

21384

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
AUG 11 2014
SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2012CP1005112
Appellate Case No. 2013-002108

Essie B. Bryan,

Appellant,

v.

Charleston County and C.A. Roberds,

Respondents,

v.

C.A. Roberds,

Respondent,

v.

Ernest Kinloch d/b/a Ernie's Restaurant,

Third Party Defendant.

RECORD ON APPEAL

Other Counsel of Record:

Kerry W. Koon, Esquire
147 Wappoo Creek Drive
Wappoo Center, Suite 203
Charleston, SC 29412
(843) 795-7000
Attorney for Respondent Roberds

Bernard E. Ferrera, Jr., Esquire
Lonnie Hamilton, III Public Services Building
4045 Bridge View Drive
North Charleston, SC 29405
Attorney for Respondent Charleston County

Joseph Dawson, III, County Attorney
Austin A. Bruner, Assistant County Attorney
Johanna S. Gardner, Assistant County Attorney

Robert L. Gailliard, Esquire
1072 King Street, Suite E
Charleston, SC 29403
(843) 577-5250
Attorney for Appellant

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Order of April 26, 2013

Order for Appointment of Receiver, Essie B. Bryan, Plaintiff, v. Charleston County and C.A. Roberds, Third Party Plaintiff, v. Ernest Kinloch d/b/a Ernie's Restaurant, Third Party Defendant, Honorable Mikell R. Scarborough, Master in Equity, Ninth Judicial Circuit

Order of September 10, 2013

Order Granting Summary Judgment, Essie B. Bryan, Plaintiff, v. Charleston County and C.A. Roberds, Third Party Plaintiff, v. Ernest Kinloch d/b/a Ernie's Restaurant, Third Party Defendant, Honorable Mikell R. Scarborough, Master in Equity, Ninth Judicial Circuit

Pleadings

Summons, Essie B. Bryan, Plaintiff, vs. Charleston County and C.A. Roberds, Defendants, Robert L. Gailliard, Attorney for the Plaintiff

Summons, Essie B. Bryan, Plaintiff, v. Charleston County and C.A. Roberds, Defendants, C.A. Roberds, Third Party Plaintiff, v. Ernest Kinloch d/b/a/ Ernie's Restaurant, Third Party Defendant, Kerry W. Koon, Attorney for Defendant Roberds/Third Party Plaintiff

Complaint, Essie B. Bryan, Plaintiff, vs. Charleston County and C.A. Roberds, Defendants, Robert L. Gailliard, Attorney for the Plaintiff

Answer & Counterclaim, Essie B. Bryan, Plaintiff, v. Charleston County and C.A. Roberds, Defendants, C.A. Roberds, Third Party Plaintiff, v. Ernest Kinloch d/b/a/ Ernie's Restaurant, Third Party Defendant, Kerry W. Koon, Attorney for Defendant Roberds/Third Party Plaintiff

Answer, Essie B. Bryan, Plaintiff, v. Charleston County and C.A. Roberds, Defendants, C.A. Roberds, Third Party Plaintiff, v. Ernest Kinloch d/b/a/ Ernie's Restaurant, Third Party Defendant, Robert L. Gailliard, Attorney for Third Party Defendant, Ernest Kinloch d/b/a Ernie's Restaurant

Reply, Essie B. Bryan, Plaintiff, v. Charleston County and C.A. Roberds, Defendants, C.A. Roberds, Third Party Plaintiff, v. Ernest Kinloch d/b/a/ Ernie's Restaurant, Third Party Defendant, Robert L. Gailliard, Attorney for Third Party Defendant, Ernest Kinloch d/b/a Ernie's Restaurant

Transcript

Essie B. Bryan, Plaintiff, vs. Charleston County and C.A. Roberds, Defendants vs. Ernie Kinloch, Third Party Plaintiff, Robert Gailliard, Esq. Attorney for the Plaintiff, Kerry W. Koon, Esq., Attorney for Defendant, Bernard E. Ferrara, Jr., Esq., Attorney for the County

Discovery

Defendant and Third Party Plaintiff C.A. Roberd's First Request for Admissions to Plaintiff Essie B. Bryan, Essie B. Bryan, Plaintiff, v. Charleston County and C.A. Roberds, Defendants, C.A. Roberds, Third Party Plaintiff, v. Ernest Kinloch d/b/a/ Ernie's Restaurant, Third Party Defendant, Kerry W. Koon, Attorney for Defendant and Third Party Defendant C.A. Roberds

Requests for Admissions of Charleston County to Plaintiff, Essie. B. Bryan, Plaintiff, vs. Charleston County and C.A. Roberds, Defendants, Bernard E. Ferrara, Jr., Esquire, Attorney for Defendant

Defendant and Third Party Plaintiff C.A. Roberd's First Interrogatories to Plaintiff Essie

B. Bryan, Essie B. Bryan, Plaintiff, v. Charleston County and C.A. Roberds, Defendants,
C.A. Roberds, Third Party Plaintiff, v. Ernest Kinloch d/b/a/ Ernie's Restaurant, Third
Party Defendant, Kerry W. Koon, Attorney for Defendant and Third Party Defendant C.A.
Roberds

**Defendant and Third Party Plaintiff Roberds' First Supplemental Interrogatories to
Plaintiff and Third Party Defendant**, Essie B. Bryan, Plaintiff, v. Charleston County and
C.A. Roberds, Defendants, C.A. Roberds, Third Party Plaintiff, v. Ernest Kinloch d/b/a/
Ernie's Restaurant, Third Party Defendant, Kerry W. Koon, Attorney for Defendant and
Third Party Plaintiff Roberds

**Defendant and Third Party Plaintiff C.A. Roberd's First Request for Production to
Plaintiff Essie B. Bryan**, Essie B. Bryan, Plaintiff, v. Charleston County and C.A. Roberds,
Defendants, C.A. Roberds, Third Party Plaintiff, v. Ernest Kinloch d/b/a/ Ernie's
Restaurant, Third Party Defendant, Kerry W. Koon, Attorney for Defendant and Third
Party Defendant C.A. Roberds

First Set of Interrogatories of Charleston County to Plaintiff, Essie B. Bryan, Plaintiff, vs.
Charleston County and C.A. Roberds, Defendants, Bernard E. Ferrara, Jr., Esquire,
Attorney for Defendant

Requests for Production of Documents of Charleston County to Plaintiff, Essie B. Bryan,
Plaintiff, vs. Charleston County and C.A. Roberds, Defendants, Bernard E. Ferrara, Jr.,
Attorney for Defendant

Answer of Defendant Charleston County, Essie B. Bryan, Plaintiff, vs. Charleston County and C.A. Roberds, Defendants, Bernard E. Ferrara, Jr., Attorney for Defendant

Plaintiff's Answers to First Set of Interrogatories of Charleston County, Essie B. Bryan, Plaintiff, vs. Charleston County and C.A. Roberds, Defendants, Robert L. Gailliard, Attorney for Plaintiff

Request for Production of Documents of Charleston County, Essie B. Bryan, Plaintiff, vs. Charleston County and C.A. Roberds, Defendants, Robert L. Gailliard, Attorney for Plaintiff

Motion for Judgment

Notice of Motion and Motion of Defendant Charleston County to Declare Requests for Admission Deemed Admitted and Motion for Summary Judgment, Essie B. Bryan, Plaintiff, vs. Charleston County and C.A. Roberds, Defendants, Bernard E. Ferrara, Jr., Attorney for Defendant

Motion for Summary Judgment on Counterclaim of C.A. Roberds Against Essie B. Bryan, Essie B. Bryan, Plaintiff, v. Charleston County and C.A. Roberds, Defendants, C.A. Roberds, Third Party Plaintiff, v. Ernest Kinloch d/b/a/ Ernie's Restaurant, Third Party Defendant, Kerry W. Koon, Attorney for Defendant Roberds

Affidavits

Ernie Kinloch
Antuan Kinloch
Essie B. Bryan
Norman Kinloch
Henrietta Kinloch
Bernard E. Ferrara, Jr.
Kerry Koon

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

ESSIE B. BRYAN,

Plaintiff,

v.

