCRCP Rule 25(c), Eugene Gathers is hereby substituted as party Plaintiff for John Wright.

IT IS SO ORDERED THIS 24 day of Feb., 2012.


The Honorable J.C. Nicholson, Jr.

WE SO MOVE:

Jonathan S. Altman, Esq.
Derfner, Altman & Wilborn, LLC
P.O. Box 600
Charleston, SC 29402

Attorney for Plaintiff

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) NINTH JUDICIAL CIRCUIT
CASE NO. 2010-CP-10-250

Eugene Gathers,

Plaintiff,

v.

Ned Wright, Hattie Wright Gaston,
Annie M. Wright, Edward Wright,
Samuel Wright, James Wright,
Earline Wright Maxwell, Wilmenia
Wright, Henry Wright, Oscar
Wright, Leroy Wright, Harold
Wright, Charles Wright, Samuel
Wright, Jr., Ernestine Wright,
Henry Wright, Jr., Ernest
McKnight, along with John Doe or
Mary Roe, fictitious names to
designate minors, infants, persons
of unsound mind, under disability
or incompetent, persons in prison,
persons in the military service
within meaning of Title 50, United
States Code, commonly referred to
as The Soldiers and Sailors Civil
Service Act) of 1940, if any, and
Richard Roe and Sarah Roe,
fictitious names to designate the
unknown heirs, devisees,
distributees, issue, executors,
administrators, successors or
assigns of Ned Wright, Hattie,

Defendant.

ORDER

FILED
2012 MAR 15 AM 11:36
JULIE J. PRISTONG
CLERK OF COURT
BY

This matter came before the Court on February 13, 2012 on Anna Porcher's (hereinafter "Porcher") motion to intervene. Present at the hearing were Jonathan S. Altman, attorney for the Plaintiff, and Frank L. P. Barnwell, attorney for Anna Porcher. Prior to the hearing of Porcher's motion, counsel for both parties advised the Court that

an agreement had been reached as to Porcher's motion which was placed on the record.

The terms of this agreement are as follows:

1) Porcher shall be allowed to intervene in this action for the limited purpose of asserting claims *as a creditor* arising from Porcher's purported payment of real property taxes for the property which is the subject of this action;

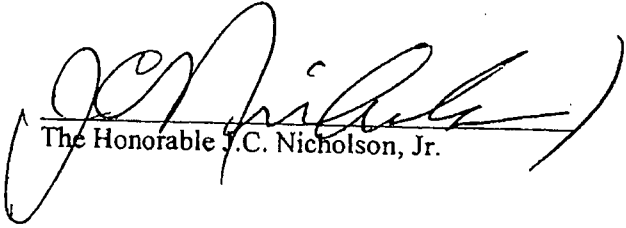
2) Porcher claims no ownership interest in the real property which is the subject of this action.

Plaintiff has consented to Porcher's intervention for this limited purpose.

THEREFORE, IT IS SO ORDERED this 12 day of March, 2012, that Anna Porcher be allowed to intervene in this action for the limited purpose of 1) pursuing recovery of monies purportedly paid by Porcher relative to real property taxes on the subject property and 2) that Porcher holds no ownership interest in the real property which is the subject of this action.

Date:

3/12/12


The Honorable J.C. Nicholson, Jr.

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2010-CP-10-00250

Eugene Gathers,)
Plaintiff,)
vs.)

Ned Wright, Hattie Wright Gaston,)
Annie M. Wright, Edward Wright,)
Samuel Wright, James Wright,)
Earline Wright Maxwell, Wilmenia)
Wright, Henry Wright, Oscar Wright,)
Leroy Wright, Harold Wright,)
Charles Wright, Samuel Wright, Jr.,)
Ernestine Wright, Henry Wright, Jr.,)
Ernest McKnight, along with John)
Doe or Mary Roe, fictitious names to)
designate minors, infants, persons of)
unsound mind, under disability or)
incompetent, persons in prison,)
persons in the military service within)
meaning of Title 50, United States)
Code, commonly referred to as The)
Soldiers and Sailors Civil Service Act)
of 1940, if any, and Richard Roe and)
Sarah Roe, fictitious names to)
designate the unknown heirs,)
devisees, distributees, issue,)
executors, administrators, successors)
or assigns of Ned Wright, Hattie)
Wright Gaston, Annie M. Wright,)
Edward Wright, Samuel Wright,)
James Wright, Earline Wright,)
Wilmenia Wright, Henry Wright,)
Oscar Wright, Leroy Wright, Harold)
Wright, Charles Wright, Samuel)
Wright, Jr., Ernestine Wright, and)
Henry Wright, Jr., also all other)
unknown persons claiming any right,)
title, estate or lien upon the real estate)
which is the subject of this action,)
Defendants.)

FILED
2012 MAY -4 AM 9:27
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

ORDER

This matter came before the Court on February 13, 2012 on Defendant Ernest McKnight's (hereinafter "Defendant McKnight") motion to set aside summary judgment. Present at the hearing were Willie B. Heyward, attorney for Defendant McKnight and Jonathan S. Altman, attorney for Plaintiff Eugene Gathers (hereinafter "Plaintiff").

The record in this case reflects that Plaintiff's suit to quiet title was filed on January 12, 2010. On March 18, 2010, Defendant McKnight answered Plaintiff's complaint and asserted three (3) counterclaims including claims for adverse possession, reimbursement of taxes and foreclosure of mortgage.

On May 19, 2010, Plaintiff filed a motion for judgment on the pleadings pursuant to rule 12(c) or in the alternative motion for summary judgment as to Defendant McKnight's counterclaim for adverse possession. On August 2, 2010, a Consent Order of Dismissal was issued by the Honorable Roger Young under which the parties consented to the dismissal of Defendant McKnight's counterclaim for adverse possession. Defendant McKnight's remaining counterclaims for reimbursement of taxes and foreclosure of mortgage were unaffected by this order.

On October 8, 2010, Plaintiff filed a motion for summary judgment as to all Defendants except Defendant McKnight. An order of default had been issued as to all other Defendants. Plaintiff served a notice of hearing on Defendant McKnight.

On April 21, 2011, I heard Plaintiff's motion for summary judgment. Defendant McKnight nor his counsel appeared. The Guardian ad Litem advised the Court that he had been timely served and had received no communication from any of the Defendants since his appointment. No parties appeared to contest Plaintiff's motion which was granted. My order expressly preserved Defendant McKnight's remaining counterclaims.

On September 27, 2011, Defendant McKnight filed a motion to set aside summary judgment. It does not appear that Defendant McKnight provided Plaintiff's counsel with notice of this filing. The Court was not served with a copy of this motion until several months after its filing.

FINDINGS

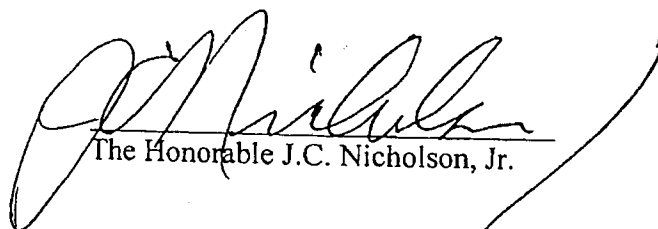
Defendant McKnight contends that he has standing to assert claims under S.C. Code Ann. § 15-61-25 entitled "Right of First Refusal of Joint Tenants or Tenants in Common" and that the granting of Plaintiff's motion jeopardizes this claim. In his answer and counterclaim, Defendant McKnight seeks reimbursement for taxes he purportedly paid on the subject property and asserts a claim under a mortgage. Plaintiff does not dispute that monies are owed to Defendant McKnight but contests the amount of that debt. Defendant McKnight's claims were expressly preserved in this Court's prior order. Under S.C. Code Ann. § 15-61-25, joint tenants or tenants in common are provided certain rights. Defendant McKnight is neither a joint tenant nor a tenant in common. As a creditor, he has no statutory right of first refusal under S.C. Code Ann. § 15-61-25 which provides no basis for the setting aside of this Court's prior order.

Defendant McKnight's motion is also untimely and improper. SCRCP 59(e) requires a motion to alter or amend judgment be served no later than ten (10) days after receipt of written notice. Defendant McKnight was properly served with notice of the hearing for Plaintiff's motion for summary judgment which was heard and granted on April 21, 2011. Defendant McKnight nor his counsel appeared to contest Plaintiff's motion. The record reflects that Plaintiff McKnight received a copy of this Court's prior order no later than August 2011. Defendant McKnight's motion was not filed until

September 27, 2011. In addition, Defendant McKnight failed to serve a copy of his motion on Plaintiff's counsel or the Court within ten (10) days as required by Rule 59(e). For the reasons set forth herein, Defendant McKnight's motion to set aside summary judgment and/or motion for reconsideration is hereby DENIED.

Date:

5/2/12


The Honorable J.C. Nicholson, Jr.

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Honorable J. C. Nicholson, Jr.

Case No.: 2010-CP-10-250

Eugene Gathers

Respondent,

v.

NED WRIGHT, HATTIE WRIGHT GASTON,
ANNIE M. WRIGHT, EDWARD WRIGHT,
SAMUEL WRIGHT, JAMES WRIGHT, WARLINE
WRIGHT MAXWELL, WILMENIA WRIGHT,
HENRY WRIGHT, OSCAR WRIGHT, LEROY
WRIGHT, HAROLD WRIGHT, CHARLES
WRIGHT, SAMUEL WRIGHT, JR., ERNEST
WRIGHT, HENRY WRIGHT, JR., ERNEST
MCKNIGHT, along with JOHN DOE OR MARY
ROE, FICTITIOUS NAMES TO DESIGNATE
MINORS, INFANTS, PERSON OF UNSOUND
MIND, UNDER DISABILITY OR INCOMPETENT,
PERSONS IN PRINSON, PERSONS IN THE
MILITARY SERVICE WITHIN MEANING OF
TITLE 20, UNITED STATES CODE, COMMONLY
REFERRED TO AS THE SOLDIERS AND
SAILORS CIVIL SERVICE ACT OF 1940, IF ANY,
AND RICHARD ROE AND SARAH ROE,
FICTITIOUS NAME TO DESIGNATE THE
UNKNOWN HEIRS, DEVISEES, DISTRIBUTEES,
ISSUE, EXECUTORS, ADMINISTRATORS,
SUCCESSORS OR ASSIGNS OF NED WRIGHT,
HATTIE WRIGHT GASTON, ANNIE M. WRIGHT,
EDWARD WRIGHT, SAMUEL WRIGHT, JAMES
WRIGHT, WARLINE WRIGHT, WILMENIA
WRIGHT, HENRY WRIGHT, OSCAR WRIGHT,
LEROY WRIGHT, HAROLD WRIGHT, CHARLES

BY

JULIE J. ARMSTRONG
CLERK OF COURT

2012 MAY 22 PM 1:43

FILED

WRIGHT, SAMUEL WRIGHT, JR., ERNESTINE
WRIGHT, AND HENRY WRIGHT, JR., ALSO ALL
OTHER UNKNOWN PERSONS CLAIMING ANY
RIGHT TITLE, ESTATE OR LIEN UPON THE
REAL ESTATE WHICH IS THE SUBJECT OF
THIS ACTION.

Appellants

NOTICE OF APPEAL

Ernest McKnight appeals the order of the Honorable J. C. Nicholson dated March 12, 2012.
Appellant received written notice of entry of this order on May 10, 2012.

May 17, 2012

Willie B. Heyward
Willie B. Heyward

Willie B. Heyward

27 Gamecock Ave., Ste. 200

Charleston, SC 29407

(843) 225-8754

Attorney for Appellant, Ernest McKnight

Other Counsel of Record:
Jonathan Scott Altman
Defner Altman & Wilborn, LLC
PO Box 600
Charleston, SC 29407
Bar No.: 65400
Attorney for Respondent

**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**

Eugene Gathers, Respondent,

v.

Ned Wright, Hattie Wright Gaston, Annie M. Wright,
Edward Wright, Samuel Wright, James Wright, Earline
Wright Maxwell, Wilmenia Wright, Henry Wright, Oscar
Wright, Leroy Wright, Harold Wright, Charles Wright,
Samuel Wright, Jr., Ernestine Wright, Henry Wright, Jr.,
Ernest McKnight, along with John Doe or Mary Roe,
fictitious names to designate minors, infants, person
of unsound mind, under disability or incompetent,
persons in prison, persons in the military service within
meaning of Title 50, United States Code, commonly
referred to as The Soldiers and Sailors Civil Service Act
of 1940; if any, and Richard Roe and Sarah Roe,
fictitious names to designate the unknown heirs,
devisees, distributees, issue, executors, administrators,
successors or assigns of Ned Wright, Hattie Wright
Gaston, Annie M. Wright, Edward Wright, Samuel
Wright, James Wright, Earline Wright, Wilmenia Wright,
Henry Wright, Oscar Wright, Leroy Wright, Harold
Wright, Charles Wright, Samuel Wright, Jr., Ernestine
Wright, and Henry Wright, Jr., also all other unknown
persons claiming any right, title, estate of lien upon the
real estate which is the subject of this action, Defendants,

Of whom Ernest McKnight is the Appellant.

Appellate Case No. 2012-212101

JULIE J. ARMSTRONG
CLERK OF COURT

2014 APR - 7 PM 12:36

FILED

64

Appeal From Charleston County
J.C. Nicholson, Jr., Circuit Court Judge

Unpublished Opinion No. 2014-UP-124
Heard October 16, 2013 – Filed March 19, 2014

DISMISSED IN PART AND VACATED IN PART

Willie B. Heyward, of Heirs' Property Law Center, LLC,
of Charleston, for Appellant.

Jonathan S. Altman, of Derfner, Altman & Wilborn,
LLC, of Charleston, for Respondent.

PER CURIAM: This appeal arises from a property dispute. On appeal, Ernest McKnight argues the trial court erred by: (1) refusing to address the specific elements of his equitable counterclaims; (2) granting fee simple title by way of summary judgment to Eugene Gathers; and (3) finding McKnight has no statutory right of first refusal. We dismiss in part and vacate in part.

1. We find McKnight has no right to challenge the trial court's summary judgment order. A consent order of dismissal was entered wherein the parties agreed to dismiss McKnight's adverse possession counterclaim against Gathers's action to quiet title. McKnight's remaining counterclaims for reimbursement of taxes and foreclosure of mortgage were expressly unaffected by the order. Gathers filed a summary judgment motion against all defendants in the lawsuit, except McKnight; thus, McKnight was not a named party to the motion. The order granting Gathers's motion did not affect McKnight's counterclaims, so McKnight is not precluded from litigating his claims to the property. Accordingly, we find McKnight was not aggrieved by the trial court's granting of fee simple title to Gathers or the trial court's failure to address McKnight's counterclaims. Therefore, we dismiss the portion of McKnight's appeal raising these issues. *See* Rule 201(b), SCACR ("Only a party aggrieved by an order, judgment, sentence or decision may appeal."); *Beaufort Realty Co. v. Beaufort Cnty.*, 346 S.C. 298, 301, 551 S.E.2d 588, 589 (Ct. App. 2001) ("The word 'aggrieved' refers to a substantial grievance, a

denial of some personal or property right, or the imposition on a party of a burden or obligation."); *Burns v. Gardner*, 328 S.C. 608, 617-18, 493 S.E.2d 356, 361 (Ct. App. 1997) (dismissing the portion of an appeal involving an issue raised in which the appellants were not aggrieved parties and thus could not pursue the issue on appeal).

2. Because McKnight was not a party to the summary judgment proceeding and did not file a motion to intervene, we find his Rule 59(e), SCRCP, motion was not properly before the trial court. In *Narruhn v. Alea London Limited*, 404 S.C. 337, 341-42, 745 S.E.2d 90, 92 (2013), our supreme court determined an insurer's Rule 60(b), SCRCP, motion was not properly before the circuit court because the insurer was not a party to the order from which it sought relief. Even though *Narruhn* involves a Rule 60(b) motion and this case involves a Rule 59(e) motion, we find *Narruhn* analogous to the facts in this case. Therefore, we vacate the portion of the trial court's Rule 59(e) order finding McKnight has no statutory right of first refusal.¹

DISMISSED IN PART AND VACATED IN PART.