CHARLESTON COUNTY AND
C.A. ROBERDS,

Defendants,

C.A. ROBERDS,

Third Party Plaintiff,

v.

ERNEST KINLOCH d/b/a
ERNIE'S RESTAURANT,

Third Party Defendant,

IN THE COURT OF COMMON PLEAS

CASE #: 2012-CP-10-5112

ORDER FOR APPOINTMENT OF
RECEIVER

FILED
2013 MAY -8 AM 9:45
JULIE J. ARMS/ROG
CLERK OF COURT
BY

This matter came before me on April 12, 2013, upon the Defendant/Third Party Plaintiff Roberds' Motion for Appointment of a Receiver. Mr. Roberds proposed the appointment of Dan Henderson of CCBG Real Estate, whose written consent to serve has been filed with the Court.

It appears that Roberds was the successful bidder at the 2010 Charleston County Delinquent Tax Sale, on a property known as 64 Spring Street, and more particularly described in the Complaint. He received a tax deed from the Delinquent Tax Collector dated March 20, 2012, and recorded March 22, 2012, in the RMC Office for Charleston County in Book 0240, Page 726.

After receiving the deed, Roberds investigated the property sufficiently to determine that it was occupied by a restaurant known as "Ernie's" which is operated by Third Party Defendant

Ernest Kinloch. Roberds attempted to require Mr. Kinloch to pay rent and when he declined, Roberds filed an action for ejectment in the magistrate's court. This action was filed challenging title to the property and the magistrate ruled that he no longer had jurisdiction over an ejectment proceeding. Roberds has counterclaimed against the Plaintiff to quiet title in his name and in his Third Party Complaint seeks appointment of a receiver and/or ejectment of the Third Party Defendant.

Appointment of a receiver is in the sound discretion of the Court and is governed by Section 15-65-10 S.C. Code. There are four (4) requirements for appointment of a receiver before judgment:

1. The moving party establishes an apparent right to the property; and
2. The property is the subject of the action; and
3. The property is in possession of an adverse party; and
4. The property, or its rents and profits, are in danger of being lost or materially injured or impaired.

Here, the Defendant/Third Party Plaintiff Roberds satisfies all of the statutory requirements for appointment of a receiver. His tax deed demonstrates his apparent right to the property which is the subject of this action. The property is in possession of an adverse party who refuses to pay rent and therefore the rents and profits are in danger of being lost or materially impaired, it is therefore

ORDERED that Dan Henderson of CCBG Real Estate, whose qualifications and experience are known to the Court, is hereby appointed receiver of the property known generally as 64 Spring Street, Charleston, South Carolina, which is more particularly described in the

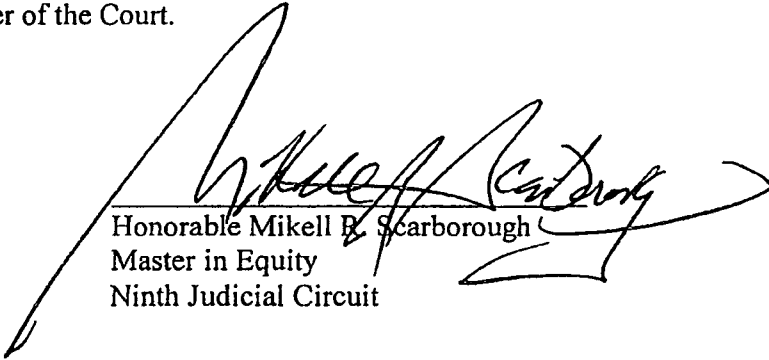
Complaint. Mr. Henderson is authorized to inspect the property and assess and collect from the Third Party Defendant, Ernest Kinloch, a fair market rental rate. It is further,

ORDERED that Third Party Defendant Ernest Kinloch pay the fair market rental rate to Mr. Henderson which shall be preserved and segregated, less reasonable and customary expenses, and a fee for the receiver of fifteen percent (15%) of the rental collected, pending further order of the Court, it is further

ORDERED that the Receiver shall have the authority, in the event of default in payment of the rent, to apply to the Court for ejectment, it is further

ORDERED should there be any disagreement as to a fair market rental value, any party may present evidence on this issue upon proper motion, and the Court will make such additional orders as may be just and proper, however, in no event does this provision excuse the payment of rent set by the receiver without further order of the Court.

AND IT IS SO ORDERED!


Honorable Mikell B. Scarborough
Master in Equity
Ninth Judicial Circuit

At Charleston, South Carolina
This 26 day of April, 2013.

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

ESSIE B. BRYAN,

Plaintiff,

v.

CHARLESTON COUNTY AND

C.A. ROBERDS,

Defendants,

C.A. ROBERDS,

Third Party Plaintiff,

v.

ERNEST KINLOCH d/b/a

ERNIE'S RESTAURANT,

Third Party Defendant,

IN THE COURT OF COMMON PLEAS

CASE #: 2012-CP-10-5112

ORDER GRANTING SUMMARY
JUDGMENT

FILED
2013 SEP 11 PM 12:54
JULIE J. ARMSTRONG
CLERK OF COURT
BY 

This is an action to set aside a tax deed for property known as #64 Spring Street, Charleston, South Carolina. Roberds is the holder of title under the tax deed. Roberds has counterclaimed against the Plaintiff to quiet title. The third party action is an action by Roberds to collect rent from the occupant of the property.

This matter came before me on August 19, 2013, on separate Motions for Summary Judgment filed by Defendants Charleston County and Roberds. Both Motions for Summary Judgment were grounded upon identical requests for admissions served upon the Plaintiff by the County of Charleston on September 28, 2012, and by the Defendant Roberds on October 8, 2012.

As of the date of hearing, no response to either set of Requests for Admissions had been served.

Additionally, supporting Roberds' motion was an Affidavit of Counsel attaching documents obtained by a freedom of information act request to the Charleston County Delinquent Tax Collector, showing that the Plaintiff demanded and received the overage resulting from the tax sale less than thirty (30) days prior to the filing of this action to upset the same. In response to the motion, Plaintiff served upon counsel for Roberds on August 16, 2013, five (5) affidavits which were made a part of the record in this matter.

By their motions, Defendants Charleston County and Roberds each move that the Court deem the requests admitted pursuant to Rule 36(a) S.C.R.C.P. for failure to file a denial or objection within the allowed thirty (30) days. Plaintiff argued that the Court should not grant summary judgment on a mere discovery issue. Although not specifically couched in this form, I consider the Plaintiff's position to be the equivalent of a motion to extend the time for response, however, for the reasons hereinafter stated, and to the extent that I have discretion to grant relief, such relief is denied.

An initial consideration is that the requests to admit were served on September 28, 2012, and October 8, 2012, respectively. This was not contested, thus, as of the date of hearing, over ten (10) months had elapsed since the date of service of each Request.

I also rely on substantial proof demonstrated by the Requests for Admissions relative to the three (3) specific objections to the tax sale process raised in the Complaint:

- a) that the Delinquent Tax Collector failed to send the required copy of the tax execution to the Plaintiff by certified mail, return receipt requested;
- b) that the Delinquent Tax Collector failed to post the proper notice on 1 or more conspicuous places on the property;
- c) that the Delinquent Tax Collector failed to send final notice by certified mail, return receipt requested, to Plaintiff, before the right of redemption passed.

Not only were these issues deemed admitted in favor of the Defendants (Request #s 2, 5, 11,

12 and 19) the documents attached to the Defendant County's request provide conclusive evidence that the Charleston County Delinquent Tax Collector satisfied each of these statutory requirements.

The affidavits filed by the Plaintiff in opposition to the motions deny that the property was posted and state that Ms. Bryan did not sign for any certified mail from Charleston County concerning 64 Spring Street. These affidavits do not create a genuine issue of fact or law requiring a trial on the merits in the face of the failure to respond to Request for Admissions on these very same issues and the documentary evidence in the record that indicates conclusively that the property was posted, and that the required registered mailings were sent by the Delinquent Tax Collector. The Court notes that applicable statutes do not require proof of actual receipt of the certified mail by the tax payer, only that the official Notice of Levy and the Final Notice of Property Redemption be mailed in compliance with Section 12-51-40 (b) and Section 12-51-120, respectively, which the Requests for Admissions and associated documentation prove.

The Court also notes that under Section 12-51-40 (c) posting is only required if the certified mailing of the official Notice of Levy is returned. According to counsel, the Delinquent Tax Collector's practice is to post properties regardless of whether the certified mail notice has been return unsigned. In this case, the certified mail notice was returned with a signature so that posting may have not been statutorily required under Section 12-51-40 (c), however, the failure to deny the relevant request to admit and the copy of the photograph of the posting which is in the record prove that, whether required or not, posting was accomplished.

For the above reasons, it is

ORDERED that the Request for Admissions served by Defendants County of Charleston and Roberds on September 28, 2012, and October 8, 2012, respectively are deemed admitted, it is further

ORDERED that summary judgment is granted in favor of the Defendant County of

* Scott v. Concanville Housing, 353 SC 639,
6 579 SE2d 151 (Ct App 2003)

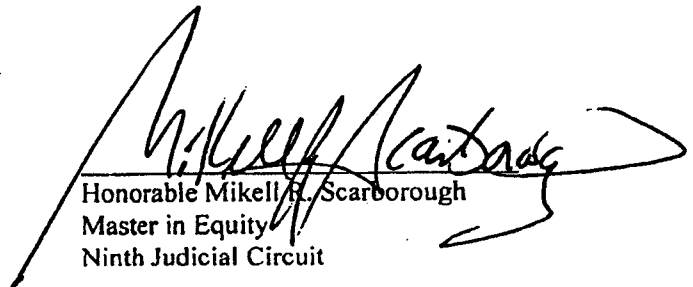
Charleston, it is further

ORDERED that Defendant Roberds is granted summary judgment on his counterclaim to quiet title and that title to the property known as #64 Spring Street, Charleston, South Carolina, and more particularly described on Exhibit "A" hereto is hereby confirmed in the Defendant C.A. Roberds under the tax deed dated March 20, 2012, and recorded March 22, 2012, in the RMC Office for Charleston County in Book 0240, Page 726 and all interest of the Plaintiff, her heirs, successors and assigns or anyone claiming under her was extinguished by the tax sale and subsequent tax deed hereinabove referred to, it is further

ORDERED that the issues raised by the Third Party Complaint remain for trial or disposition by appropriate dispositive motion, if warranted, it is further

ORDERED that a copy of this Order be recorded in the Office of the RMC for Charleston County.

AND IT IS SO ORDERED!


Honorable Mikell R. Scarborough
Master in Equity
Ninth Judicial Circuit

At Charleston, South Carolina
This 16 day of Sept, 2013.

Exhibit "A"

ALL that lot of land, with the buildings and improvements thereon, situate in the City of Charleston, State of South Carolina, on the North side of Spring Street, known under the present numbering as No. 64 (formerly 22), and being the second lot of land to the East of Coming Street, with a two-story building thereon. MEASURING AND CONTAINING in front on Spring Street thirty-three (33) feet six (6) inches, by one hundred and ninety-four (194) feet in depth, the said dimensions more or less.

BEING the same property conveyed to Ernest Kinloch, Jr. (as Ernest Kinlock, Jr.) by deed of Nu-Homes Builders, Inc. dated August 9, 1979, and recorded in Book A-120, Page 182, RMC Office for Charleston County, and conveyed to Essie B. Bryan and recorded on March 25, 1999, at D323/370.

PID Number: 460-08-02-036

Grantee Address: C.A. Roberds
577 Whimbrel Road
Kiawah Island, SC 29455

Ex. "A"

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 2012-CP-10-5112

Essie B. Bryan,)
Plaintiff,)

vs.)

Charleston County and C.A. Roberds,)
Defendants.)

REQUESTS FOR ADMISSIONS OF
CHARLESTON COUNTY TO PLAINTIFF

TO: PLAINTIFF ESSIE B. BRYAN, AND ROBERT L. GAILLIARD, ESQUIRE,
ATTORNEY FOR PLAINTIFF

Pursuant to Rule 36 of the South Carolina Rules of Civil Procedure, the Defendant Charleston County requests that the Plaintiff Essie B. Bryan admit the following facts or admit so much of each enumerated request as can be admitted, or qualify such admission, or if any request is denied, set forth in detail the reasons for such denial. Such answers and replies to these request to admit are to be served on the undersigned no later than the thirtieth (30th) day after service, and if such service is not made, or any answer not denied or qualified or objected to within that time, such request will be deemed admitted in accordance with the provisions of the rule.

Please be advised that Rule 36 of the South Carolina Rules of Civil Procedure provides that if objection is made, the reasons therefore shall be stated. It further provides that the answer shall specifically deny the matter or set forth in detail the reasons why the Plaintiff cannot truthfully admit or deny the matter. It further provides that a denial shall fairly meet the substance of the requested admission, and when good faith requires that the Plaintiff qualify its answer or deny only a part of the matter of which an admission is requested, the Plaintiff shall specify so much of it is true and qualify or deny the remainder. It further provides that the Plaintiff may not give lack of

information or knowledge as a reason for failure to admit or deny unless s/he states that s/he has made reasonable inquiry and that the information known or readily obtainable by him/her is insufficient to enable him/her to admit or deny.

Request No. 1: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit A is a true and accurate copy of the Execution Notice for Tax Map Parcel Identification Number 460-08-02-036, dated April 2, 2010, addressed to Essie B. Bryan, 64 Spring St., Charleston, SC 29403-5413.

Bryan
Request No. 2: Admit that Essie B. Bryan received the Execution Notice referenced in Request No. 1.

Request No. 3: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit B is a true and accurate copy of the Official Notice of Levy for Tax Map Parcel Identification Number 460-08-02-036, dated May 24, 2010, with current owner as Essie B. Bryan.

Request No. 4: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit C is a true and accurate copy of a document of the United States Postal Service Certified Mail Return Receipt for Tax Map Parcel Identification Number 460-08-02-036 addressed to Essie B. Bryan, 64 Spring St., Charleston, SC 29403-5413.

Request No. 5: Admit that the document attached hereto as Exhibit C is referred to as PS Form 3811, July 1999, showing Article Number 7184 9158 3733 0835 1426.