FEW, C.J., and PIEPER and KONDUROS, JJ., concur.

¹ In his appellate brief, McKnight requests leave from this court to file a Rule 60(b), SCRCP, motion with the trial court. Because McKnight was not a party to the summary judgment motion, we deny McKnight's request. See Rule 60(b), SCRCP ("During the pendency of an appeal, leave to make [a Rule 60(b)] motion must be obtained from the appellate court."); *Narruhn*, 404 S.C. at 341-42, 745 S.E.2d at 92 (finding an insurer's Rule 60(b), SCRCP, motion was not properly before the circuit court because the insurer was not a party to the order from which it sought relief).

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2010-CP-10-250

Eugene Gathers,)
Plaintiff,)
vs.)
Ned Wright, et al.,)
Defendants.)

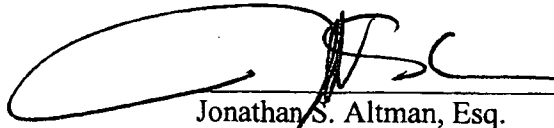
**MOTION TO COMPEL AS TO
DEFENDANT ERNEST MCKNIGHT**

2014 OCT 16 PM 12:51
CLERK OF COURT
JULIE J. HARRIS, CLERK

TO: Willie B. Heyward, Esq.; Attorney for Defendant Ernest McKnight

YOU WILL PLEASE TAKE NOTICE that ten (10) days after the service of this Motion upon you or as soon thereafter as counsel may be heard, the undersigned attorney for Plaintiff Eugene Gathers (hereinafter "Plaintiff"), will move before the Presiding Judge of the Charleston County Court of Common Pleas for an Order pursuant to Rule 37 of the South Carolina Rules of Civil Procedure requiring Defendant Ernest McKnight (hereinafter "Defendant McKnight") to provide complete and proper Answers to supplemental interrogatories and supplemental requests for production propounded by Plaintiff which were served upon counsel for Defendant McKnight on or about June 13, 2014. A copy of Plaintiff's Supplemental Interrogatories and Plaintiff's Supplemental Requests for Production are attached hereto.

Plaintiff would also request Defendant McKnight pay reasonable expenses incurred in obtaining the Order, including attorneys' fees. The undersigned counsel for Plaintiff hereby affirms that he has attempted to resolve the matter contained within this Motion prior to its filing but to no avail.



Jonathan S. Altman, Esq.
Derfner, Altman & Wilborn, LLC
575 King Street, Suite B
Charleston, SC 29403
Tel: (843) 723-9804

Attorney for Plaintiff

October 14, 2014
Charleston, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2010-CP-10-250

John Wright,)
Plaintiff,)
vs.)

Ned Wright, Hattie Wright Gaston,)
Annie M. Wright, Edward Wright,)
Samuel Wright, James Wright,)
Earline Wright Maxwell, Wilmenia)
Wright, Henry Wright, Oscar Wright,)
Leroy Wright, Harold Wright,)
Charles Wright, Samuel Wright, Jr.,)
Ernestine Wright, Henry Wright, Jr.,)
Ernest McKnight, along with John)
Doe or Mary Roe, fictitious names to)
designate minors, infants, persons of)
unsound mind, under disability or)
incompetent, persons in prison,)
persons in the military service within)
meaning of Title 50, United States)
Code, commonly referred to as The)
Soldiers and Sailors Civil Service Act)
of 1940, if any, and Richard Roe and)
Sarah Roe, fictitious names to)
designate the unknown heirs,)
devisees, distributees, issue,)
executors, administrators, successors)
or assigns of Ned Wright, Hattie)
Wright Gaston, Annie M. Wright,)
Edward Wright, Samuel Wright,)
James Wright, Earline Wright,)
Wilmenia Wright, Henry Wright,)
Oscar Wright, Leroy Wright, Harold)
Wright, Charles Wright, Samuel)
Wright, Jr., Ernestine Wright, and)
Henry Wright, Jr., also all other)
unknown persons claiming any right,)
title, estate or lien upon the real estate)
which is the subject of this action,)

Defendants.)

2014 OCT 27 AM 11:39
JULIE J. ANTONIO
CLERK OF COURT
BY 

FILED

NOTICE OF HEARING

TO: Willie B. Heyward, Esq. Attorney for Defendant Ernest McKnight

YOU WILL PLEASE TAKE NOTICE that Plaintiff's Motion to Compel as to Defendant Ernest McKnight will be heard by the Honorable J.C. Nicholson, Jr. on November 21, 2014 @ 9:30 a.m. at the Charleston County Courthouse located at 100 Broad Street, Courtroom 4C, Charleston, South Carolina 29401.

Date: 10.23.14



DERFNER, ALTMAN & WILBORN, LLC
Jonathan S. Altman, Esq.
575 King Street, Suite B
Charleston, SC 29403
Telephone: (843) 723-9804

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2010-CP-10-00250

Eugene Gathers,)
Plaintiff,)
vs.)
Ned Wright, et al.,)
Defendants.)

PLAINTIFF'S PRE-TRIAL BRIEF

1. Name of Attorney: Jonathan S. Altman, Esquire
Telephone Number: (843) 723-9804
2. Are all motions disposed of? No
If not, did you comply with Rule 11? Yes.
List pending motions and the date filed:
 - a. Plaintiff's Motion to Compel filed on October 16, 2014; and
 - b. Defendant's Motion for Joinder of a Necessary Party and Reference to Master in Equity filed on November 14, 2014. Defendant's counsel did not consult with Plaintiff's counsel relative to Defendant's Motion for Joinder of a Necessary Party.
3. Is discovery completed? Yes.
4. Briefly and concisely state the facts upon which the claim or defenses are based:

On January 12, 2010, Plaintiff filed a Suit to Quiet Title seeking an Order declaring Plaintiff to be the owner of certain real property. On March 18, 2010, Defendant McKnight filed an Answer and Counterclaim and asserted claims for Adverse Possession, Foreclosure of Mortgage, and Reimbursement of Taxes.

On August 2, 2010, a Consent Order of Dismissal was issued dismissing Defendant McKnight's Counterclaim for Adverse Possession and preserving Defendant McKnight's counterclaims for Foreclosure of Mortgage and Reimbursement of Taxes. On April 21, 2011, this Court issued an Order granting Plaintiff's Motion for Summary Judgment as to all Defendants other than Defendant McKnight. This Order quieted title to the subject property and left Defendant McKnight's claims for Foreclosure of Mortgage and Reimbursement of Taxes as the lone outstanding claims pending in this action.

On September 27, 2011, Defendant McKnight filed a Motion to Set Aside Summary Judgment under SCRPC and asserted that he held a statutory right of first refusal under S.C.

FILED
2014 NOV 20 PM 1:54
JULIE J. ARMSTRONG
CLERK OF COURT

Ann. § 15-61-25. On May 4, 2012, Defendant's McKnight's Motion to Set Aside Summary Judgment was denied. An Offer of Judgment was filed by Plaintiff and served on Defendant McKnight on March 8, 2012 in the amount of \$6,187.00, the sum set forth on the subject Note. No response was received from Defendant McKnight.

5. The issues involved in this case are: In addition to the claims for Foreclosure of Mortgage and Reimbursement of Taxes, it is anticipated that Defendant McKnight will attempt to reassert his claim to hold a statutory right of first refusal under S.C. Ann. § 15-61-25. Defendant has not provided a payoff for the subject mortgage.

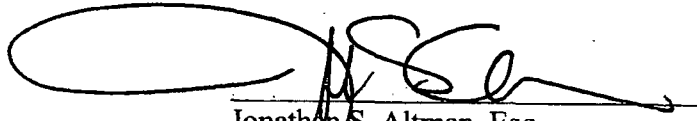
6. List names of witnesses to be called at trial and give a brief statement as to what each would testify (specify if expert and what field): Plaintiff does not anticipate calling any witnesses but reserves the right to call Defendant McKnight.

7. Unique legal authorities upon which the claim or defense is based (list, do not copy, Code sections you request to be charged): None.

8. State any unusual questions concerning admission of evidence or procedure likely to arise at trial: Plaintiff's father and predecessor in title, John Wright, is deceased. Any testimony from Defendant McKnight relative to conversations/discussions with decedent would be barred by the Dead Man Statute, S.C. Ann. § 19-11-20.

I hereby certify that I have read this pretrial brief and attest to the correctness thereof.

November 20, 2014
Charleston, South Carolina



Jonathan S. Altman, Esq.
Derfner, Altman & Wilborn, LLC
575 King Street, Suite B
Charleston, SC 29403
Tel: (843) 723-9804

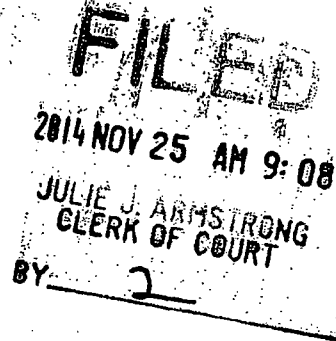
Attorney for Plaintiff

November 25, 2014

Case No. 2010-CP-10-0250 Parcel ID No. (2450000026)

Re: John Wright, Deceased) Eugene Gathers vs Ned Wright (Deceased)

To: Clerk of Court



I am Anna Michelle Porcher and I am writing this letter in regard to the above case involving property belonging to Ned Wright. I am a legal heir to Ned Wright of the said property, tax map no. 245-00-00026. I believe I am a victim of identity theft and that the person in question is not a legal heir to the said property.

Enclosed are documents providing proof that I am a legal heir to Ned Wright and tax information indicating paid taxes on the said property. I presently live, and have always lived on the said property and I would like to have a response as soon as possible.

I was notified by telephone that there was a pre-trial motion to award give the above property to Eugene Gathers on 11/20/14 and 11/21/14. I was not notified by mail nor in a timely manner. I feel that I was deliberately left out although Eugene knew my whereabouts and my telephone number. Eugene has not paid taxes for over twenty (20) years and he has change tax information without permission from surviving heirs.

Eugene Gathers is not a legal heir and I have provided the correct information to support my claim. I am also requesting that I be included on any further proceedings since I have previously paid a \$25.00 intervening fee. The following people will be contacted immediately:

Clerk of Court: Julie Armstrong, The Honorable J.C. Nicholson, Mikell R. Scarborough Master-in- Equity, S.C. Bar Fee Disputes Board.

Yours Truly,
Mrs. Anna Porcher
Mrs. Anna Porcher

Submitted by
Mrs. Anna Porcher
11/25/14

4789 Savannah Hwy
Ravenel, SC 29470
843-556-8301

OFFICIAL TAX RECEIPT

Charleston County, South Carolina

01-14-1994

AND TOWN OF RAVENEL ST PAULS FIRE DIST 8-4

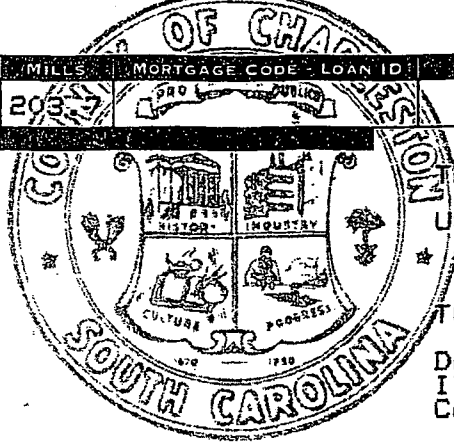
*** ORIGINAL ***

AS OF

01-01-1993

Submitted by
Anna Porcher 11/25/14

RECEIPT #	TYPE	ASSESSMENT	ASSESSMENT RATIO(S)	MILLS	MORTGAGE CODE	LOAN ID	ACRES	BLDGs
93-122445	00	3,420	QR4 OT6	203			6.94	1



TEA FARM CREEK SAVANNAH HWY

TMS: 2450000026

WRIGHT NED
HENRY WRIGHT ST.
RT 1 BX 181
RAVENEL SC 29470

TAX AMOUNT \$592.86

USER FEE 79.00

TOTAL PAID \$671.86

DATE PAID 01-14-1994
ITM/OP/REG 00029/T02/SP-02
CASH

MC. Rone
TREASURER

OFFICIAL TAX RECEIPT

Charleston County, South Carolina

10-18-1996

AND TOWN OF RAVENEL ST PAULS FIRE DIST 8-4

*** ORIGINAL ***

AS OF

01-01-1996

Submitted by
Anna Porcher 11/25/14

RECEIPT #	TYPE	ASSESSMENT	ASSESSMENT RATIO(S)	MILLS	MORTGAGE CODE	LOAN ID	ACRES	BLDGs
96-127509	00	4,390	OT6	258.72			6.94	1



TEA FARM CREEK SAVANNAH HWY

TMS: 2450000026

WRIGHT NED
HENRY WRIGHT SR.
4795 SAVANNAH HWY.
RAVENEL SC 29470

TAX AMOUNT \$1,027.36

USER FEE 79.00

TOTAL PAID \$1,106.36

DATE PAID 10-18-1996
ITM/OP/REG 00008/T01/SP-01
CHECK # 817

MC. Rone
TREASURER

OFFICIAL TAX RECEIPT

12-29-1995

Charleston County, South Carolina

*** ORIGINAL ***

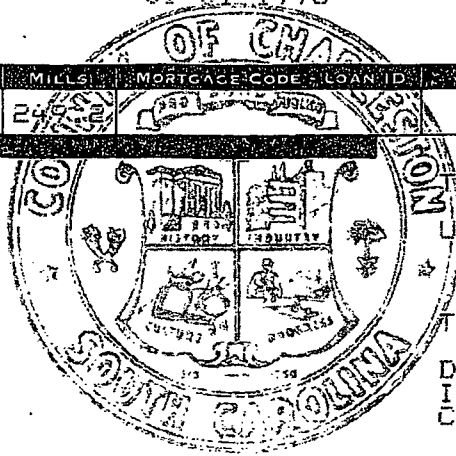
AND TOWN OF RAVENEL ST PAULS FIRE DIST 8-4

AS OF

01-01-1995

Submitted by
Anna Porcher
11/25/14

RECEIPT #	TYPE	ASSESSMENT	ASSESSMENT RATIO(S)	MILLS	MORTGAGE CODE	LOAN ID	ACRES	BLDGs
95-125641	00	4,390	DT6	245.2			6.94	1



TEA FARM CREEK SAVANNAH HWY

TMS: 2450000026

WRIGHT NED
HENRY WRIGHT SR.
4795 SAVANNAH HWY.
RAVENEL SC 29470

TAX AMOUNT \$995.17

USER FEE 79.00

TOTAL PAID \$1,074.17

DATE PAID 12-29-1995
ITM/DP/REG 00363/T02/SP-02
CASH

W.C. Roman
TREASURER

OFFICIAL TAX RECEIPT

01-23-1995

Charleston County, South Carolina

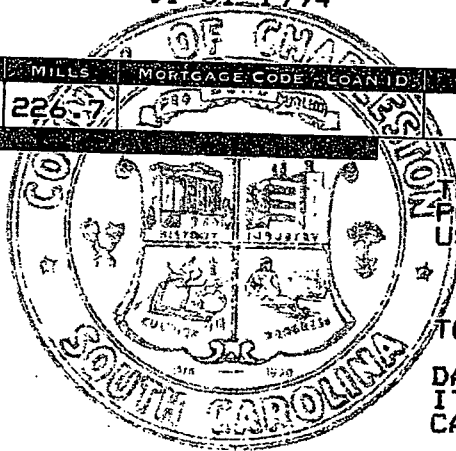
*** ORIGINAL ***

AND TOWN OF RAVENEL ST PAULS FIRE DIST 8-4

AS OF

01-01-1994

RECEIPT #	TYPE	ASSESSMENT	ASSESSMENT RATIO(S)	MILLS	MORTGAGE CODE	LOAN ID	ACRES	BLDGs
94-132103	00	4,390	DT6	226.7			6.94	1



TEA FARM CREEK SAVANNAH HWY

TMS: 2450000026

WRIGHT NED
HENRY WRIGHT SR.
4795 SAVANNAH HWY.
RAVENEL SC 29470

TAX AMOUNT \$906.64

PENALTY (3%) 27.20

USER FEE 79.00

TOTAL PAID \$1,012.84

DATE PAID 01-23-1995
ITM/DP/REG 00087/T02/SP-02
CASH

W.C. Roman
TREASURER

Submitted by
Anna Porcher
11/25/14

DATE 11/20/87

AMOUNT DUE
AFTER 03/01/88

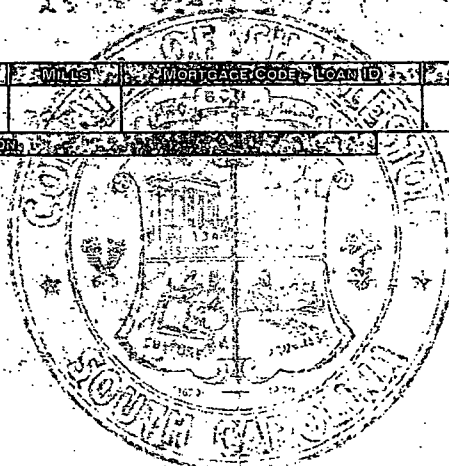
On March 7th, all unpaid taxes are forwarded to the Sheriff's Department Tax Dept for collection (there are only 10 to 1200 vehicles).

2.2	* County Government - General	6.23	Part - Recreation Center	4.26	ST. PAULS FIRE FOND
8.2	* County Government - Debt Fund	10.76	Substance Abuse Center	73.42	ST. PAULS FIRE DISTRICT
8.1	School Board - General	3.60	Trident Technical College		
3.1	School Board - Debt Retirement		TOTAL	335.62	
ON ABOVE IS A BREAKDOWN OF HOW YOUR TAX DOLLARS ARE DISTRIBUTED				UNDER FISCAL CONTROL OF CHARLESTON COUNTY COUNCIL	4,500,000.26

Submitted by
Anna Percher 11/25/14

THE UNIVERSITY OF CHICAGO

RECEIPT #	NAME					
ASSESSMENT	ASSESSMENT RATIO(S)	MILLS	MORTGAGE CODE	LOAN ID	ACRES	BLDG
PROPERTY DESCRIPTION						



MC Home / TREASURE

Submitted by Anna Porcher 11/25/14

TAXES FOR CHARLESTON COUNTY AND TOWN OF RAVENEL & ST. PAULS FIRE DIST. P-4 DATE **11-17-1991**

PROPERTY TAXES FOR PERIOD COMMENCING **6-1-91** TO **5-31-92**

ACCOUNT NO.	PARCEL ID	LOT NO.	MOBILE HOME ID	ASSESSMENT	TAXES	TOTAL TAX
1-119676	245-20-00-026			1,130	200.23	326.91

SEE REVERSE SIDE

PLEASE RETURN ALL COPIES WITH PAYMENT TO:
W.O. THOMAS, JR., COUNTY TREASURER
 P.O. BOX 578, CHARLESTON, S.C. 29402-0878

PAID BY *TEA PANTHER* **JAN 1 1992**
Paid By [Signature]
CHARLESTON COUNTY TREAS.

ACCOUNT NO.	DESCRIPTION	AMOUNT
1-119676	ST. PAULS FIRE DIST.	29.83
1-119676	TOWN OF RAVENEL	73.75
1-119676	COUNTY SALES TAX CREDIT	-30.10
1-119676	MUNICIPAL SALES TAX CREDIT	21.20
	PAY THIS AMOUNT	267.77

IF CHANGE OF ADDRESS IS DESIRED, CHECK BOX AND ENTER CORRECT ADDRESS:

RENTAL: ☐ YES ☐ NO

NEW: ☐ YES ☐ NO

EXEMPT: ☐ YES ☐ NO

6-91 County Government - General 16.91
 12-82 County Government - Debt Ret. 12.82
 11-86 School Board - General 11.86
 10-73 School Board - Debt Retirement 10.73

16-75 Recreation Com. 16.75
 12-82 Planning & Zoning Com. 12.82
 11-86 Planning & Zoning Com. 11.86
 10-73 Planning & Zoning Com. 10.73

59.97 ST. PAULS FIRE DISTRICT
 3.36 TOWN OF RAVENEL
 242.77 TOTAL

2450086026

THE ABOVE IS A BREAKDOWN OF HOW YOUR TAX DOLLARS ARE DISTRIBUTED. UNDER FISCAL CONTROL OF CHARLESTON COUNTY COUNCIL.

CHARLESTON COUNTY AND ST. PAULS

PROPERTY TAXES FOR PERIOD COMMENCING 01/01/86

Submitted by Anna Porcher 11/25/14
DATE 10/11/86

RECEIPT NO	TAX MAP REFERENCE	MORT CODE	MORTGAGE LOAN ID	TOTAL ASSESSMENT	MILLS	TOTAL TAX
86-117793	245 00 00 026			1,520	136	206.36

PLEASE RETURN ALL COPIES WITH PAYMENT TO:
W.O. THOMAS, JR., COUNTY TREASURER
P.O. BOX 878, CHARLESTON, S.C. 29402-0878

DESCRIPTION
CREEK SAVANNAH HWY

ADDRESS (IF DESIRED, CHECK BOX AND ENTER CORRECT ADDRESS)

WRIGHT, NED
RT 1 BOX 181
RAVENEL, SC 29470

PAID
JAN 15 1987
CHARLESTON COUNTY TREAS

On March 17th all unpaid taxes are forwarded to the Sheriff's Delinquent Tax Dept. for collection. (Does not apply to Motor Vehicles.)
See reverse side for additional information.

- County Government - General
- County Government - Debt
- School Board - General
- School Board - Debt Retirement
- Park - Recreation Com
- Substance Abuse Com
- Trident Technical College

ST. PAULS FIRE DISTRICT
TOTAL 286.36
UNDER FISCAL CONTROL OF CHARLESTON COUNTY COUNCIL
2450000026

REAL PROPERTY TAXES FOR CHARLESTON COUNTY AND ST. PAULS

Due on the following described property for tax year commencing JANUARY 1, 1985

DIST	RECEIPT NO	NO OF LOTS	ACRES	MORTGAGE LOAN ID	TOTAL ASSESSMENT	MILLS	TOTAL TAX
82	113877	2	8.44		1,520	167.0	257.31

REAL PROPERTY TAX-NOTICE

PLEASE RETURN BOTH COPIES WITH PAYMENT TO:
W.O. THOMAS, JR., COUNTY TREASURER
P.O. BOX 566, CHARLESTON, S.C. 29402-0566

☐ IF CHANGE OF ADDRESS IS DESIRED, CHECK BOX AND ENTER CORRECT ADDRESS

PAID
JAN 20 1986

WRIGHT, NED
RT 1 BOX 181
RAVENEL, SC 29470

5% PENALTY AFTER
LEGAL DESCRIPTION

ON APRIL 15TH ALL TAXES GO INTO EXECUTION WITH COLLECTION COST ADDED.
X85X****270.21X85X

TAX MAP REFERENCE	ASSESSMENT RATIO(S)
245 00 00 026	CR4 DT6

Submitted by Anna Porcher
11/25/14

CHARLESTON COUNTY AND ST. PAUL'S FIRE DISTRICT 8-2
 PROPERTY TAXES FOR PERIOD COMMENCING 01/01/89
 Submitted by Anna Porcher 11/25/14
 DATE 11/30/89

RECEIPT NO.	TAX MAP REFERENCE	MORTGAGE CODE	MORTGAGE LOAN ID	TOTAL ASSESSMENT	MILES	TOTAL TAX
19-127574	245-00-00-026			12,090	241.3	263.04
RES.	ASSESSMENT RATIO(S)	PLEASE RETURN ALL COPIES WITH PAYMENT TO W.O. THOMAS, JR., COUNTY TREASURER P.O. BOX 878, CHARLESTON, S.C. 29402-0878				
7.94	0R4 0T6					

LOCATION
 CREEK SAVANNAH HWY

ADDRESS IS DESIRED. CHECK BOX AND ENTER CORRECT ADDRESS

WRIGHT, NEP Paid By Henry Wright SR
 RT 1 BOX 181
 RAVENEL SC 29470

TAXES BASED ON
 PROPERTY STATUS
 AS

PAYABLE
 JAN 12 1990

On March 17th all unpaid taxes are forwarded to the Sheriff's Delinquent Tax Dept. for collection. (Does not apply to Motor Vehicle taxes)
 See reverse side for additional information.

2.68	County Government - General	6.76	Park - Recreation Com.
7.85	County Government - Debt Ret.	0.55	Substance Abuse Com.
8.10	School Board - General	2.73	Student Technical College
1.04	School Board - Debt Retirement		
		TOTAL	

CHARLESTON COUNTY TREAS 1987 FIRE BOND
 61.15 ST. PAUL'S FIRE DISTRICT

263.04

FIGURE ABOVE IS A BREAKDOWN OF HOW YOUR TAX DOLLARS ARE DISTRIBUTED. * UNDER FISCAL CONTROL OF CHARLESTON COUNTY COUNCIL 450000026

23 MAR 1989 50104222

HENRY WRIGHT, SR.
 RT 1 BOX 180 766-5033
 RAVENEL, SC. 29470

March 15, 1989

657

Pay to the Order of Charleston County User for \$ 33.00

Thirty three dollars and no cents Dollars

South Carolina National Bank
 Charleston, S.C.

For User Joe Henry Wright SR

⑆053200019⑆06579⑆02 1729835⑆ ⑆0000003300⑆

Submitted by Anna Porcher
 11/25/14

CLASSIC ACCOUNT OF
HENRY WRIGHT SR.
ANNA M. PORCHER
 4795 SAVANNAH HIGHWAY PH 803-766-5033
 RAVENEL, SC 29470

Submitted by Anna Porcher 11/25/14
 Oct 18, 1996

0817 67-11532

PAY TO THE ORDER OF W.O. Thomas Jr. County Treasurer \$ 1,106.36

One thousand one hundred six dollars and thirty six cents DOLLARS

WACHOVIA
 Wachovia Bank of South Carolina, N.A.
 Charleston, SC 29401

FOR Land tax Henry Wright SR.

⑆053200019⑆021729835⑆ 0817 ⑈0000110636⑈

Submitted By Anna Porcher 11/25/14

HENRY WRIGHT, SR.
 ROUTE 1 BOX 180 766-5033
 RAVENEL, SC 29470

0534 67-11532

Feb. 23, 1993

acct No. 245-00-00-169

Pay to the Order of County of Charleston Solid Waste Recycling Deposit Fee \$ 48.00

fortyeight dollars and no cents Dollars

PEEX BANKING
South Carolina National
 Charleston, S.C.

For Solid waste Henry Wright SR.

⑆053200019⑆05346⑆021729835⑆ ⑈0000004800⑈

Submitted by Anna Porcher 11/25/14

HENRY WRIGHT
 RT 1 BOX 180 766-5033
 RAVENEL, SC 29470

357 67-5 532

Jan. 12, 1987

FUND OF SC 01-15-87 103295357

PAY TO THE ORDER OF W.O. Thomas Jr. County Treasurer \$ 286.36

Two hundred eighty six dollars and thirty six cents DOLLARS

First National Bank
 First National Bank of South Carolina
 Charleston, South Carolina 29402

FOR Red Wright tax Henry Wright

⑆053200051⑆021729835⑆ 0357 ⑈0000028636⑈

HENRY WRIGHT
ROUTE 1 BOX 180
RAVENEL, SC 29470

Submitted by 11/25/14
Anna Pariche

350

Jan. 27, 1984

67-5
532

PAY TO THE
ORDER OF

W.D. Thomas, Jr. County Treasurer \$283.41

Two hundred eighty three dollars and forty one cents DOLLAR



First National Bank
First National Bank of South Carolina
Charleston, South Carolina 29402

FOR: Tax

Henry Wright

⑆053200051⑆ 021729835⑆ 0350 ⑆0000028341⑆

MARLAND 1-88

HENRY WRIGHT
ROUTE 1 BOX 180
RAVENEL, SC 29470

Submitted by Anna Pariche
11/25/14

418

Jan. 28, 1983

67-5
532

PAY TO THE
ORDER OF

W.D. Thomas, Jr. County Treasurer \$257.99

Two hundred fifty seven dollars and ninety nine cents DOLLAR



First National Bank
First National Bank of South Carolina
Charleston, South Carolina 29402

FOR: Tax

Henry Wright

⑆053200051⑆ 021729835⑆ 0418 ⑆0000025799⑆

HENRY WRIGHT
RT 1 BOX 180 766-5033
RAVENEL, SC 29470

Submitted by
Anna Pariche 11/25/14

354

Dec. 29, 1986

67-5
532

PAY TO THE
ORDER OF

W.D. Thomas, Jr. County Treasurer \$126.25

One hundred twenty six dollars and twenty five cents DOLLARS



First National Bank
First National Bank of South Carolina
Charleston, South Carolina 29402

FOR: Anna Pariche & Ned Wright

Henry Wright

⑆053200051⑆ 021729835⑆ 0354 ⑆0000012625⑆

25-JAN-1988 20401353 535

HENRY WRIGHT, SR.
RT 1 BOX 180 766-5033
RAVENEL, SC 29470

Submitted by Anna Percher 11/25/14 Jan 15 1988

Pay to the Order of: W.D. Thomas, Jr. \$ 336.00

Three Hundred and thirty Six Dollars

South Carolina National Bank
Charleston, S.C.

For Ned Wright Henry Wright, Sr.

⑆053200014⑆05355⑆02⑆129835⑆ 0000033600⑆

30 JAN 1986 10090230 347

HENRY WRIGHT
RT 1 BOX 180 766-5033
RAVENEL, SC 29470

Submitted by Anna Percher 11/25/14 Jan 27, 1986

PAY TO THE ORDER OF: W.D. Thomas, Jr., County Treasurer \$257.34

Two hundred fifty Seven dollars and thirty four cents DOLLARS

First National Bank
First National Bank of South Carolina
Charleston, South Carolina 29402

FOR Land Tax for Ned Wright Henry Wright

⑆053200051⑆021729835⑆ 0347 0000025734⑆

HENRY WRIGHT 481

RT 1 BOX 180 766-5033
RAVENEL, SC 29470

Jan 21, 1985

PAY TO THE ORDER OF: W.D. Thomas, Jr., County Treasurer \$275.49

Two hundred Seventy five dollars and forty nine cents DOLLARS

First National Bank
First National Bank of South Carolina
Charleston, South Carolina 29402

FOR Ned Wright Henry Wright

⑆053200051⑆021729835⑆ 0481 0000027549⑆

Submitted by
Anna Percher
11/25/14

CHARLESTON COUNTY AND ST. PAULS FIRE DISTRICT 8-2
 PROPERTY TAXES FOR PERIOD COMMENCING 01/01/88
 Submitted by Anna Porcher 11/25/14
 DATE 11/25/88

RECEIPT NO.	TAX MAP REFERENCE	MORT. CODE	MORTGAGE LOAN ID	TOTAL ASSESSMENT	MILLS	TOTAL TAX
8-124670	245-00-00-026			1,096	223.8	243.05
CRES	ASSESSMENT RATIO(S)	PLEASE RETURN ALL COPIES WITH PAYMENT TO: W.O. THOMAS, JR., COUNTY TREASURER P.O. BOX 878, CHARLESTON, S.C. 29402-0878				
7.94	GR4 DT6					
DESCRIPTION CREEK SAVANNAH HWY						
ADDRESS IS DESIRED, CHECK BOX AND ENTER CORRECT ADDRESS RIGHT NED RT 1 BOX 181 AVENEL SC 29470 Paid By Henry Wright SR						
PAY THIS AMOUNT *****251.27 AMOUNT DUE AFTER 01/15/89 *****268.35 AMOUNT DUE AFTER 02/01/89						
BREAKDOWN OF HOW YOUR TAX DOLLARS ARE DISTRIBUTED: 7.09 County Government - General 0.94 County Government - Debt Ret. 1.00 School Board - General 1.20 School Board - Debt Retirement 7.09 Park - Recreation Com. 0.55 Substance Abuse Com. 2.83 Trident Technical College 2.18 ST. PAULS 1987 FIRE BOND 49.92 ST. PAULS FIRE DISTRICT TOTAL 243.05						

ON MARCH 17th all unpaid taxes are forwarded to the Sheriff's Delinquent Tax Dept. for collection. (Does not apply to Motor Vehicles.) See reverse side for additional information.