Request No. 6: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit D is a true and accurate copy of the Certified Mail Return Receipt Requested Restricted Delivery envelope of the Charleston County Delinquent Tax Collector identified as 7184 9158 3733 0835 1426 addressed to Essie B. Bryan, 64 Spring St., Charleston, SC 29403-5413, and contains a signature acknowledging receipt.

Request No. 7: Admit that the Certified Mail Return Receipt Numbers in Request Nos. 5 and 6 contain the same Certified Mail Return Receipt Number 7184 9158 3733 0835 1426 regarding Tax Map Parcel Identification Number 460-08-02-036.

Request No. 8: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit E is a true and accurate copy of a document of the United States Postal Service referred to as PS Form 3811, July 1999, showing Article Number 7184 9158 3733 0950 2643 for Tax Map Parcel Identification Number 460-08-02-036 addressed to Essie B. Bryan, 64 Spring St., Charleston, SC 29403-5413.

Request No. 9: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit F is a true and accurate copy of a business record of Charleston County titled Real Property Posting Slip For 2009 Tax Sale showing Tax Map Parcel Identification Number 460-08-02-036 was posted on August 4, 2010.

Request No. 10: Admit that the document attached hereto as Exhibit F shows a posting slip on the house located on Tax Map Parcel Identification Number 460-08-02-036. *There is No House on the Property*

Request No. 11: Admit that the document attached hereto as Exhibit F shows a portion of the real property of Tax Map Parcel Identification Number 460-08-02-036.

Deny **Request No. 12:** Admit that Charleston County posted a delinquent tax sale notice on August 4, 2010, for Tax Map Parcel Identification Number 460-08-02-036 as depicted in the photo referenced in Exhibit F.

Request No. 13: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit G is a true and accurate copy of the Charleston County Final Notice of Redemption for Tax Map Parcel Identification Number 460-08-02-036, dated September 30, 2011, addressed to Essie B. Bryan, 64 Spring St., Charleston, SC 29403.

Request No. 14: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit H is a true and accurate copy of the Charleston County Final Notice of Redemption for Tax Map Parcel Identification Number 460-08-02-036, dated September 30, 2011, addressed to Essie B. Bryan, 1540 Staffordshire Dr., Charleston, SC 29407.

Request No. 15: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit I is a true and accurate copy of the Title to Real Estate for Tax Map Parcel Identification Number 460-08-02-036 dated March 23, 1999, and recorded on March 25, 1999 in Book D323, Page 370 in the Office of the Register of Mesne Conveyance for Charleston County, South Carolina.

Request No. 16: Admit that the document attached hereto as Exhibit I identifies the Grantee as Essie B. Bryan.

Request No. 17: Admit that the document attached hereto as Exhibit I shows the "Grantee's Address" as 64 Spring St., Charleston, SC 29403.

Request No. 18: Admit that Charleston County sent the tax bill for tax year 2009 to 64 Spring St., Charleston, SC 29403 for Tax Map Parcel Identification Number 460-08-02-036.

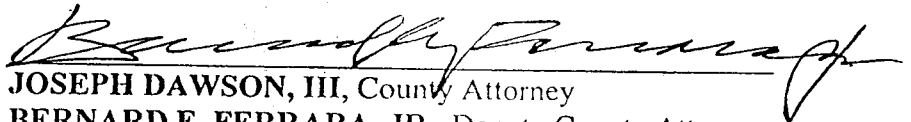
Request No. 19: Admit that Charleston County sent Final Notices of Redemption to both addresses referenced in Request Nos. 13 and 14 and that Essie B. Bryan, or anyone on her behalf, did not send Charleston County a corrected or forwarding address changing her address from the addresses referenced in Request Nos. 39 and 40.

] There are No Requests No
39 + 40

Request No. 20: Admit that Essie B. Bryan, or anyone on her behalf, did not redeem the property identified as Tax Map Parcel Identification Number 094-00-00-071.

Request No. 21: Admit that Charleston County sent the tax bills for tax years 2000 through 2008 to 64 Spring St., Charleston, SC 29403 for Tax Map Parcel Identification Number 460-08-02-036.

CHARLESTON COUNTY



JOSEPH DAWSON, III, County Attorney
BERNARD E. FERRARA, JR., Deputy County Attorney

AUSTIN A. BRUNER, Assistant County Attorney

BRADLEY A. MITCHELL, Assistant County Attorney

JOHANNA S. GARNER, Assistant County Attorney

CHARLESTON COUNTY ATTORNEY'S OFFICE
Lonnie Hamilton, III Public Services Building

4045 Bridge View Drive

North Charleston, South Carolina 29405
(843) 958-4010

ATTORNEYS FOR DEFENDANT

Charleston, South Carolina
September 28, 2012

CERTIFICATE OF SERVICE

I certify that I have served a true and correct copy of the foregoing Requests for Admissions of Charleston County to Plaintiff upon Plaintiff's counsel of record by depositing a copy of the same in the United States mail, postage prepaid or hand-delivery in the manner prescribed by the applicable South Carolina Rules of Civil Procedure.

DATED this 28th day of September, 2012.



BERNARD E. FERRARA, ESQUIRE

Exhibit A

Execution Notice for

Tax Map Parcel Identification Number 460-08-02-036

APRIL 2, 2010

UNIFIED TAXES ARE DUE ON THE FOLLOWING DESCRIBED REAL PROP

**PAID
WITH PROCEEDS FROM
TAX SALE**

NOV 01 2010

AMOUNT DUE AFTER 05-14-2010	\$ 3,148.54
10-01-2010	\$ 3,188.54

DELINQUENT TAX
CHARLESTON COUNTY

PLEASE NOTE: AFTER JULY 23, 2010 ONLY CASH, MONEY ORDERS, OR CERTIFIED CHECKS WILL BE ACCEPTED
FOR PAYMENT OF DELINQUENT REAL PROPERTY TAXES.

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

1. AN "OFFICIAL NOTICE OF LEVY" WILL BE MAILED TO YOU.
2. YOUR PROPERTY WILL BE ADVERTISED IN THE "CHARLESTON POST & COURIER".
3. A SIGN MAY BE PLACED ON YOUR PROPERTY ANNOUNCING THAT THE PROPERTY IS TO BE SOLD FOR NON-PAYMENT OF TAXES.
4. YOUR PROPERTY WILL BE SOLD AT PUBLIC AUCTION BEGINNING ON NOVEMBER 01, 2010.

ALL REAL ESTATE TAXES MUST BE PAID ON OR BEFORE 5:00 P.M. ON OCTOBER 29, 2010 IN ORDER TO AVOID HAVING THE PROPERTY SOLD AT TAX SALE.

IF YOU ARE IN BANKRUPTCY, PLEASE CONTACT THIS OFFICE IMMEDIATELY.

FOR MORE INFORMATION YOU CAN EMAIL realproperty@charlestoncounty.org.

IF YOU HAVE ANY QUESTIONS REGARDING THIS BILL, PLEASE CALL 843-202-6576

RECEIPT NUMBER(S) 2009-019485

TEAR AT PERFORATION AND RETURN BOTTOM PORTION

PARCEL I.D. 460-08-02-036

		MESSAGE	
AMOUNT DUE AFTER	05-14-2010	\$	3,148.54
	10-01-2010	\$	3,188.54

LEGAL DESCRIPTION: 64 SPRING ST
03
PROPERTY DESCRIPTION:
64 SPRING
BRYAN ESSIE B

MAKE PAYMENTS TO:

CHARLESTON COUNTY TREASURER R
P.O. BOX 878
CHARLESTON, SC 29402-0878

OFFICE OF DELINQUENT TAX COLLECTOR
Charleston County, SC

ANDREW C. SMITH, C.P.A.; COUNTY TREASURER FOR CHARLESTON COUNTY
to the Delinquent Tax Collector of Charleston County or his deputy:

WHEREAS, the delinquent taxpayer whose name appears on the reverse side has been duly assessed the sum shown on the reverse side, the same being for School, County and Special taxes, including penalties and costs thereon, for the TAX YEAR(S) SHOWN.

WHEREAS, the delinquent taxpayer has failed to pay the taxes, penalties and costs, this execution commands you in the name of the State to levy by distress and sell so much of the delinquent taxpayer's property as is sufficient to satisfy the delinquent taxes, assessments, penalties, and costs. This execution is sufficient warrant for a levy by distress and sale.

Andrew C. Smith, C.P.A.

CHARLESTON COUNTY TREASURER

Exhibit B

Official Notice of Levy for

Tax Map Parcel Identification Number 460-08-02-036

MARY M. SCARBOROUGH
Delinquent Tax Collector



DELINQUENT TAX COLLECTOR
4045 BRIDGE VIEW DR., 1ST FLOOR
NORTH CHARLESTON, SC 29405

MAY 24, 2010
4600802036

OFFICIAL NOTICE OF LEVY

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

Current Owner: BRYAN ESSIE B

Total taxes, penalties and costs:

Amount Due After:

Total Taxes Due:

MAY 14, 2010
OCTOBER 01, 2010
OCTOBER 29, 2010

\$3,148.54
\$3,188.54
\$3,278.54 and 2010 Taxes

BRYAN ESSIE B

PARCEL ID: 4600802036

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

ALL REAL PROPERTY TAXES MUST BE PAID ON OR BEFORE 5:00 P.M. OCTOBER 29, 2010 TO AVOID TAX SALE ON NOVEMBER 01, 2010. RETURN RECEIPT OF THIS NOTICE SHALL BE DEEMED EQUIVALENT TO "LEVYING BY DISTRESS".

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

Delivery payment to:

Charleston County Treasurer - DT
4045 Bridgeview Dr., 1st Floor
North Charleston, SC 29405

Mail payment to:

Charleston County Treasurer - DT
PO Box 878
Charleston SC 29402-0878

Business Hours:

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

Delinquent Tax Phone

Number:
(843) 202-6576

UNITED STATE POSTAL SERVICE



FIRST-CLASS
MAIL
POSTAGE &
FEES PAID
LPP
29292

CHARLESTON COUNTY DELINQUENT TAX COLLECTOR
4045 BRIDGE VIEW DR B110
NORTH CHARLESTON SC 29405-7464



Exhibit C

PS Form 3811, July 1999

Article Number 7184 9158 3733 0835 1426



CHARLESON COUNTY DELINQUENT TAX COLLECTOR
4045 BRIDGE VIEW DR B110
NORTH CHARLESTON SC 29405-7464



7184 9158 3733 0835 1426

RETURN RECEIPT REQUESTED
RESTRICTED DELIVERY

IMPORTANT NOTICE

4600802036

004717

BRYAN ESSIE B

POSTMAN TEAR ALONG PERFORATION TO REMOVE CARD

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. - Print your name and address on the reverse so that we can return the card to you. - Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) B. Date of Delivery C. Signature ☐ Agent ☐ Addressee X ☐ Agent ☐ Addressee D. Is delivery address different from item 1? ☐ Agent ☐ Addressee If YES, enter delivery address below:	
1. Article Addressed to: BRYAN ESSIE B			
4600802036		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered Mail ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
PARCEL ID: 4600802036 004717 05/24/2010 04:00 P.M.		4. Restricted Delivery? (Extra Fee) ☒ Yes	
2. Article Number 71849158373308351426			

PS Form 3811, JULY 1999

Domestic Return Receipt

Exhibit D

Certified Mail Return Receipt Requested Restricted Delivery for

Article Number 7184 9158 3733 0835 1426

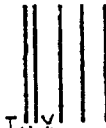
Exhibit E

PS Form 3811, July 1999

Article Number 7184 9158 3733 0950 2643

23

UNITED STATE POSTAL SERVICE



DELINQUENT TAX

11 OCT 12 AM 11:31

RECEIVED

CHARLESTON COUNTY TAX COLLECTOR

4045 BRIDGE VIEW DRIVE STE B110

NORTH CHARLESTON SC 29405-7464

FIRST-CLASS
MAIL
POSTAGE &
FEES PAID
LPP
29292



Exhibit F

Real Property Positing Slip for 2009 Tax Sale for
Tax Map Parcel Identification Number 460-08-02-036

Department of Revenue Collections
Public Service Building
4045 Bridge View Drive
North Charleston, SC 29405-7464
Telephone (843)202-6080
Fax (843)202-6066



Bankruptcy Division
Business License Division
Delinquent Tax Division
Hospitality/Accommodations Division
Legal Processing Division
Solid Waste Disposal Fee Division
Stormwater Management Division

REAL PROPERTY POSTING SLIP FOR 2009 TAX SALE				
SALE DATE	November 1, 2010			
PARCEL ID	460-08-02-036			
TAX ADDRESS	64 SPRING ST			
DEFAULTING	BRYAN ESSIE B			
DATE POSTED	8/4/2010			
POSTING ID'S	LSG		EJT	
TAX RCPT(S)	2009-019485			
SLIP DATE				