PAID JAN 15 1989

CHARLESTON COUNTY TREAS.

2450000026

CHARLESTON COUNTY AND ST. PAULS FIRE DISTRICT 8-2
 PROPERTY TAXES FOR PERIOD COMMENCING 01/01/87
 DATE 01/15/88

RECEIPT NO.	TAX MAP REFERENCE	MORT. CODE	MORTGAGE LOAN ID	TOTAL ASSESSMENT	MILLS	TOTAL TAX
87-120781	245-00-00-026			1,520	220.8	335.62
CRES	ASSESSMENT RATIO(S)	PLEASE RETURN ALL COPIES WITH PAYMENT TO: W.O. THOMAS, JR., COUNTY TREASURER P.O. BOX 878, CHARLESTON, S.C. 29402-0878				
8.64	GR4 DT6					
DESCRIPTION CREEK SAVANNAH HWY						
ADDRESS IS DESIRED, CHECK BOX AND ENTER CORRECT ADDRESS WRIGHT NED RT 1 BOX 181 RAVENEL SC 29470 Paid By Henry Wright SR. 15 1988						
PAY THIS AMOUNT *****345.69 AMOUNT DUE AFTER 01/15/89 *****369.18 AMOUNT DUE AFTER 02/01/89						
BREAKDOWN OF HOW YOUR TAX DOLLARS ARE DISTRIBUTED: 7.22 County Government - General 1.82 County Government - Debt Ret. 6.80 School Board - General 1.31 School Board - Debt Retirement 6.23 Park - Recreation Com. 0.76 Substance Abuse Com. 3.80 Trident Technical College 4.26 ST. PAULS 1987 FIRE BOND 73.42 ST. PAULS FIRE DISTRICT TOTAL 335.62						

ON MARCH 17th all unpaid taxes are forwarded to the Sheriff's Delinquent Tax Dept. for collection. (Does not apply to Motor Vehicles.) See reverse side for additional information.

PAID

CHARLESTON COUNTY TREAS.

By *lc*

2450000026

Submitted by Anna Porcher
 11/25/14
 Exhibits

XX PROPERTY TAXES FOR CHARLESTON COUNTY AND ST. PAULS 8-2

DUE ON THE FOLLOWING PROPERTY FOR PERIOD COMMENCING JAN 1, 1984 FOR 12 MONTHS 12/05/84

DIST	RECEIPT	TYPE	REAL ASSESSMENT	PERSONAL ASSESSMENT	TOTAL ASSESSMENT	MILLS	TOTAL TAX
82	150422 00		1,520		1,520	161.1	244.88

TAX NOTICE FOR

PLEASE RETURN ALL COPIES WITH PAYMENT TO:

REAL PROPERTY FOR TAX YEAR

W.O. THOMAS, JR.
COUNTY TREASURER
P.O. BOX 878
CHARLESTON, SC 29402

JAN 25 1985

TOTAL DUE

244.88

CHARLESTON COUNTY TREAS.

5% PENALTY AFTER 01/31/85

1984

☐ IF CHANGE OF ADDRESS IS DESIRED, CHECK BOX AND ENTER CORRECT ADDRESS

LEGAL DESCRIPTION

TEA FARM CREEK

WRIGHT NED
RT 1 BX 181
RAVENEL SC

29470

BLDGS	LOTS	ACRES	TMS REFERENCE	CH	ASSESSMENT RATIOS
2		8.64	245 00 00	026	QR4 0T6

34X****257.12X84

SEE REVERSE SIDE FOR ADDITIONAL INFORMATION AND PENALTIES

Submitted by Anna Percher 11/25/14

REAL PROPERTY TAXES FOR CHARLESTON COUNTY

AND ST. PAULS 8-2

DATE

10/18/82

Due on the following described property for tax year commencing JANUARY 1, 1982

DIST	RECEIPT NO	TYPE	ACRES	TMS REFERENCE	CH	MORTGAGE LOAN NO	TOTAL ASSESSMENT	MILLS	TOTAL TAX
82	105002	2	9.52				1,247.9	175.5	257.9

1982

REAL PROPERTY TAX NOTICE

PLEASE RETURN BOTH COPIES WITH PAYMENT TO:
W.O. THOMAS, JR. COUNTY TREASURER
P.O. BOX 878, CHARLESTON, S.C. 29402

☒ IF CHANGE OF ADDRESS IS DESIRED, CHECK BOX AND ENTER CORRECT ADDRESS

TOTAL DUE

PAID BEFORE FEB 1

257.9

5% PENALTY AFTER

LEGAL DESCRIPTION

TEA FARM CREEK

WRIGHT NED
RT 1 BX 181
RAVENEL SC

29470

ON APRIL 15TH ALL TAXES GO INTO EXECUTION WITH COLLECTION FOR 1982

34X****270.89X82X

TMS REFERENCE	ASSESSMENT RATIOS
245 00 00 026	QR4 0T6

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2010-CP-10-0250

Eugene Gaithers
PLAINTIFF(S)

DCN
GATHERS

Ned Wright et al.
DEFENDANT(S)

Submitted by:

Attorney for : ☐ Plaintiff 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)
Ernest McKnight	Eugene Gaithers GATHERS	\$12,646.27 (counterclaim)

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

2117
Judge Code

Date

12/29/14

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

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2010-CP-10-00250

Eugene Gathers,)
Plaintiff,)
vs.)

Ned Wright, Hattie Wright Gaston,)
Annie M. Wright, Edward Wright,)
Samuel Wright, James Wright,)
Earline Wright Maxwell, Wilmenia)
Wright, Henry Wright, Oscar Wright,)
Leroy Wright, Harold Wright,)
Charles Wright, Samuel Wright, Jr.,)
Ernestine Wright, Henry Wright, Jr.,)
Ernest McKnight, along with John)
Doe or Mary Roe, fictitious names to)
designate minors, infants, persons of)
unsound mind, under disability or)
incompetent, persons in prison,)
persons in the military service within)
meaning of Title 50, United States)
Code, commonly referred to as The)
Soldiers and Sailors Civil Service Act)
of 1940, if any, and Richard Roe and)
Sarah Roe, fictitious names to)
designate the unknown heirs,)
devisees, distributees, issue,)
executors, administrators, successors)
or assigns of Ned Wright, Hattie)
Wright Gaston, Annie M. Wright,)
Edward Wright, Samuel Wright,)
James Wright, Earline Wright,)
Wilmenia Wright, Henry Wright,)
Oscar Wright, Leroy Wright, Harold)
Wright, Charles Wright, Samuel)
Wright, Jr., Ernestine Wright, and)
Henry Wright, Jr., also all other)
unknown persons claiming any right,)
title, estate or lien upon the real estate)
which is the subject of this action,)

Defendants.)

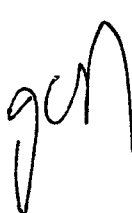
ORDER

FILED
2014 DEC 30 PM 02:24
JULIE J. ARMSTRONG
CLERK OF COURT

FILED
2015 JAN -6 PM 1:57
JULIE J. ARMSTRONG
CLERK OF COURT

The trial of the above captioned matter was held on November 14, 2014. Present were counsel for Plaintiff, Jonathan S. Altman, counsel for Defendant Ernest McKnight, Willie B. Heyward, and Defendant Ernest McKnight (hereinafter "Defendant McKnight"). From the testimony and evidence, I find and conclude as follows:

Findings of Fact and Conclusions of Law

- 
1. The Lis Pendens, Summons, and Complaint were filed on January 12, 2010.
 2. Defendant McKnight filed an Answer and Counterclaim asserting claims for Adverse Possession, Foreclosure of Mortgage, and Reimbursement of Taxes on March 18, 2010.
 3. A Consent Order dismissing Defendant McKnight's counterclaim for Adverse Possession and preserving Defendant McKnight's counterclaims for Foreclosure of Mortgage and Reimbursement of Taxes was filed on August 2, 2010.
 4. An Order granting Plaintiff's Motion for Summary Judgment as to all Defendants except Defendant McKnight was issued on April 21, 2011. This Order quieted title to the subject property and preserved Defendant McKnight's counterclaims for Foreclosure of Mortgage and Reimbursement of Taxes as the sole pending claims in this action.
 5. The real property (hereinafter the "property") which is the subject of this action is situated in Charleston County, South Carolina, more particularly described as follows:

6.94 Acres on the southside of U.S. Hwy 17 in the Rantowles area of Paul's Parish, Charleston County, S.C., and designated as per "Plat of lands of Ned Wright..." by George D. Sample, P.E. and L.S., depicting 9.5 Acres dated June 8, 1981, and recorded in Plat Book AU, Page 9, RMC Office for Charleston County.

SAVING AND EXCEPTING Lot 1 (.88 ac), Lot 2 (7ac), and Lot 3 (1.0 ac) all in the Northwest Moeity of said Tract previously conveyed.

Portion of TMS No. 245-00-00-026

6. Plaintiff acquired the property by deed of conveyance from John Wright dated August 3, 2010 and recorded in the RMC Office for Charleston County on August 6, 2010 in Deed Book 0137, at Page 112.

7. On September 25, 2003, Plaintiff's predecessor in title, John Wright, and Anna Michelle Porcher, and Harold L. Wright executed a Note to Defendant McKnight in the amount of Six Thousand One Hundred Eighty-Seven Dollars and 52/100 Cents (\$6,187.52). Said Note was secured by a Mortgage on the 9.5 acres shown on a plat by George D. Sample entitled "Plat of Lands of Ned Wright Estate dated June 8, 1981 and recorded in Plat Book AU, Page 9, RMC Office for Charleston County." Plaintiff's property comprises seventy-three percent (73%) of the original 9.5 acre tract secured by the mortgage held by Defendant McKnight.

gm
8. At the trial of this case, the parties stipulated that the full balance of the Note remained outstanding. This Note was to bear interest at the rate of eight percent (8%) per annum. The parties further agreed that the total amount due under said Note as of the date of trial was Eleven Thousand Six Hundred Thirty-Two Dollars and 54/100 Cents (\$11,632.54). Seventy-three percent (73%) of this sum is Eight Thousand Four Hundred Ninety-One Dollars and 76/100 cents (\$8,491.76) which represents the amount due to Defendant McKnight from Plaintiff under the Note.

9. In addition to his counterclaim for Foreclosure of Mortgage, Defendant McKnight sought reimbursement for payment of real property taxes as to parcel number 245-00-00-026. Said parcel comprises the entire 9.5 acres referenced herein.

10. At the trial, Defendant McKnight produced two (2) checks in the respective amounts of One Thousand Eight Hundred Fifty-Five Dollars and 93/100 Cents (\$1,855.93) and One Thousand Five Hundred Ninety-Seven Dollars and 54/100 Cents (\$1,597.54) which Defendant

McKnight maintained represented payment of real property taxes for tax years 2008 and 2009. Said amounts were consistent with the property tax records for Charleston County for parcel number 245-00-00-026. Plaintiff's counsel stipulated that said checks represented the payment of real property taxes for this parcel. These two (2) payments total Three Thousand Four Hundred Fifty-Three Dollars and 47/100 Cents (\$3,453.47). Plaintiff is responsible for seventy-three percent (73%) of this sum or Two Thousand Five Hundred Twenty-One Dollars and 04/100 Cents (\$2,521.04).

11. The parties further stipulated that Defendant McKnight also attempted to pay real property taxes for tax year 2013 in the amount of \$1,633.47. Plaintiff's counsel is holding said sum in trust as said payment had previously been made by Plaintiff. Plaintiff stipulated that said sum would be reimbursed to Defendant McKnight.

IT IS THEREFORE ORDERED THAT the property described herein, as set forth in the lis pendens is vested in the name of Eugene Gathers; and

IT IS FURTHER ORDERED THAT the following sums are due to Defendant McKnight from Plaintiff under his counterclaims for Foreclosure of Mortgage and Reimbursement of Taxes:

- a. \$8,491.76 due under the Note;
- b. \$2,521.04 for reimbursement of taxes; and
- c. \$1,633.47 for tax year 2013.

Total: \$12,646.27

Upon payment of this sum, either to Defendant McKnight or to the Clerk of Court, if Defendant McKnight refuses to accept said payment, Defendant McKnight's Mortgage shall be satisfied of record as to Plaintiff's parcel.

IT IS FURTHER ORDERED THAT the title to the property, more particularly described below, is hereby quieted in the name of Eugene Gathers who is the owner of one hundred percent (100%) undivided interest in fee simple with all rights, title, and interest therein:

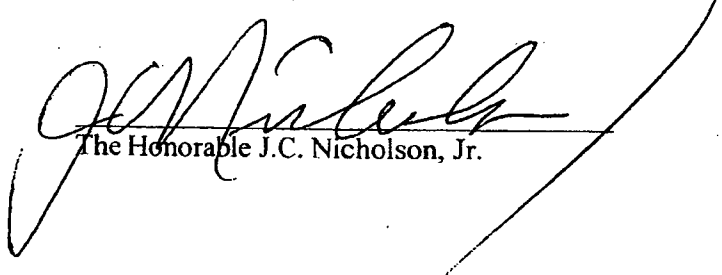
6.94 Acres on the southside of U.S. Hwy 17 in the Rantowles area of Paul's Parish, Charleston County, S.C., and designated as per "Plat of lands of Ned Wright..." by George D. Sample, P.E. and L.S., depicting 9.5 Acres dated June 8, 1981, and recorded in Plat Book AU, Page 9, RMC Office for Charleston County.

SAVING AND EXCEPTING Lot 1 (.88 ac), Lot 2 (7ac), and Lot 3 (1.0 ac) all in the Northwest Moeity of said Tract previously conveyed.

Portion of TMS No. 245-00-00-026

IT IS FURTHER ORDERED THAT Plaintiff's interest in the subject property shall be to the exclusion of any other party claiming any right, title, or interest therein.

IT IS SO ORDERED this 29 day of DEC., 2014.


The Honorable J.C. Nicholson, Jr.

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Honorable J. C. Nicholson, Jr.

Case No.: 2010-CP-10-250

Eugene Gathers

Respondent,

v.

NED WRIGHT, HATTIE WRIGHT GASTON,
ANNIE M. WRIGHT, EDWARD WRIGHT,
SAMUEL WRIGHT, JAMES WRIGHT, WARLINE
WRIGHT MAXWELL, WILMENIA WRIGHT,
HENRY WRIGHT, OSCAR WRIGHT, LEROY
WRIGHT, HAROLD WRIGHT, CHARLES
WRIGHT, SAMUEL WRIGHT, JR. ERNESTINE
WRIGHT, HENRY WRIGHT, JR., ERNEST
MCKNIGHT, along with JOHN DOE OR MARY
ROE, FICTITIOUS NAMES TO DESIGNATE
MINORS, INFANTS, PERSON OF UNSOUND
MIND, UNDER DISABILITY OR
INCOMPETENT, PERSONS IN PRINSON,
PERSONS IN THE MILITARY SERVICE
WITHIN MEANING OF TITLE 20, UNITED
STATES CODE, COMMONLY REFERRED TO
AS THE SOLDIERS AND SAILORS CIVIL
SERVICE ACT OF 1940, IF ANY, AND RICHARD
ROE AND SARAH ROE, FICTITIOUS NAME TO
DESIGNATE THE UNKNOWN HEIRS,
DEVISEES, DISTRIBUTEES, ISSUE,
EXECUTORS, ADMINISTRATORS,
SUCCESSORS OR ASSIGNS OF NED WRIGHT,
HATTIE WRIGHT GASTON, ANNIE M.
WRIGHT, EDWARD WRIGHT, SAMUEL
WRIGHT, JAMES WRIGHT, EARLINE WRIGHT,

2015 MAR -5 PM 4:23
FILED
JULIE J. ARMSTRONG
CLERK OF COURT
BY 

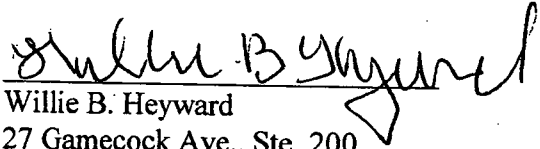
WILMENIA WRIGHT, HENRY WRIGHT, OSCAR WRIGHT, LEROY WRIGHT, HAROLD WRIGHT, CHARLES WRIGHT, SAMUEL WRIGHT, JR., ERNESTINE WRIGHT, AND HENRY WRIGHT, JR., ALSO ALL OTHER UNKNOWN PERSONS CLAIMING ANY RIGHT TITLE, ESTATE OR LIEN UPON THE REAL ESTATE WHICH IS THE SUBJECT OF THIS ACTION,

Appellants

NOTICE OF APPEAL

Ernest McKnight appeals the order of the Honorable J.C. Nicholson dated December 29, 2014
Appellant received written notice of entry of this order on Monday, January 19, 2015

February 19, 2015


Willie B. Heyward
27 Gamecock Ave., Ste. 200
Charleston, SC 29407
(843) 225-8754
Attorney for Appellant, Ernest McKnight

Other Counsel of Record:
Jonathan Scott Altman
Defner Altman & Wilborn, LLC
PO Box 600
Charleston, SC 29407
Bar No.: 65400
Attorney for Respondent

The South Carolina Court of Appeals

Eugene Gathers, Respondent,

v.

Ned Wright, Hattie Wright Gaston, Annie M. Wright, Edward Wright, Samuel Wright, James Wright, Earline Wright Maxwell, Wilmenia Wright, Henry Wright, Oscar Wright, Leroy Wright, Harold Wright, Charles Wright, Samuel Wright, Jr., Ernestine Wright, Henry Wright, Jr., Ernest McKnight, along with John Doe or Mary Roe, fictitious names to designate minors, infants, person of unsound mind, under disability or incompetent. Person in prison, persons in the military service within meaning of Title 50, United States Code, commonly referred to as The Soldiers and Sailors Civil Service Act of 1940, if any, and Richard Roe and Sarah Roe, fictitious names to designate the unknown heirs, devisees, distributees, issue, executors, administrators, successors or assigns of Ned Wright, Hattie Wright Gaston, Annie M. Wright, Edward Wright, Samuel Wright, James Wright, Earline Wright, Wilmenia Wright, Henry Wright, Oscar Wright, Leroy Wright, Harold Wright, Charles Wright, Samuel Wright, Jr., Ernestine Wright, and Henry Wright, Jr., also all other unknown person claiming any right, title, estate of lien upon the real estate which is the subject of this action, Defendants,

of whom Ernest McKnight is the Appellant.

Appellate Case No. 2015-000471

The Honorable J. C. Nicholson, Jr.
Charleston County
Trial Court Case No. 2010cp1000250

FILED
2015 MAR 26 PM 12:02
JULIE J. ARMSTRONG
CLERK OF COURT

ORDER

The notice of appeal in this case was not timely served pursuant to Rule 203(b)(1), SCACR. The notice of appeal was served one day late. The Court cannot extend the time for serving the notice of appeal. Rule 263(b), SCACR. Accordingly, the appeal is dismissed.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

FILED

3-6-15 AS

cc:

Willie Bruce Heyward, Esquire
Jonathan Scott Altman, Esquire



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

March 24, 2015

The Honorable Julie J. Armstrong
100 Broad St Ste 106
Charleston SC 29401-2210

REMITTITUR

Re: Eugene Gathers v. Ned Wright(2)
Lower Court Case No. 2010cp1000250
Appellate Case No. 2015-000471

FILED
2015 MAR 26 PM 12:02
JULIE J. ARMSTRONG
CLERK OF COURT

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny A. Kitchings".

CLERK

Enclosure

cc: Willie Bruce Heyward, Esquire
Jonathan Scott Altman, Esquire

7/21/15
9:43 Am

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

ERNEST MCKNIGHT

Plaintiff

vs.

EUGENE D. GATHERS, ESTATE OF NED WRIGHT, ESTATE OF HATTIE GASDEN, ANNA MICHELLE PORCHER, EDWARD WRIGHT, ESTATE OF SAMUEL WRIGHT, JAMES WRIGHT, ESTATE OF EARLINE WRIGHT MAXWELL, IDA WRIGHT, ESTATE OF WILMINIA WRIGHT, HENRYWRIGHT, JR. ESTATE OF HENRYWRIGHT, ESTATE OF ERNESTINE WRIGHT, ESTATE OF SAMUEL WRIGHT, EDWARD WRIGHT, ESTATE OF JAMES WRIGHT, ESTATE OF OSCAR WRIGHT, MARTHA WRIGHT, ESTATE OF LEROY WRIGHT, ESTATE OF EDWARD WRIGHT, ESTATE OF HAROLD WRIGHT. ESTATE OF CHARLES WRIGHT, JR., ESTATE OF HATTIE WRIGHT GASTON, a/k/a, HATTIE WRIGHT GADSDEN, ESTATE OF EARLINE WRIGHT, ESTATE OF ANNIE WRIGHT; WALTER NATHANIEL PORCHER, III., KEISHA KENYATTA PORCHER, and JOHN DOE and MARY ROE, fictitious names representing unknown minors, incompetents, persons in the military service within the meaning of Title 50, United States Code, commonly referred to as The Service Members Civil Relief Act of 2003, persons imprisoned, and persons under any other legal disability and fictitious names representing unknown heirs, devisees, distributes, or personal representatives of any deceased persons.

Defendants

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

CASE NO: 2015-CP-10- 4071

**LIS PENDENS
(FRAUD)**

FILED
2015 JUL 21 AM 9:19
JULIE J. ARMSTRONG
CLERK OF COURT

NOTICE IS HEREBY given that an action has been commenced and is now pending in

Court of Commons Pleas for Charleston County, pursuant to the provisions of Chapter 53, Title 15, South Carolina Code of Laws for 1976, as amended, commonly known as the "Uniform Declaratory Judgment Act", Chapter 67, and of Articles 1 and 3, Chapter 67, Title 15, and Chapter 61, Title 15, South Carolina Code of Laws for 1976, as amended, for the purpose of obtain a determination of this Court that the plaintiff is an owner of the below described parcel of real estate; to determine adverse claims thereto, if any; and to quiet title thereto in the name of the Plaintiff and others, as tenants in common, and with fee simple title thereto pursuant to the provisions of Rule 71, South Carolina Rules of Civil Procedure.

THE BELOW DESCRIBED parcel of real estate was at the time of the filing of this Lis Pendens, and at the time of the commencement of the action, situated, lying and being in the County of Charleston, State of South Carolina, and is more particularly described as follows:

ALL that certain lot, parcel, or tract pf land situated, lying and being in Adams Run Township, formerly of Colleton County and now of Charleston County, in the State of South Carolina, containing ten and one-fourths acres, more or less, and bounded as follows: North by Jacksonboro Road, east by lands of Abner Young, and on the South and West by lands formerly owned by J.T. Mitchell, now owned by Fitzimons, as will more fully appear when reference is had to plat of property made by Wm. Horne, Surveyor, and dated March 12, 1875.

BEING the same property conveyed to Ned Wright by Deed of Margaret Singleton and J. William Washington dated January 21, 1908, and recorded in the Office of the Register of Deeds for Colleton County in Deed Book 31, at Page 86 on January 30, 1908, and recorded in the Office of Register of Deeds for Charleston County in Deed Book N27, at Page 19.

TMS No.: 245-00-00-026 (Parent Parcel)

AND

All that certain lot, piece, parcel or lot of land, situate, lying and being in St. Paul's Parish, County of Charleston, State of South Carolina, known and designated as Lot 2, on a plat thereof entitled " PLAT OF LANDS OF THE SUBDIVISION OF THE ESTATE OF NED WRIGHT" said plat being dated November 26, 1986 was made by James G. Pennington RLS and recorded in the RMC Office for Charleston County on January 14, 1987 in plat

Book BL, at page 150. The aforesaid plat is made a part and parcel of this description by reference .

TMS: 245-00-00-169

AND

All that certain lot, piece, parcel or lot of land, situate, lying and being in St. Paul's Parish, County of Charleston, State of South Carolina, known and designated as Lot 3, on a plat thereof entitled "PLAT TO SUBDIVIDE THE ESTATE OF NED WRIGHT" said Plat being dated March 4, 1991 and revised on April 16, 1991 and again on May 20, 1991 was made by James G. Pennington RLS and recorded in the RMC Office for Charleston County on July 2, 1991 in plat Book CD at page 47. The aforesaid plat is made a part and Parcel of this description by reference.

Being the same property conveyed to Ned Wright by deed dated January 2, 1908 and Recorded in Book N27 at Page 19 in the RMC Office for Charleston County.

TMS: 245-00-00-183

AND

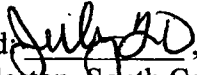
All that certain lot, piece, parcel or lot of land, situate, lying and being in St. Paul's Parish, County of Charleston, State of South Carolina, known and designated as Lot 1, on a plat thereof entitled " PLAT OF LANDS OF NED WRIGHT ESTATE" said plat being dated June 7, 1983 was made by George D. Sample, PE & LS and recorded in the RMC Office for Charleston County on September 6, 1983 in plat Book AY, at page 35. The aforesaid plat is made a part and parcel of this description by reference.

Being the same property conveyed to Ned Wright by deed dated January 2, 1908 and recorded in Book N27 at Page 19 in the RMC Office for Charleston County.

TMS: 245-00-00-031



WILLIE B. HEYWARD
HEIRS PROPERTY LAW CENTER, LLC
27 Gamecock Ave, Suite 200
Charleston, South Carolina 29407
(843) 225-8754
ATTORNEY FOR THE PLAINTIFF

Dated , 2015
Charleston, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

ERNEST MCKNIGHT

Plaintiff

vs.

EUGENE D. GATHERS, ESTATE OF NED WRIGHT, ESTATE OF HATTIE GASDEN, ANNA MICHELLE PORCHER, EDWARD WRIGHT, ESTATE OF SAMUEL WRIGHT, JAMES WRIGHT, ESTATE OF EARLINE WRIGHT MAXWELL, IDA WRIGHT, ESTATE OF WILMINIA WRIGHT, HENRYWRIGHT, JR. ESTATE OF HENRYWRIGHT, ESTATE OF ERNESTINE WRIGHT, ESTATE OF SAMUEL WRIGHT, EDWARD WRIGHT, ESTATE OF JAMES WRIGHT, ESTATE OF OSCAR WRIGHT, MARTHA WRIGHT, ESTATE OF LEROY WRIGHT, ESTATE OF EDWARD WRIGHT, ESTATE OF HAROLD WRIGHT. ESTATE OF CHARLES WRIGHT, JR., ESTATE OF HATTIE WRIGHT GASTON, a/k/a, HATTIE WRIGHT GADSDEN, ESTATE OF EARLINE WRIGHT, ESTATE OF ANNIE WRIGHT; WALTER NATHANIEL PORCHER, III., KEISHA KENYATTA PORCHER, and JOHN DOE and MARY ROE, fictitious names representing unknown minors, incompetents, persons in the military service within the meaning of Title 50, United States Code, commonly referred to as The Service Members Civil Relief Act of 2003, persons imprisoned, and persons under any other legal disability and fictitious names representing unknown heirs, devisees, distributes, or personal representatives of any deceased persons.

Defendants

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

CASE NO: 2015-CP-10-4071

COMPLAINT
(FRAUD)

2015 JUL 21 AM 9:21
JULIE J. ARMSTRONG
CLERK OF COURT

FILED

The Plaintiff would respectfully show unto this Honorable Court:

1. **THAT**, the Plaintiff, ERNEST MCKNIGHT, is a resident of the State of South Carolina.
2. **THAT**, upon information and belief the Defendant, specifically, Anna Wright Procher is a resident of Charleston County, State of South Carolina.
3. **THAT**, by virtue of the subject property being situated in the County of Charleston, State of South Carolina, and the Plaintiff alleges that this Court is possessed with subject matter and in *personam jurisdiction* in this action.
4. **THAT**, the Plaintiff commenced this action against the Defendants named herein and more particularly against the other tenants in common of the subject property and JOHN DOE; adults and MARY ROE, representing infants, insane persons, incompetents, being fictitious names designating a class of persons, know or unknown, who may be heirs, distributes, devisees, legatees, widow, widower, assignees, executors, administrators, creditors, successors, issue, and alienees of any deceased persons herein, and any other persons or entity, known or unknown, claiming any right, title, estate, interest in or lien upon, the parcel of real estate that is the subject of this action, and that it is proper for the Court to appoint a Guardian ad Litem during the pendency of this action to protect any such interests that may exist as to these parties.
5. **THAT**, also joined as Defendants is other persons unknown, claiming any right, title, estate, interest in or lien upon the real estate described in the Complaint herein.
6. **THAT**, the Plaintiff does not know the true names of any Defendants, all persons unknown, claiming any legal or equitable right, title, estate, lien or interest in the property described in the Complaint adverse to Plaintiffs' title or any cloud on Plaintiffs' title, and therefore sues them by those fictitious names. Plaintiffs are informed and believe, and on that basis allege, that each such Defendant claims, or may claim, some interest in the real property described in Paragraph Eight of this Complaint.

7. **THAT**, Anna Porcher is named as a Defendant because Plaintiff believes that they are heirs to the estate of the deceased Defendant, Ned Wright.

8. **THAT**, the real property that is the subject of this action is located in Charleston County, State of South Carolina, and more specifically described as follows:

ALL that certain lot, parcel, or tract pf land situated, lying and being in Adams Run Township, formerly of Colleton County and now of Charleston County, in the State of South Carolina, containing ten and one-fourths acres, more or less, and bounded as follows: North by Jacksonboro Road, east by lands of Abner Young, and on the South and West by lands formerly owned by J.T. Mitchell, now owned by Fitzimons, as will more fully appear when reference is had to plat of property made by Wm. Horne, Surveyor, and dated March 12, 1875.

BEING the same property conveyed to Ned Wright by Deed of Margaret Singleton and J. William Washington dated January 21, 1908, and recorded in the Office of the Register of Deeds for Colleton County in Deed Book 31, at Page 86 on January 30, 1908, and recorded in the Office of Register of Deeds for Charleston County in Deed Book N27, at Page 19.

TMS No.: 245-00-00-026 (Parent Parcel)

AND

All that certain lot, piece, parcel or lot of land, situate, lying and being in St. Paul's Parish, County of Charleston, State of South Carolina, known and designated as Lot 2, on a plat thereof entitled "PLAT OF LANDS OF THE SUBDIVISION OF THE ESTATE OF NED WRIGHT" said plat being dated November 26, 1986 was made by James G. Pennington RLS and recorded in the RMC Office for Charleston County on January 14, 1987 in plat Book BL, at page 150. The aforesaid plat is made a part and parcel of this description by reference .

TMS: 245-00-00-169

AND

All that certain lot, piece, parcel or lot of land, situate, lying and being in St. Paul's Parish, County of Charleston, State of South Carolina, known and designated as Lot 3, on a plat thereof entitled "PLAT TO SUBDIVIDE THE ESTATE OF NED WRIGHT" said Plat being dated March 4, 1991 and revised on April 16, 1991 and again on May 20, 1991 was made by James G. Pennington RLS and recorded in the RMC Office for Charleston County on July 2, 1991 in plat Book CD at page 47. The aforesaid plat is made a part and Parcel of this description by reference.

Being the same property conveyed to Ned Wright by deed dated January 2, 1908 and Recorded in Book N27 at Page 19 in the RMC Office for Charleston County.

TMS: 245-00-00-183

AND

All that certain lot, piece, parcel or lot of land, situate, lying and being in St. Paul's Parish, County of Charleston, State of South Carolina, known and designated as Lot 1, on a plat thereof entitled " PLAT OF LANDS OF NED WRIGHT ESTATE" said plat being dated June 7, 1983 was made by George D. Sample, PE & LS and recorded in the RMC Office for Charleston County on September 6, 1983 in plat Book AY, at page 35. The aforesaid plat is made a part and parcel of this description by reference.