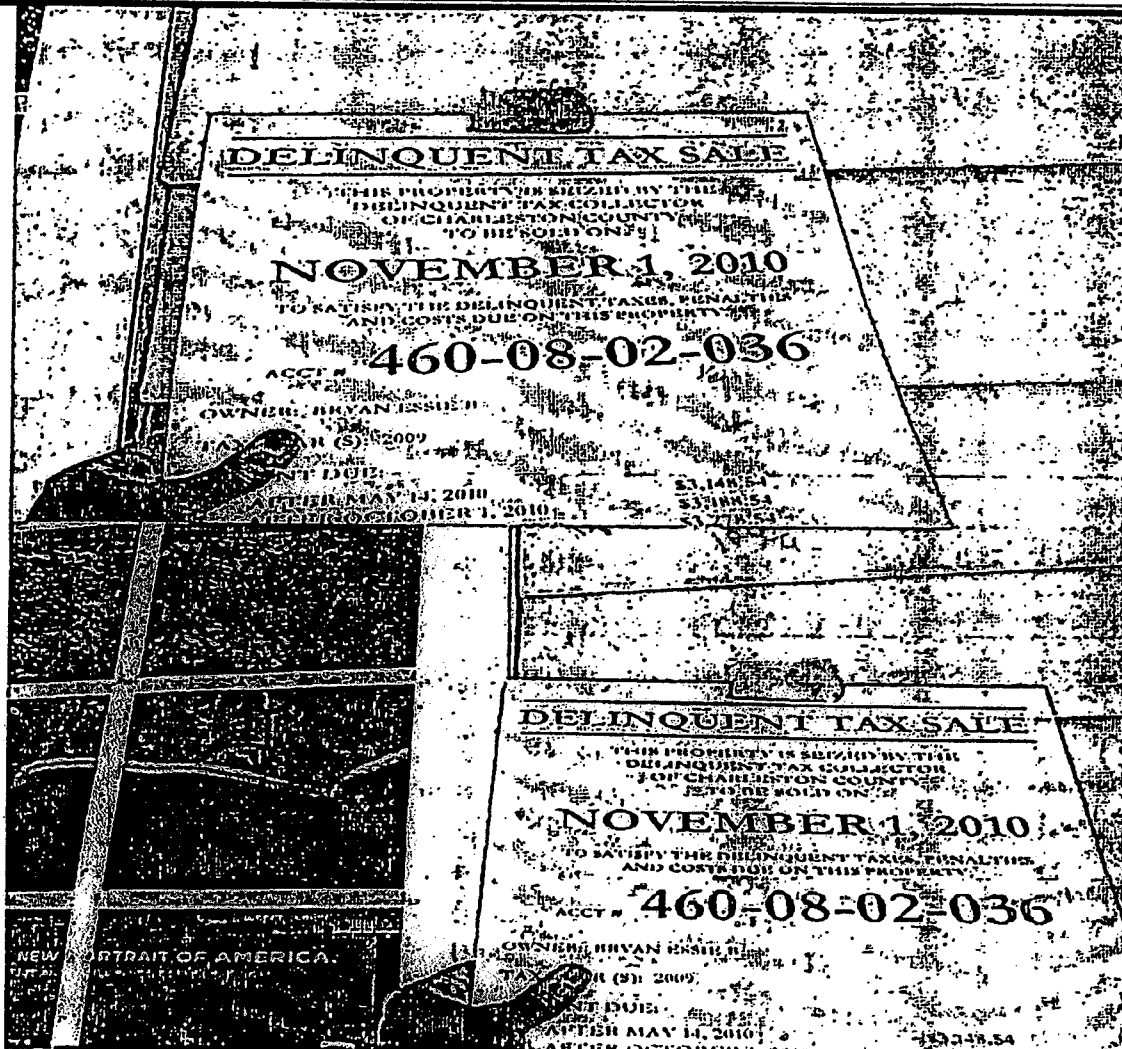


Exhibit G

Final Notice of Redemption sent to

Essie B. Bryan, 64 Spring St., Charleston, SC 29403

Mary Scarborough
Delinquent Tax Collector



Delinquent Tax Collector
4045 Bridgeview Drive, Ste B110
North Charleston, SC 29405
Ofc: (843) 202-6570
Fax: (843) 202-6066

September 30, 2011

VIA CERTIFIED MAIL

4600802036 — 2010TS Final Notice

ESSIE B BRYAN

64 SPRING ST

CHARLESTON SC 29403

FINAL NOTICE OF PROPERTY REDEMPTION

RE: ESSIE B BRYAN

TAX ADDRESS: 64 SPRING ST

NOTICE is hereby given that the real property described on this notice has been sold for taxes by the Delinquent Tax Collector for Charleston County and if not redeemed by paying taxes, assessments, penalties, costs, and interest at the applicable rate on the bid price in the total amount of redemption amount + 2010 dollars on or before 5:00 pm, **Wednesday, November 2, 2011**, a tax title must be delivered to the successful purchaser at the tax sale. Payments must be made to the office of the Delinquent Tax Collector located at 4045 Bridgeview Drive, Suite B110, North Charleston, SC 29405.

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

<u>Tax Map Number</u>	<u>Redemption Amount</u>	<u>2010 Tax Amount</u>	<u>Due By</u>
4600802036	\$6878.54	\$3053.54	November 2, 2011

If you have any questions about this **IMPORTANT** matter, please feel free to contact our office directly at (843) 202-6570.

ONLY CASH, MONEY ORDERS OR CERTIFIED FUNDS WILL BE ACCEPTED

THIS IS YOUR FINAL NOTICE OF PROPERTY SOLD!

Mary M. Scarborough
Delinquent Tax Collector

Exhibit H

Final Notice of Redemption sent to

Essie B. Bryan, 1540 Staffordshire Dr., Charleston, SC 29407

Mary Scarborough
Delinquent Tax Collector



Delinquent Tax Collector
4045 Bridgeview Drive, Ste B110
North Charleston, SC 29405
Ofc: (843) 202-6570
Fax: (843) 202-6066

September 30, 2011

VIA CERTIFIED MAIL

4600802036 – 2010TS Final Notice
ESSIE B BRYAN
1540 STAFFORDSHIRE DR
CHARLESTON SC 29407

FINAL NOTICE OF PROPERTY REDEMPTION

RE: ESSIE B BRYAN
TAX ADDRESS: 64 SPRING ST

NOTICE is hereby given that the real property described on this notice has been sold for taxes by the Delinquent Tax Collector for Charleston County and if not redeemed by paying taxes, assessments, penalties, costs, and interest at the applicable rate on the bid price in the total amount of redemption amount + 2010 dollars on or before 5:00 pm, Wednesday, November 2, 2011, a tax title must be delivered to the successful purchaser at the tax sale. Payments must be made to the office of the Delinquent Tax Collector located at 4045 Bridgeview Drive, Suite B110, North Charleston, SC 29405.

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

<u>Tax Map Number</u>	<u>Redemption Amount</u>	<u>2010 Tax Amount</u>	<u>Due By</u>
4600802036	\$6878.54	\$3053.54	November 2, 2011

If you have any questions about this **IMPORTANT** matter, please feel free to contact our office directly at (843) 202-6570.

ONLY CASH, MONEY ORDERS OR CERTIFIED FUNDS WILL BE ACCEPTED

THIS IS YOUR FINAL NOTICE OF PROPERTY SOLD!

Mary M. Scarborough
Delinquent Tax Collector

Exhibit I

Title to Real Estate for

Tax Map Parcel Identification Number 460-08-02-036

State of South Carolina,
COUNTY OF CHARLESTON

BOOK 323 PG 370

Know All Men by These Presents, That I, ERNEST KINLOCH, JR., also known
as ERNEST KINLOCK, JR.,

hereinafter referred to as Grantor(s) in consideration of the love and affection I have
for my sister, ESSIE B. BRYAN,
the State aforesaid, and in consideration of the
sum of One (\$1.00) Dollar

has been paid by ESSIE B. BRYAN

hereinafter referred to

Grantee(s) in the State aforesaid

(the receipt of which is hereby acknowledged)

have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said
Grantee(s), ESSIE B. BRYAN, HER HEIRS AND ASSIGNS:

ALL that lot of land, with the buildings and improvements thereon,
situate in the City of Charleston, State aforesaid, on the North side of
Spring Street, known under the present numbering as No. 64 (formerly 22),
and being the second lot of land to the East of Coming Street, with a two-
story building thereon.

MEASURING AND CONTAINING in front on Spring Street thirty-three (33)
feet six (6) inches, by one hundred and ninety-four (194) feet in depth,
or the said dimensions more or less.

BEING the same property conveyed to Ernest Kinloch, Jr. (as Ernest
Kinlock, Jr.) by deed of Nu-Homes Builders, Inc. dated August 9, 1979, and
recorded in Book A-120, Page 182, RMC Office for Charleston County.

AS# 460-08-02-036

Grantee's Address: 64 SPRING ST., CHARLESTON, SC 29403

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

XXXXXX

XXXXXXXXXXXX

XXXXXX

To Have and to hold all and singular the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

BX D 323P6371

To HAVE AND TO HOLD all and singular the premises before mentioned unto the said Grantee(s), HER Heirs and Assigns forever.

And the Grantor(s) do hereby bind Grantor(s) Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Grantee(s), HER

Heirs and Assigns, against Grantor(s) and Grantor(s) Heirs and against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS MY Hand and Seal this 23rd day of MARCH

In the year of our Lord one thousand nine hundred and ninety-nine

and in the two hundredth and twenty-second

year of the Sovereignty

and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF
Kenneth Penter
Virginia Lord
WITNESSES

Ernest Kinloch Jr. A/K/A
Ernest Kinloch Jr.

ERNEST KINLOCH, JR., also known as
ERNEST KINLOCH, JR. (SEAL)

STATE OF SOUTH CAROLINA,
CHARLESTON COUNTY.

Personally appeared before me the undersigned and made oath that s/he saw the within-named Grantor(s) sign, seal and, as his/her/their act and deed, deliver the within-written Deed for the uses and purposes therein mentioned and that s/he, with the other witness subscribed above witnessed the execution thereof.

Subscribed and sworn to before me this 23rd day of March 1999

Notary Public for South Carolina
My Commission Expires: 5-13-08

Kenneth Penter
(WITNESS)

State of South Carolina,

County of _____

TO

TITLE TO REAL ESTATE

I hereby certify that the within Deed was filed for record in my office at _____ M. o'clock on the _____ day of _____, 19____, and was immediately entered upon the proper indices and duly recorded in Book _____ of Deeds, page _____

Register of Means Conveyances

for _____ County, S. C.

I hereby certify that the within Deed has been

filed _____ day of _____

19____, and was immediately entered upon the proper

indices and duly recorded in Book _____ of Deeds, page _____

Author for _____ County

100 N. L. BRYAN COMPANY, COLUMBIA, S. C.

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 ERNEST KIKLOCK, JR.
TO ESSIE S. BAYAN ON MARCH 23, 1999

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) ☐ EXEMPT from the deed recording fee because (exemption # 1)
(Explanation if required) DEED FROM BROTHER TO SISTER.

NO CONSIDERATION PAID OR TO BE PAID.
(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. I understand that a person required to furnish this affidavit who wilfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Subscribed before me this 23rd
day of MARCH, 1999
Notary Public for SC
My Commission Expires: 5-13-01

Ernest Kiklock, Jr.
Grantor, Grantee or Legal Representative
connected with the transaction
J. Kiklock
Print or type name

J Kenneth Rentiers

BKD 3210073

FILED
D 323-370
99 MAR 25 AM 10:11
CHARLIE LYBRAND
REGISTER
CHARLESTON COUNTY SC

Recording Fee 10.00
Tax EXEMPT
County Fee 10.00

B

THIS VERIFIED
BAC MLM
DTD 3/29/99

Recorded this 5 Mar 99
On Property Record
Leann
Auditor of the Court

Ex. "B"

Telephone: Bus: (843) 795-7000
Fax: (843) 762-5276
Res: (843) 571-2929

KERRY W. KOON
Attorney at Law
147 Wappoo Creek Drive
Wappoo Centre, Suite 203
Charleston, South Carolina 29412

October 8, 2012

Robert Gailliard, Esq.
1072 E. King Street
Charleston, SC 29403

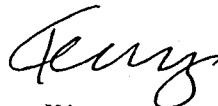
RE: C.A. Roberds, et al. adv. Essie B. Bryan
Case #: 2012-CP-10-5112

Dear Robert,

Please find herewith Defendant Roberd's Interrogatories, Request for Production and Request for Admissions. You will note that they are identical to the County's which were previously served upon you, so that you can simply copy us with your responses which will suffice as your responses to us.

With kindest personal regards, I am

Very truly yours,



Kerry W. Koon

KWK:mm
Enclosures

cc: Bernard Ferrara, Esq.

36

Request No. 3: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit B is a true and accurate copy of the Official Notice of Levy for Tax Map Parcel Identification Number 460-08-02-036, dated May 24, 2010, with current owner as Essie B. Bryan.

Request No. 4: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit C is a true and accurate copy of a document of the United States Postal Service Certified Mail Return Receipt for Tax Map Parcel Identification Number 460-08-02-036 addressed to Essie B. Bryan, 64 Spring St., Charleston, SC 29403-5413.

Request No. 5: Admit that the document attached hereto as Exhibit C is referred to as PS Form 3811, July 1999, showing Article Number 7184 9158 3733 0835 1426.

Request No. 6: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit D is a true and accurate copy of the Certified Mail Return Receipt Requested Restricted Delivery envelope of the Charleston County Delinquent Tax Collector identified as 7184 9158 3733 0835 1426 addressed to Essie B. Bryan, 64 Spring St., Charleston, SC 29403-5413, and contains a signature acknowledging receipt.

Request No. 7: Admit that the Certified Mail Return Receipt Numbers in Request Nos. 5 and 6 contain the same Certified Mail Return Receipt Number 7184 9158 3733 0835 1426 regarding Tax Map Parcel Identification Number 460-08-02-036.

Request No. 8: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit E is a true and accurate copy of a document of the United States Postal Service referred to as PS Form 3811, July 1999, showing Article Number 7184 9158 3733 0950 2643 for Tax Map Parcel Identification Number 460-08-02-036 addressed to Essie B. Bryan, 64 Spring St., Charleston, SC 29403-5413.

Request No. 9: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit F is a true and accurate copy of a business record of Charleston County titled Real Property Posting Slip For 2009 Tax Sale showing Tax Map Parcel Identification Number 460-08-02-036 was posted on August 4, 2010.

Request No. 10: Admit that the document attached hereto as Exhibit F shows a posting slip on the

house located on Tax Map Parcel Identification Number 460-08-02-036.

Request No. 11: Admit that the document attached hereto as Exhibit F shows a portion of the real property of Tax Map Parcel Identification Number 460-08-02-036.

Request No. 12: Admit that Charleston County posted a delinquent tax sale notice on August 4, 2010, for Tax Map Parcel Identification Number 460-08-02-036 as depicted in the photo referenced in Exhibit F.

Request No. 13: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit G is a true and accurate copy of the Charleston County Final Notice of Redemption for Tax Map Parcel Identification Number 460-08-02-036, dated September 30, 2011, addressed to Essie B. Bryan, 64 Spring St., Charleston, SC 29403.

Request No. 14: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit H is a true and accurate copy of the Charleston County Final Notice of Redemption for Tax Map Parcel Identification Number 460-08-02-036, dated September 30, 2011, addressed to Essie B. Bryan, 1540 Staffordshire Dr., Charleston, SC 29407.

Request No. 15: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit I is a true and accurate copy of the Title to Real Estate for Tax Map Parcel Identification Number 460-08-02-036 dated March 23, 1999, and recorded on March 25, 1999 in Book D323, Page 370 in the Office of the Register of Mesne Conveyance for Charleston County, South Carolina.

Request No. 16: Admit that the document attached hereto as Exhibit I identifies the Grantee as Essie B. Bryan.

Request No. 17: Admit that the document attached hereto as Exhibit I shows the "Grantee's Address" as 64 Spring St., Charleston, SC 29403.

Request No. 18: Admit that Charleston County sent the tax bill for tax year 2009 to 64 Spring St., Charleston, SC 29403 for Tax Map Parcel Identification Number 460-08-02-036.

Request No. 19: Admit that Charleston County sent Final Notices of Redemption to both addresses referenced in Request Nos. 13 and 14 and that Essie B. Bryan, or anyone on her behalf, did not send Charleston County a corrected or forwarding address changing her address from the addresses referenced in Request Nos. 39 and 40.

Request No. 20: Admit that Essie B. Bryan, or anyone on her behalf, did not redeem the property identified as Tax Map Parcel Identification Number 094-00-00-071.