Being the same property conveyed to Ned Wright by deed dated January 2, 1908 and recorded in Book N27 at Page 19 in the RMC Office for Charleston County.

TMS: 245-00-00-031

9. **THAT** the Defendant, Anna Porcher, and/or her predecessors in interest have partitioned the subject property into three (3) separate parcels as depicted on a recorded plat entitled "PLAT OF LANDS OF THE SUBDIVISION OF THE ESTATE OF NED WRIGHT" said plat being dated November 26, 1986 was made by James G. Pennington RLS and recorded in the RMC Office for Charleston County on January 14, 1987 in plat Book BL, at page 150.

10. **THAT**, upon information and belief, Plaintiff believes that the Defendant Anna Michelle Porcher has paid the taxes on the subject property, lives on a portion of the subject property that is designated as TMS Nos:2450000183, 2450000031 and 2450000169 and has made claims and paid taxes on the portion of the property since the partition.

11. **THAT** the Plaintiff still maintains a mortgage on the parcels designated as having TMS Nos.: TMS Nos: 2450000183, TMS Nos: 2450000031 and TMS Nos: 2450000169.

12. **THAT**, the Defendants John Wright, Anna Michelle Porcher and Harold Wright executed mortgage, secured by the subject property, with the Plaintiff as the mortgagee in the amount of Six Thousand One Hundred Seven and 52/100 (\$6,187.52) Dollars Said property being at the time titled in the name of the deceased Ned Wright.

FRAUD

13. **THAT** the Defendant, Eugene D. Gathers was conveyed a portion of the subject property, saving and excepting Lot 1 (.88 Ac.), Lot 2 (.7 Ac.) and Lot 3 (1.0 Ac.), by quitclaim deed of John Wright on August 3, 2010 and recorded in the RMC Office for Charleston County in Book 0137, page 112 on August 6, 2010.

14. **THAT** the interest purportedly conveyed to the grantee, Eugene D. Gathers, by this deed was previously conveyed to the Plaintiff via a mortgage, executed by John Wright, Anna Michelle Porcher and Harold Wright, as mortgagors, until the Note was re-paid. As of the date of the quitclaim deed to Eugene Gathers, said Note remains unpaid.

15. **THAT**, Plaintiff was substituted for John Wright, who died on August 21, 2010, as the Plaintiff in a quiet title and Partition action entitled, "John Wright vs. Ned Wright, et. al., Case No. 2010-CP-10-250". An Order pursuant to a decision in favor of John Wright in that action awarded the larger portion of the subject property to the deceased John Wright. No members of the estate or the Estate of John Wright were named as parties in the in this Order.

16. **THAT** the Defendant Eugene Gathers, (hereinafter "Defendant Gathers"), did submit an Affidavit in support of the decision in favor of John Wright declaring among other things, that he was the son of John Wright and that either he or his predecessor in interest paid the property taxes on the subject property.

17. **THAT** the basis of the court's decision and the pursuant conveyance of a portion of the subject property to Defendant Gathers was the claim by John Wright of Adverse Possession, in that his possession was "...open, notorious, hostile..." for over a period of over twenty years and that his actions amounted to an "ouster" of all other possible claimants.

17. **THAT** the Defendant Gathers knew at the time these assertions were made that they were false and that they were made to induce the court to divest any and all other claimants of their

interest in the subject property including the Plaintiff, Ernest McKnight.

18. **THAT** the required elements of such claimed ouster would fail upon a showing that the property taxes were not paid by Defendant Gathers of John Wright.. See "Fender v. Smashum, 581 S.E.2d 853,(S.C. App (2003))". The elements presented by Plaintiff to the court lacked the required showing of "actual" and "exclusive" possession as against Wright's fellow co-tenants for the requisite twenty (20) year period for implied ouster by possession without the payment of property taxes.

19. **THAT** a portion of the subject property was surveyed and plats recorded in the RMC Office for Charleston County in Plat Books BL-150 (245-00-00-169), CD-97 (245-00-00-183) and AY-35 (245-00-00-031) that is now claimed by the heirs of Henry William Wright, Sr.

20. **THAT** Henry William Wright, Sr. died in Charleston County on June 26, 1997. His estate being probated in Estate File No. 1997-ES-10-0095720. A Deed of Distribution from the Estate of Henry William Wright, Sr. conveyed portions of the subject property as follows:

A. TMS No. 245-00-00-169 to Anna Michelle Porcher (Lot #2)

B. TMS No. 245-00-00-183 to Keisha Kenyatta Porcher (Lot #3)

C. TMS No. 245-00-00-031 to Anna Michelle Porcher (Lot #1)

21. **THAT**, upon information and belief, Keisha Kenyatta Porcher now resides on the parcel designated as having TMS No. 245-00-00-169.

22. **THAT**, upon information and belief, Walter Nathaniel Procher, III now resides on the parcel designated as having TMS No. 245-00-00-183.

23. **THAT**, upon information and belief, Anna Michelle Procher, now resides on the parcel designated as having TMS No.: 245-00-00-031.

24. **THAT** there has never been a judicial determination of the heirs of the deceased title-

holder Ned Wright.

24. **THAT** of the above referenced parcels were included in the mortgage executed by John Wright, Anna Michelle Porcher and Harold Wright in favor of the mortgagee, Earnest McKnight. Said mortgage instrument conveying their interest in the subject property to Earnest McKnight until the outstanding balance of the accompanying Note was paid.

25. **THAT** on Anna Michelle Porcher filed a Motion to Intervene in the Ned Wright action asserting that she had an interest in the subject property, that she paid the property taxes for a portion of the property and that she was a lawful heir of Ned Wright.

26. **THAT** Defendant Gathers filed an affidavit in opposition to this Motion which stated numerous knowingly false statements, such as he and/or his predecessor in interest paying taxes on the subject property to support a claim for adverse possession because of the ouster of all other possible claimants and that his relationship to the deceased John Wright was one of father and son.

27. **THAT** Plaintiff had to secure the services of attorney for the prosecution of this action and asks that he be reimbursed for the costs and fees of doing so.

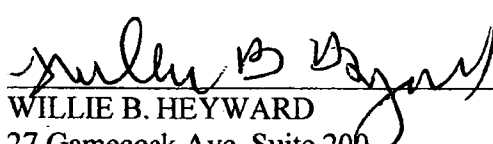
28. **THAT** certain persons were made parties to this action because, upon information and belief, they may have and interest in the subject property as heirs of Ned Wright.

WHEREFORE, Plaintiff requests adjudication by the Honorable Court and declare:

1. **THAT** the deed conveying a portion of the subject property to Eugene Gathers pursuant to the prior quiet title action entitled "John Wright vs, Ned Wright, et. al., Case No. 2010-CP-10-250 ", be set-aside because of the fraudulent assertions of the Defendant Eugene Gathers

2. **THAT** the Court determine the lawful heirs of the deceased title-holder Ned Wright and their respective interest in the subject property.

3. **THAT** Plaintiff be awarded attorney fees and costs for the prosecution of this action.
4. **THAT** the Plaintiff has suffered damages as a result of the fraudulent actions of the Defendant, Eugene Gathers, to include divestment of his interest in the subject property, lost of the value of betterments and the lost of his statutory right of first refusal.
5. And for any other relief that the Court may deem just and proper.



WILLIE B. HEYWARD
27 Gamecock Ave, Suite 200
Charleston, South Carolina 29407
(843) 225-8754
ATTORNEY FOR THE PLAINTIFF

July 20 2015

ED

FILED

2015 AUG 25 PM 4:04

JULIE J. ARNSTRONG
CLERK OF COURT

4789 Savannah Hwy
Ravenel, SC 29470
Telephone (843) 556-8301

Case No: 2015-CP-10-4071 ~~Called~~ Answer

Date: Aug. 25, 2015

Dear MR. Willie Heyward,

This letter is in reference to the above case number. MR. Ernest McKnight continue to curse, and harass our family about heirs property this is not his. I have document a copy of information MR. Ernest McKnight frauded.

Mr. Ernest McKnight have continued to trespass on property that is not his. I have accepted what the court did and beginning to move on.

Mr. Ernest McKnight had done a lot of things to the property he had no right doing. Mr. Willie Heyward my family member called you on several occasion and no return call to this date. The mortgage Mr. Ernest McKnight have ~~has~~ for someone has forged Harold Wright name. Mr. McKnight have been calling me ~~to~~ to meet him at Barnes and Nobles stating that a clerk of court, Master equity and a lawyer was there to signed papers. I called the Clerk of Court and was told no one knows anything about it. I was told not to go. Mr. McKnight

have been bribing my ~~brother~~ brothers but they told him they want no part of his scam. I would like to take legal action against MR. McKnight for harassing our family for a matter that has been close forever. I decided I will joined Eugene Gathers in closing this case forever. Your help in this matter is greatly appreciated.

Sincerely yours,
Mrs. Anna Porcher
Anna Porcher

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
2015-CP-10-04071

Ernest McKnight,)
Plaintiff,)
v.)

Eugene D. Gathers, Estate of Ned)
Wright, Estate of Hattie Gasden,)
Anna Michelle Porcher, Edward)
Wright, Estate of Samuel Wright,)
James Wright, Estate of Earline)
Wright Maxwell, Ida Wright, Estate)
Wilminia Wright, Henry Wright, Jr.,)
Estate of Henry Wright, Estate of)
Ernestine Wright, Estate of Samuel)
Wright, Edward Wright, Estate of)
James Wright, Estate of Oscar)
Wright, Martha Wright, Estate of)
Leroy Wright, Estate of Edward)
Wright, Estate of Harold Wright,)
Estate of Charles Wright, Jr., Estate)
of Hattie Wright Gaston a/k/a Hattie)
Wright Gadsden, Estate of Earline)
Wright, Estate of Annie Wright,)
Walter Nathaniel Porcher, III,)
Keisha Kenyatta Porcher, and John)
Doe and Mary Roe, fictitious names)
representing unknown minors,)
incompetents, persons in the military)
service within the meaning of Title)
50, United States Code, commonly)
referred to as The Service Members)
Civil Relief Act of 2003, persons)
imprisoned, and persons under any)
other legal disability and fictitious)
names representing unknown heirs,)
devisees, distributes, or personal)
representatives of any deceased)
persons,)

Defendants.)

AFFIDAVIT OF ANNA PORCHER

FILED
2015 AUG 28 PM 12:57
JULIE J. ARMSTRONG
CLERK OF COURT

I, Anna Porcher, am a party to the above captioned action and am providing this Affidavit in support of Defendant Eugene D. Gathers' Motion to Dismiss. I join Defendant Gathers and ask the Court to dismiss this case with prejudice for the reasons set forth in said motion. In further support, a handwritten copy of an Answer I intend to file with the Court is attached hereto as Exhibit A. I respectfully request that the Court dismiss this matter and allow this saga to come to a close.

FURTHER AFFIANT SAYETH NOTHING.

Date: Aug 25, 2015

Anna Porcher
Anna Porcher

Sworn to and Subscribed before me
this 25 day of August, 2015.

Paul R. Savini
Notary Public for South Carolina
My Commission Expires: 5.13.19

EXHIBIT A

4789 Savannah Hwy

Ravenel, SC 29470

Telephone (843) 556-8301

Case No: 2015-CP-10-4071 ~~Called~~ Answer

Date: Aug. 25, 2015

Dear MR. Willie Heyward,

This letter is in reference to the above case number. MR. Ernest McKnight Continue to curse, and harass our family about heirs property this is not his. I have document a copy of information MR. Ernest McKnight Frauded.

Mr. Ernest McKnight have continued to trespass on property that is not his. I have accepted what the court did and beginning to move on.

Mr. Ernest McKnight had done a lot of things to the property he had no right doing. Mr. Willie Heyward my family member called you on several occasion and no return call to this date. The mortgage Mr. Ernest McKnight have ~~has~~ for someone has forge Harold Wright name. Mr. McKnight have been calling me ~~and~~ to meet him at Barnes and Nobles. Stating that a clerk of court, Master equity and a lawyer was there to signed papers. I called the Clerk of Court and was told no one knows anything about it. I was told not to go.

have been bribing my ~~both~~ brothers but they told him they want no part of his scam. I would like to take legal action against MA. McKnight for harassing our family for a matter that has been close forever. I decided I will joined Eugene Gathers in closing this case forever. Your help in this matter is greatly appreciated.

Sincerely yours,
Mrs. Anna Porcher
Anna Porcher

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Ernest McKnight,

Plaintiff,

v.

Eugene D. Gathers, et al.,

Defendants.

IN THE COURT OF COMMON PLEAS

CASE NO. 2015-CP-10-04071

MOTION AND ORDER INFORMATION

FORM AND COVER SHEET

Plaintiff's Attorney: Jonathan S. Altman Derfner & Altman, LLC 575 King Street, Suite B Charleston, SC 29403		SC BAR # 65400 Phone: (843) 723-9804 Fax: (843) 723-7446 E-Mail: jaltman@derfneraltman.com	
☒ 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 Dismiss		Court Reporter Needed: ☐ YES / ☒ NO	
Estimated Time Needed: 30 minutes			
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: \$25.00 ☐ 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, SCRCP) ☐ 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
NINTH JUDICIAL CIRCUIT
2015-CP-10-04071

Ernest McKnight,)
Plaintiff,)
v.)

Eugene D. Gathers, Estate of Ned)
Wright, Estate of Hattie Gasden,)
Anna Michelle Porcher, Edward)
Wright, Estate of Samuel Wright,)
James Wright, Estate of Earline)
Wright Maxwell, Ida Wright, Estate)
Wilminia Wright, Henry Wright, Jr.,)
Estate of Henry Wright, Estate of)
Ernestine Wright, Estate of Samuel)
Wright, Edward Wright, Estate of)
James Wright, Estate of Oscar)
Wright, Martha Wright, Estate of)
Leroy Wright, Estate of Edward)
Wright, Estate of Harold Wright,)
Estate of Charles Wright, Jr., Estate)
of Hattie Wright Gaston a/k/a Hattie)
Wright Gadsden, Estate of Earline)
Wright, Estate of Annie Wright,)
Walter Nathaniel Porcher, III,)
Keisha Kenyatta Porcher, and John)
Doe and Mary Roe, fictitious names)
representing unknown minors,)
incompetents, persons in the military)
service within the meaning of Title)
50, United States Code, commonly)
referred to as The Service Members)
Civil Relief Act of 2003, persons)
imprisoned, and persons under any)
other legal disability and fictitious)
names representing unknown heirs,)
devisees, distributes, or personal)
representatives of any deceased)
persons,)
Defendants.)

**DEFENDANT EUGENE D. GATHERS'
MOTION TO DISMISS**

FILED
2015 AUG 28 PM 12:56
JULIE J. ARMSTRONG
CLERK OF COURT

Defendant Eugene D. Gathers (hereinafter "Defendant Gathers") moves for the dismissal of the Complaint herein pursuant to Rule 12 (b)(5) and 12 (b)(6), SCRPC in that, for reasons including those set forth below, Plaintiff has failed to state facts sufficient to constitute a cause of action and has failed to serve Defendant Gathers in accordance with South Carolina Rules of Civil Procedure. The basis for Defendant Gathers' motion includes the following:

A. Res Judicata. The matters at issue were the subject of prior litigation between the parties in Eugene Gathers v. Ned Wright, Hattie Wright Gaston, Annie M. Wright, Edward Wright, Samuel Wright, James Wright, Earline Wright Maxwell, Wilmenia Wright, Henry Wright, Oscar Wright, Leroy Wright, Harold Wright, Charles Wright, Samuel Wright, Jr., Ernestine Wright, Henry Wright, Jr., Ernest McKnight, et al., Case No. 2010-CP-10-00250. A trial in this case was held on November 14, 2014 and resulted in the issuance of an Order by the Honorable J.C. Nicholson, Jr. dated December 29, 2014, a copy of which is attached hereto as Exhibit A. An Order dismissing Plaintiff's appeal from Judge Nicholson's Order is attached hereto as Exhibit B. It is well settled that *res judicata* bars subsequent actions by the same parties when the claims arise out of the same transaction or occurrence that was the subject of a prior action between the same parties, Plum Creek Dev. Co. v. City of Conway, 334 S.C. 30, 512 S.E. 2d 106 (1999); Rogers v. Kunja Knitting Mills, U.S.A., 336 S.C. 537, 520 S.E. 2d 817 (Ct. of App. 1999). Under the doctrine of *res judicata*, Plaintiff's Complaint must be dismissed.

B. Collateral Estoppel. When an issue of fact or law is litigated and determined by a valid and final judgment, the determination is conclusive and a subsequent action between the parties, whether on the same or different claim, McKnaughton-McKay Elec. Co. of NC v. Andrich, 324 S.C. 275, 482 S.E. 2d 564 (Ct. of App. 1996). Collateral Estoppel bars the re-litigation of issues

that were litigated and necessary to the outcome of a prior lawsuit and mandates the dismissal of this action.

C. SCRCP Rule 4. Plaintiff has failed to serve Defendant Gathers with the Summons and Complaint in accordance with Rule 4, SCRCP.

For the foregoing reasons, Defendant Gathers respectfully requests that this case be dismissed with prejudice and an Order be issued barring Plaintiff from filing additional frivolous actions relative to the matters previously litigated.

August 26, 2015



Jonathan S. Altman, Esq.
Derfner & Altman, LLC
575 King Street, Suite B
Charleston, SC 29403

Attorney for Defendant Eugene D. Gathers

EXHIBIT A

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

Eugene Gathers,)
Plaintiff,)
vs.)

Ned Wright, Hattie Wright Gaston,)
Annie M. Wright, Edward Wright,)
Samuel Wright, James Wright,)
Earline Wright Maxwell, Wilmenia)
Wright, Henry Wright, Oscar Wright,)
Leroy Wright, Harold Wright,)
Charles Wright, Samuel Wright, Jr.,)
Ernestine Wright, Henry Wright, Jr.,)
Ernest McKnight, along with John)
Doe or Mary Roe, fictitious names to)
designate minors, infants, persons of)
unsound mind, under disability or)
incompetent, persons in prison,)
persons in the military service within)
meaning of Title 50, United States)
Code, commonly referred to as The)
Soldiers and Sailors Civil Service Act)
of 1940, if any, and Richard Roe and)
Sarah Roe, fictitious names to)
designate the unknown heirs,)
devisees, distributees, issue,)
executors, administrators, successors)
or assigns of Ned Wright, Hattie)
Wright Gaston, Annie M. Wright,)
Edward Wright, Samuel Wright,)
James Wright, Earline Wright,)
Wilmenia Wright, Henry Wright,)
Oscar Wright, Leroy Wright, Harold)
Wright, Charles Wright, Samuel)
Wright, Jr., Ernestine Wright, and)
Henry Wright, Jr., also all other)
unknown persons claiming any right,)
title, estate or lien upon the real estate)
which is the subject of this action,)

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2010-CP-10-00250

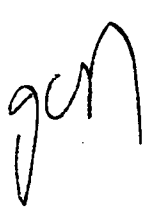
ORDER

FILED
2014 DEC 30 PM 00:24
JULIE J. ARMSTRONG
CLERK OF COURT

FILED
2015 JAN -6 PM 1:57
JULIE J. ARMSTRONG
CLERK OF COURT

The trial of the above captioned matter was held on November 14, 2014. Present were counsel for Plaintiff, Jonathan S. Altman, counsel for Defendant Ernest McKnight, Willie B. Heyward, and Defendant Ernest McKnight (hereinafter "Defendant McKnight"). From the testimony and evidence, I find and conclude as follows:

Findings of Fact and Conclusions of Law

- 
1. The Lis Pendens, Summons, and Complaint were filed on January 12, 2010.
 2. Defendant McKnight filed an Answer and Counterclaim asserting claims for Adverse Possession, Foreclosure of Mortgage, and Reimbursement of Taxes on March 18, 2010.
 3. A Consent Order dismissing Defendant McKnight's counterclaim for Adverse Possession and preserving Defendant McKnight's counterclaims for Foreclosure of Mortgage and Reimbursement of Taxes was filed on August 2, 2010.
 4. An Order granting Plaintiff's Motion for Summary Judgment as to all Defendants except Defendant McKnight was issued on April 21, 2011. This Order quieted title to the subject property and preserved Defendant McKnight's counterclaims for Foreclosure of Mortgage and Reimbursement of Taxes as the sole pending claims in this action.
 5. The real property (hereinafter the "property") which is the subject of this action is situated in Charleston County, South Carolina, more particularly described as follows:

6.94 Acres on the southside of U.S. Hwy 17 in the Rantowles area of Paul's Parish, Charleston County, S.C., and designated as per "Plat of lands of Ned Wright..." by George D. Sample, P.E. and L.S., depicting 9.5 Acres dated June 8, 1981, and recorded in Plat Book AU, Page 9, RMC Office for Charleston County.

SAVING AND EXCEPTING Lot 1 (.88 ac), Lot 2 (7ac), and Lot 3 (1.0 ac) all in the Northwest Moeity of said Tract previously conveyed.

Portion of TMS No. 245-00-00-026

6. Plaintiff acquired the property by deed of conveyance from John Wright dated August 3, 2010 and recorded in the RMC Office for Charleston County on August 6, 2010 in Deed Book 0137, at Page 112.

7. On September 25, 2003, Plaintiff's predecessor in title, John Wright, and Anna Michelle Porcher, and Harold L. Wright executed a Note to Defendant McKnight in the amount of Six Thousand One Hundred Eighty-Seven Dollars and 52/100 Cents (\$6,187.52). Said Note was secured by a Mortgage on the 9.5 acres shown on a plat by George D. Sample entitled "Plat of Lands of Ned Wright Estate dated June 8, 1981 and recorded in Plat Book AU, Page 9, RMC Office for Charleston County." Plaintiff's property comprises seventy-three percent (73%) of the original 9.5 acre tract secured by the mortgage held by Defendant McKnight.

8. At the trial of this case, the parties stipulated that the full balance of the Note remained outstanding. This Note was to bear interest at the rate of eight percent (8%) per annum. The parties further agreed that the total amount due under said Note as of the date of trial was Eleven Thousand Six Hundred Thirty-Two Dollars and 54/100 Cents (\$11,632.54). Seventy-three percent (73%) of this sum is Eight Thousand Four Hundred Ninety-One Dollars and 76/100 cents (\$8,491.76) which represents the amount due to Defendant McKnight from Plaintiff under the Note.

9. In addition to his counterclaim for Foreclosure of Mortgage, Defendant McKnight sought reimbursement for payment of real property taxes as to parcel number 245-00-00-026. Said parcel comprises the entire 9.5 acres referenced herein.

10. At the trial, Defendant McKnight produced two (2) checks in the respective amounts of One Thousand Eight Hundred Fifty-Five Dollars and 93/100 Cents (\$1,855.93) and One Thousand Five Hundred Ninety-Seven Dollars and 54/100 Cents (\$1,597.54) which Defendant

McKnight maintained represented payment of real property taxes for tax years 2008 and 2009. Said amounts were consistent with the property tax records for Charleston County for parcel number 245-00-00-026. Plaintiff's counsel stipulated that said checks represented the payment of real property taxes for this parcel. These two (2) payments total Three Thousand Four Hundred Fifty-Three Dollars and 47/100 Cents (\$3,453.47). Plaintiff is responsible for seventy-three percent (73%) of this sum or Two Thousand Five Hundred Twenty-One Dollars and 04/100 Cents (\$2,521.04).

11. The parties further stipulated that Defendant McKnight also attempted to pay real property taxes for tax year 2013 in the amount of \$1,633.47. Plaintiff's counsel is holding said sum in trust as said payment had previously been made by Plaintiff. Plaintiff stipulated that said sum would be reimbursed to Defendant McKnight.

IT IS THEREFORE ORDERED THAT the property described herein, as set forth in the lis pendens is vested in the name of Eugene Gathers; and

IT IS FURTHER ORDERED THAT the following sums are due to Defendant McKnight from Plaintiff under his counterclaims for Foreclosure of Mortgage and Reimbursement of Taxes:

- a. \$8,491.76 due under the Note;
- b. \$2,521.04 for reimbursement of taxes; and
- c. \$1,633.47 for tax year 2013.

Total: \$12,646.27

Upon payment of this sum, either to Defendant McKnight or to the Clerk of Court, if Defendant McKnight refuses to accept said payment, Defendant McKnight's Mortgage shall be satisfied of record as to Plaintiff's parcel.

IT IS FURTHER ORDERED THAT the title to the property, more particularly described below, is hereby quieted in the name of Eugene Gathers who is the owner of one hundred percent (100%) undivided interest in fee simple with all rights, title, and interest therein:

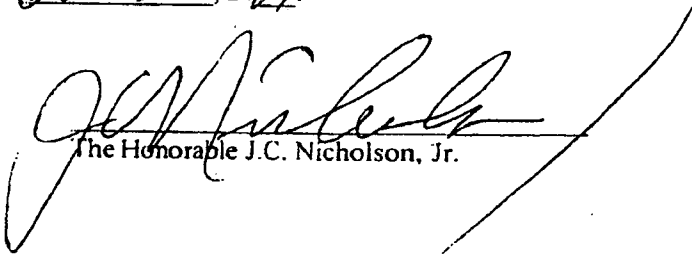
6.94 Acres on the southside of U.S. Hwy 17 in the Rantowles area of Paul's Parish, Charleston County, S.C., and designated as per "Plat of lands of Ned Wright..." by George D. Sample, P.E. and L.S., depicting 9.5 Acres dated June 8, 1981, and recorded in Plat Book AU, Page 9, RMC Office for Charleston County.

SAVING AND EXCEPTING Lot 1 (.88 ac), Lot 2 (7ac), and Lot 3 (1.0 ac) all in the Northwest Moeity of said Tract previously conveyed.

Portion of TMS No. 245-00-00-026

IT IS FURTHER ORDERED THAT Plaintiff's interest in the subject property shall be to the exclusion of any other party claiming any right, title, or interest therein.

IT IS SO ORDERED this 29 day of DEC., 2014


The Honorable J.C. Nicholson, Jr.

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2010-CP-10-0250

Eugene Gaithers
PLAINTIFF(S)

SCN
GATHERS

Ned Wright et al.
DEFENDANT(S)

Submitted by:

Attorney for: ☐ Plaintiff 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 Decision 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)
Ernest McKnight	Eugene Gaithers GATHERS	\$12,646.27 (counterclaim)

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.

SCN
Circuit Court Judge

2117
Judge Code

12/29/14
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

EXHIBIT B

The South Carolina Court of Appeals

Eugene Gathers, Respondent,

v.

Ned Wright, Hattie Wright Gaston, Annie M. Wright, Edward Wright, Samuel Wright, James Wright, Earline Wright Maxwell, Wilmenia Wright, Henry Wright, Oscar Wright, Leroy Wright, Harold Wright, Charles Wright, Samuel Wright, Jr., Ernestine Wright, Henry Wright, Jr., Ernest McKnight, along with John Doe or Mary Roe, fictitious names to designate minors, infants, person of unsound mind, under disability or incompetent. Person in prison, persons in the military service within meaning of Title 50, United States Code, commonly referred to as The Soldiers and Sailors Civil Service Act of 1940, if any, and Richard Roe and Sarah Roe, fictitious names to designate the unknown heirs, devisees, distributees, issue, executors, administrators, successors or assigns of Ned Wright, Hattie Wright Gaston, Annie M. Wright, Edward Wright, Samuel Wright, James Wright, Earline Wright, Wilmenia Wright, Henry Wright, Oscar Wright, Leroy Wright, Harold Wright, Charles Wright, Samuel Wright, Jr., Ernestine Wright, and Henry Wright, Jr., also all other unknown person claiming any right, title, estate of lien upon the real estate which is the subject of this action, Defendants,

of whom Ernest McKnight is the Appellant.

Appellate Case No. 2015-000471

The Honorable J. C. Nicholson, Jr.
Charleston County
Trial Court Case No. 2010cp1000250

ORDER

The notice of appeal in this case was not timely served pursuant to Rule 203(b)(1), SCACR. The notice of appeal was served one day late. The Court cannot extend the time for serving the notice of appeal. Rule 263(b), SCACR. Accordingly, the appeal is dismissed.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:

Willie Bruce Heyward, Esquire
Jonathan Scott Altman, Esquire

FILED

3-6-15 AS

D · & · A

DERFNER
& ALTMAN

August 26, 2015

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

RE: Ernest McKnight v. Eugene D. Gathers, et al.
Case No.: 2015-CP-10-04071

Dear Madam Clerk:

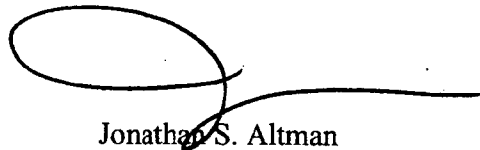
Please find enclosed an original and one copy of the following relative to the above referenced case:

1. Motion Cover Sheet;
2. Defendant Eugene D. Gathers' Motion to Dismiss; and
3. Affidavit of Anna Porcher.

Also enclosed is my firm's check in the amount of \$25.00 relative to the filing fee for the aforementioned motion. Please file the original and return a clocked-in copy to me in the enclosed self-addressed stamped envelope. Please contact me if you have any questions regarding the above.

Yours Very Truly,

DERFNER & ALTMAN, LLC



Jonathan S. Altman

JSA/rs

Enclosures

cc: Willie B. Heyward, Esq.
Eugene D. Gathers

ARMAND DERFNER | SAMUEL H. ALTMAN | JONATHAN S. ALTMAN

843.723.9804 (PHONE) | 843.723.7446 (FAX) | 575 KING STREET | SUITE B | CHARLESTON, S.C. 29403 | WWW.DERFNERALTMAN.COM

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

EARNEST MCKNIGHT

Plaintiff

EUGENE D, GATHERS, ESTATE OF NED WRIGHT, ESTATE OF HATTIE GASDEN, ANNA MICHELLE PORCHER, EDWARD WRIGHT, ESTATE OF SAMUEL WRIGHT, JAMES WRIGHT, ESTATE OF EARLINE WRIGHT MAXWELL, IDA WRIGHT, ESTATE OF WILMINIA WRIGHT, HENRY WRIGHT, JR. ESTATE OF HENRY WRIGHT, ESTATE OF ERNESTINE WRIGHT, ESTATE OF SAMUEL WRIGHT, EDWARD WRIGHT, ESTATE OF JAMES WRIGHT, ESTATE OF OSCAR WRIGHT, MARTHA WRIGHT, ESTATE OF LEROY WRIGHT, ESTATE OF EDWARD WRIGHT, ESTATE OF HAROLD WRIGHT. ESTATE OF CHARLES WRIGHT, JR., ESTATE OF HATTIE WRIGHT GASTON, a/k/a, HATTIE WRIGHT GADSDEN,, ESTATE OF EARLINE WRIGHT, ESTATE OF ANNIE WRIGHT; WALTER NATHANIEL PORCHER, III., KEISHA KENYATTA PROCHER, and JOHN DOE and MARY ROE, fictitious names representing unknown minors, incompetents, persons in the military service within the meaning of Title 50, United States Code, commonly referred to as The Service Members Civil Relief Act of 2003, persons imprisoned, and persons under any other legal disability and fictitious names representing unknown heirs, devisees, distributes, or personal representatives of any deceased persons.

Defendants

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

15-CP-10-4071

PLAINTIFF'S RETURN TO
DEFENDANT GATHERS' MOTION TO
DISMISS

FILED
2015 SEP 25 PM 4:02
JULIE J. ARMSTRONG
CLERK OF COURT

THAT, the Plaintiff, **EARNEST MCNIGHT**, above-named, through his undersigned attorney, **WILLIE B. HEYWARD**, responds to the Motion to Dismiss of Defendant **EUGENE**

D. GATHERS, and would respectfully show unto this Honorable Court the following:

FOR A FIRST DEFENSE

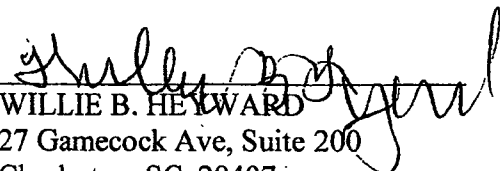
1. Res Judicata – The Defendant's assertion that the present action is barred because the matters at issue are barred by the doctrine of Res Judicata because the issues were the subject of prior litigation is without merit. The prior litigation, of which the plaintiff was a party resulted in an order dated December 29, 2014 that was issued as a result of a summary judgment decision. The basis for the judgment, awarding the Defendant Gathers the real property that was the subject of the quiet title action, was the affidavit submitted by Defendant Gathers that asserted that he and/or his predecessor in interest paid the property taxes for the statutorily required period of time to satisfy ouster and vest title in Defendant Gathers through adverse possession.
2. The assertions made in the affidavit by Defendant Gathers were false and knowingly made to induce the court to confirm title to the property in Defendant Gathers.
3. Collateral Estoppel The responding Plaintiff also denies the Defendant's allegations that the issue concerning the payment of real property taxes is precluded because of the Doctrine of Collateral Estoppel because of the nature of the prior action was one of summary judgment fact/evidences presented to the court were not subject to challenge and the Plaintiff McKnight, although a party to the prior action, was not involved in the summary judgment proceedings.
4. In addition, the Order of the South Carolina Court of Appeals specifically preserved any all rights that Plaintiff McKnight could assert against Defendant Gathers
5. The responding Plaintiff also denies any and all other allegations not specifically admitted, qualified or denied.

PRAYER

Wherefore, Plaintiff prays that this Court look into this matter and issue an Order as follows:

1. That this Court determine the rights and responsibilities of the parties in respect to this action is the subject of this action; and
2. That this action proceeds for a full adjudication of the issues presented in this matter, and;
3. And for any other relief that the Court finds equitable, just and proper.

Dated this 22 day of September, 2015, at Charleston, South Carolina.


WILLIE B. HEYWARD
27 Gamecock Ave, Suite 200
Charleston, SC 29407
(843) 225-8754
ATTORNEY FOR PLAINTIFF

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

ERNEST MCKNIGHT

Plaintiff

vs.

EUGENE D. GATHERS, ESTATE OF NED WRIGHT, ESTATE OF HATTIE GASDEN, ANNA MICHELLE PORCHER, EDWARD WRIGHT, ESTATE OF SAMUEL WRIGHT, JAMES WRIGHT, ESTATE OF EARLINE WRIGHT MAXWELL, IDA WRIGHT, ESTATE OF WILMINIA WRIGHT, HENRYWRIGHT, JR. ESTATE OF HENRYWRIGHT, ESTATE OF ERNESTINE WRIGHT, ESTATE OF SAMUEL WRIGHT, EDWARD WRIGHT, ESTATE OF JAMES WRIGHT, ESTATE OF OSCAR WRIGHT, MARTHA WRIGHT, ESTATE OF LEROY WRIGHT, ESTATE OF EDWARD WRIGHT, ESTATE OF HAROLD WRIGHT. ESTATE OF CHARLES WRIGHT, JR., ESTATE OF HATTIE WRIGHT GASTON, a/k/a, HATTIE WRIGHT GADSDEN, ESTATE OF EARLINE WRIGHT, ESTATE OF ANNIE WRIGHT; WALTER NATHANIEL PORCHER, III., KEISHA KENYATTA PORCHER, and JOHN DOE and MARY ROE, fictitious names representing unknown minors, incompetents, persons in the military service within the meaning of Title 50, United States Code, commonly referred to as The Service Members Civil Relief Act of 2003, persons imprisoned, and persons under any other legal disability and fictitious names representing unknown heirs, devisees, distributes, or personal representatives of any deceased persons.

Defendants

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

CASE NO: 2015-CP-10-4071

**CERTIFICATE OF SERVICE
(FRAUD)**

BY _____

JULIE J. ARMSTRONG
CLERK OF COURT

2015 SEP 25 PM 4:02

FILED

The undersigned hereby certifies that she is the Office Assistant for Attorney Willie B. Heyward, Heirs Property Law Center, LLC for the above-named Plaintiffs and that she is a person of such age and discretion as to be competent to serve papers.

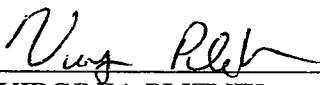
That on September 23, 2015, she served a copy of the following document(s) in the above-entitled case by faxing and placing said copy in a post-paid envelope addressed to Attorney Jonathan Scott Altman, Attorney of Record for Defendant Eugene D. Gathers, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail in Charleston, South Carolina.

DOCUMENTS:

Plaintiff's Return to Defendant's Motion to Dismiss

ADDRESSEE(s)

Jonathan S. Altman
Derfner & Altman, LLC
575 King Street, Suite B
Charleston, SC 29403
Fax (843) 723-7446



VIRGINIA PLITNIK
Office Assistant
Heirs Property Law Center

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
2015-CP-10-04071

Ernest McKnight,)
Plaintiff,)
v.)

Eugene D. Gathers, Estate of Ned)
Wright, Estate of Hattie Gasden,)
Anna Michelle Porcher, Edward)
Wright, Estate of Samuel Wright,)
James Wright, Estate of Earline)
Wright Maxwell, Ida Wright, Estate)
Wilminia Wright, Henry Wright, Jr.,)
Estate of Henry Wright, Estate of)
Ernestine Wright, Estate of Samuel)
Wright, Edward Wright, Estate of)
James Wright, Estate of Oscar)
Wright, Martha Wright, Estate of)
Leroy Wright, Estate of Edward)
Wright, Estate of Harold Wright,)
Estate of Charles Wright, Jr., Estate)
of Hattie Wright Gaston a/k/a Hattie)
Wright Gadsden, Estate of Earline)
Wright, Estate of Annie Wright,)
Walter Nathaniel Porcher, III,)
Keisha Kenyatta Porcher, and John)
Doe and Mary Roe, fictitious names)
representing unknown minors,)
incompetents, persons in the military)
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imprisoned, and persons under any)
other legal disability and fictitious)
names representing unknown heirs,)
devisees, distributes, or personal)
representatives of any deceased)
persons,)

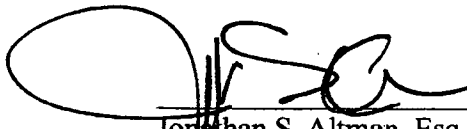
Defendants.)

NOTICE OF HEARING

FILED
2015 OCT 15 PM 3:51
JULIE J. ARMSTRONG
CLERK OF COURT
BY

YOU WILL PLEASE TAKE NOTICE that a hearing relative to Defendant Eugene Gathers' Motion to Dismiss in the above referenced case will be held before the Honorable J.C. Nicholson, Jr. at 2:30 p.m. on Thursday, November 12, 2015, at the Charleston County Courthouse, located at 100 Broad Street, Charleston, South Carolina, 29401 in Courtroom 3E.

October 12, 2015



Jonathan S. Altman, Esq.
Derfner & Altman, LLC
575 King Street, Suite B
Charleston, SC 29403

Attorney for Defendant Eugene Gathers

D · & · A

DERFNER
& ALTMAN

October 12, 2015

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

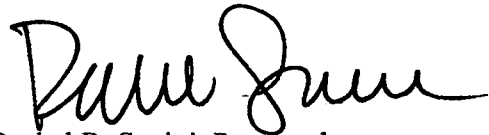
RE: Ernest McKnight v. Eugene D. Gathers, et al.
Case No.: 2015-CP-10-04071

Dear Madam Clerk:

Please find enclosed an original and one copy of a Notice of Hearing relative to the above referenced case. Please file the original and return a clocked-in copy to me in the enclosed self-addressed stamped envelope. Please contact me if you have any questions regarding the above.

Yours Very Truly,

DERFNER & ALTMAN, LLC



Rachel R. Savini, Paralegal
Assistant to Jonathan S. Altman, Esq.

/rs

Enclosures

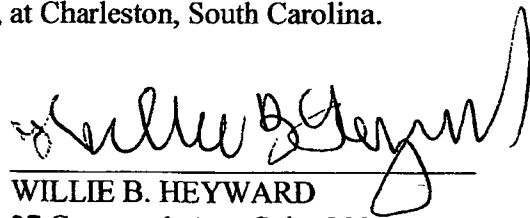
STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	NINTH JUDICIAL CIRCUIT
EARNEST MCKNIGHT Plaintiff	Case No.: 2015-CP-10-04071
EUGENE D. GATHERS, ESTATE OF NED WRIGHT, ESTATE OF HATTIE GASDEN, ANNA MICHELLE PORCHER, EDWARD WRIGHT, ESTATE OF SAMUEL WRIGHT, JAMES WRIGHT, ESTATE OF EARLINE WRIGHT MAXWELL, IDA WRIGHT, ESTATE OF WILMINIA WRIGHT, HENRYWRIGHT, JR. ESTATE OF HENRYWRIGHT, ESTATE OF ERNESTINE WRIGHT, ESTATE OF SAMUEL WRIGHT, EDWARD WRIGHT, ESTATE OF JAMES WRIGHT, ESTATE OF OSCAR WRIGHT, MARTHA WRIGHT, ESTATE OF LEROY WRIGHT, ESTATE OF EDWARD WRIGHT, ESTATE OF HAROLD WRIGHT. ESTATE OF CHARLES WRIGHT, JR., ESTATE OF HATTIE WRIGHT GASTON, a/k/a, HATTIE WRIGHT GADSDEN,, ESTATE OF EARLINE WRIGHT, ESTATE OF ANNIE WRIGHT; WALTER NATHANIEL PORCHER, III., KEISHA KENYATTA PROCHER, and JOHN DOE and MARY ROE, fictitious names representing unknown minors, incompetents, persons in the military service within the meaning of Title 50, United States Code, commonly referred to as The Service Members Civil Relief Act of 2003, persons imprisoned, and persons under any other legal disability and fictitious names representing unknown heirs, devisees, distributes, or personal representatives of any deceased persons. Defendants	PLAINTIFF'S MOTION TO SET-ASIDE ORDER 2016 JAN -6 PM 4:40 JULIE J. ARMSTRONG CLERK OF COURT FILED

This action was filed on July 21, 2015 alleging fraud on the part of the Defendant, Eugene Gathers, as to his sworn affidavit offered in a prior quiet title action, filed in Charleston County captioned John Wright vs. Ned Wright. et. al., Case No. 2010-CP-10-250. Plaintiff's counsel in that matter, Jonathan Altman, is also Plaintiff's counsel in the present fraud action. The recent order of the court, dated December 21, 2015 by the Hon. R. Markley Dennis, Chief Administrative Judge, directing the Clerk of Court to destroy all remaining exhibits in the original quiet title action would deprive the Plaintiff in this action of crucial evidence in support of his fraud claim. Eugene Wright is the successor in interest to the Plaintiff in the original quiet title action.

There was a hearing on the Defendant's counsel's motion for a dismissal of the present action on November 12, 2015 and no Order has been issued, as of the date of this motion, as to the Court's decision in that matter.

For the foregoing reasons and the interest of justice I request that the Order directed to the Clerk of Court to destroy all remaining exhibits dated December 21, 2015 by the Hon. R. Markley Dennis be set-aside until the issues presented in the present action are resolved.

Dated this 31st day of December 2015, at Charleston, South Carolina.



WILLIE B. HEYWARD
27 Gamecock Ave, Suite 200
Charleston, SC 29407
(843) 225-8754
ATTORNEY FOR PLAINTIFF

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
In the Court of Common Pleas

ORDER

IT APPEARING that final judgment has been entered in the following cited cases and appeal time has elapsed; and

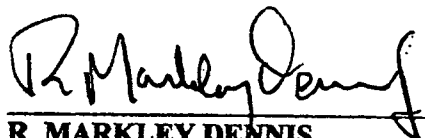
IT APPEARING to the Court that exhibits introduced in the following cited cases no longer need to be retained by the Clerk of Court pursuant to Rule 606 SACR.

IT IS THEREFORE ORDERED that Julie J. Armstrong, Clerk of Court, for Charleston County is hereby authorized to destroy all remaining exhibits in the following cited cases thirty days after the filing of this order.

CIVIL CASE NUMBERS:

2003-CP-10-3689	2008-CP-10-6117	2010-CP-10-10347	2012-CP-10-4064
2004-CP-10-4671	2009-CP-10-0650	2010-CP-10-10487	2012-CP-10-4149
2005-CP-10-2434	2009-CP-10-2478	2011-CP-10-1243	2012-CP-10-4281
2005-CP-10-2537	2009-CP-10-6185	2011-CP-10-1343	2012-CP-10-4503
2006-CP-10-2180	<u>2010-CP-10-0250</u>	2011-CP-10-2310	2012-CP-10-6817
2006-CP-10-4773	2010-CP-10-0881	2011-CP-10-2368	2012-CP-10-7630
2007-CP-10-3472	2010-CP-10-1843	2011-CP-10-9319	
2007-CP-10-4692	2010-CP-10-3760	2011-CP-10-9543	
2008-CP-10-0049	2010-CP-10-9837	2012-CP-10-0333	
2008-CP-10-1933	2010-CP-10-9959	2012-CP-10-2886	

IT IS SO ORDERED


R. MARKLEY DENNIS
CHIEF ADMINISTRATIVE JUDGE
COMMON PLEAS
NINTH JUDICIAL CIRCUIT

CHARLESTON, SOUTH CAROLINA
12/21, 2015

2015 DEC 22 AM 9:19
JULIE J. ARMSTRONG
CLERK OF COURT

FILED

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2015-CP-10-4071

Ernest McKnight

Eugene D. Gathers

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: This matter came before this Court on Defendant's Motion to Dismiss filed on August 28, 2015 and was argued before this Court on November 12, 2015. Upon review, Defendant's Motion is granted pursuant to the doctrine of *res judicata*.

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)
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

2117
Judge Code

Date

1/21/16

APPEAL IN A CIVIL CASE
THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Honorable Kristi L. Harrington

Case No.: 2016-CP-10-3504

Ernest McKnight.....Appellant,

v.

Anna Michelle Porcher, Eugene D. Gathers, Estate of Ned Wright, Estate of Hattie Gasden, Edward Wright, Estate of Samuel Wright, James Wright, Estate of Earline Wright Maxwell, Ida Wright, Estate of Wileminia Wright, Henry Wright, Jr., Estate of Henry Wright, Estate of Ernestine Wright, Estate of Samuel Wright, Edward Wright, Estate of James Wright, Estate of Oscar Wright, Martha Wright, Estate of Leroy Wright, Estate of Edward Wright, Estate of Harold Wright, Estate of Charles Wright, Jr., Estate of Hattie Wright Gaston a/k/a Hattie Wright Gadsden, Estate of Earline Wright, Estate of Annie Wright, Walter Nathaniel Porcher, III, Keisha Kenyatta Porcher, and John Doe and Mary Roe, fictitious names representing unknown minors, incompetents, persons in the military service within the meaning of Title 50, United States Code, commonly referred to as the Service Members Civil Relief Act of 2003, persons imprisoned, and persons under any other legal disability and fictitious names representing unknown heirs, devisees, distributes, of personal representatives of any deceased persons, Respondents.

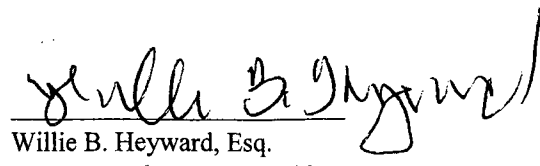
CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Supplemental Record on Appeal contains all material proposed to be included by the parties and not any other material under Rule 210, SCACR.

RECEIVED

JUL 01 2019

SC Court of Appeals

A handwritten signature in black ink, appearing to read "Willie B. Heyward", is written over a horizontal line.

Willie B. Heyward, Esq.
27 Gamecock Ave., Ste. 200
Charleston, SC 29407
(843) 225-8754
Attorney for the Appellant
SC Bar No.11063

June 26, 2019