Request No. 21: Admit that Charleston County sent the tax bills for tax years 2000 through 2008 to 64 Spring St., Charleston, SC 29403 for Tax Map Parcel Identification Number 460-08-02-036.



KERRY W. KOON

147 Wappoo Creek Drive, Ste 203

Charleston, SC 29412

(843) 795-7000

*ATTORNEY FOR DEFENDANT AND THIRD
PARTY DEFENDANT C.A. ROBERDS*

At Charleston, South Carolina

This 4th day of Feb, 2012.

Rund 10/15/10

Ex. "C"

CHARLESTON COUNTY PROCUREMENT DEPT/
C/O DARLENE LEES 4045 BRIDGE VIEW DR
NORTH CHARLESTON SC 29405

AFFIDAVIT OF PUBLICATION

The Post and Courier

State of South Carolina

County of Charleston

Personally appeared before me the undersigned advertising clerk of the above indicated newspaper published in the city of Charleston, county and state aforesaid, who, being duly sworn, says that the advertisement of

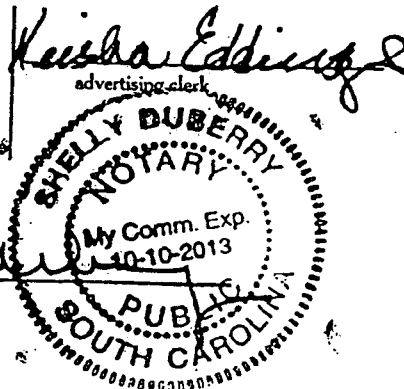
(copy attached)

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

10/08/10 Fri PC
10/08/10 Fri CNW

at a cost of \$18,104.16
Account# 103042
Order# 400724
P.O. Number:

Subscribed and sworn to before
me this 12th day
of October
A.D. 2010



Shelly Duberry
NOTARY PUBLIC, SC
My commission expires

CHARLESTON COUNTY PROCUREMENT DEPT/
C/O DARLENE LEES 4045 BRIDGE VIEW DR
NORTH CHARLESTON SC 29405

AFFIDAVIT OF PUBLICATION

The Post and Courier

State of South Carolina

County of Charleston

Personally appeared before me the undersigned advertising clerk of the above indicated newspaper published in the city of Charleston, county and state aforesaid, who, being duly sworn, says that the advertisement of

(copy attached)

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

10/15/10 Fri PC
10/15/10 Fri CNW

at a cost of \$16,635.00
Account# 103042
Order# 404184
P.O. Number:

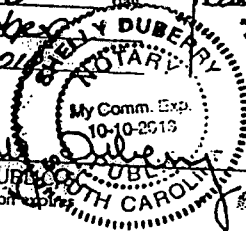
Subscribed and sworn to before

me this 18th day

of October

A.D. 2010

advertising clerk



NOTARY PUBLIC
My commission expires

CHARLESTON COUNTY PROCUREMENT DEPT/
C/O DARLENE LEES 4045 BRIDGE VIEW DR
NORTH CHARLESTON SC 29405

AFFIDAVIT OF PUBLICATION

The Post and Courier

State of South Carolina

County of Charleston

Personally appeared before me the undersigned advertising
clerk of the above indicated newspaper published in the city
of Charleston, county and state aforesaid, who, being duly
sworn, says that the advertisement of

(copy attached)

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

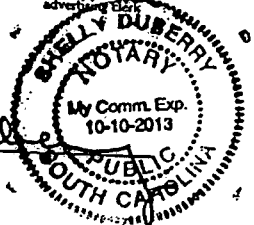
10/22/10 Fri PC
10/22/10 Fri CNW

at a cost of \$14,971.80
Account# 103042
Order# 409339
P.O. Number:

Subscribed and sworn to before
me this 26th day
of October
A.D. 2010

L Hair
advertising clerk

Shelly Duberry
NOTARY PUBLIC, SC
My commission expires



Ex. "D"

ROBERT L. GAILLIARD
ATTORNEY AT LAW

1072 E King Street
Charleston, S.C. 29403

PHONE: (843) 577-5250
FAX: (843) 577-9933
Email: rgail44@aol.com

June 26, 2012

Ms. Mary Scarborough
Delinquent Tax Collector
101 Meeting Street, Ste. 230
Charleston, SC 29401

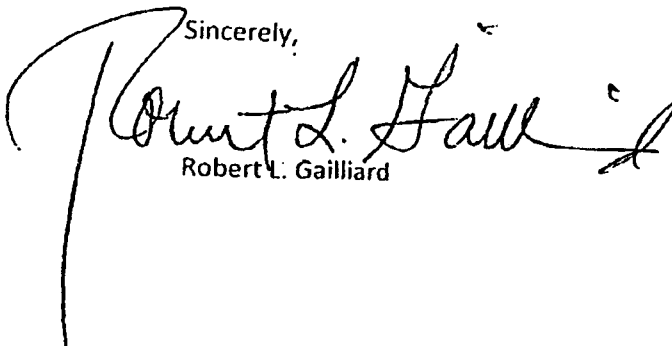
Re: TMS# 460-08-02-036; TMS# 330-09-00-002;
TMS# 463-15-02-090

Dear Ms. Scarborough:

I represent Ernie Kinloch and Essie B. Bryan, whose property was taken due to delinquent taxes,
Pursuant to the South Carolina Code you are required to return to the taxpayer any overage collected.

You issued tax deeds on March 20th for the property involved. This letter requests that you
immediately issue checks to my Clients for the overage on the property tax collected.

Sincerely,


Robert L. Gailliard

Copy: Ernie Kinloch
Essie B. Bryan

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

CLAIM BY DEFAULTING
TAXPAYER FOR OVERAGE

Cx. "E"

PERSONALLY appeared before the undersigned, who being sworn, say(s) that this claim is pursuant to Section 12-51-130 of the Code of Laws of South Carolina, 1976, for the overage produced by a delinquent tax sale on November 5, 2010. The tax sale and the overage are described in the deed (copy attached) in Deed Book _____, Page _____, in the office of the Register of Mesne Conveyance for the County of Charleston. The overage above the amount due in taxes, penalties and costs as shown by the Delinquent Tax Collector at the bottom of this claim form is the amount lawfully owing to the undersigned. A copy of the deed or a copy of the probate conveyance sheet showing ownership in the undersigned is attached to verify to whom the refund check should be made payable. The undersigned has been authorized to receive the refund check on behalf of all. The undersigned indemnify(ies) and hold(s) harmless Charleston County, its agents and employees against claims and all causes of action against the County, its agents and employees by any other persons for such overage. The undersigned has/have attached copy(ies) of his/their valid driver=s license, or other picture identification as the Delinquent Tax Collector shall request. The undersigned certifies to be the agent(s) for all the owners.

P.I.D. #: 460-08-02-036Telephone Number(s)
Current Mailing Address:ESSIE B. BRYAN

Print Name

(W) (H)

Essie B. Bryan

Signature

SWORN to before me this 5th
day of July, 2012.Pearl Nelder-Hall (L.S.)
Notary Public for South CarolinaMy Commission Expires: January 9, 2020

I verify the amount of overage above the amount of taxes, penalties, and costs as \$ _____

Delinquent Tax Collector

TITLE TO REAL ESTATE
The R. L. Bryson Company, Columbia, S. C.
Revised November, 1921

Form 14-5

State of South Carolina,

BK D 323FG370

COUNTY OF CHARLESTON

Know All Men by These Presents, That I, ERNEST KINLOCH, JR., also known
as ERNEST KINLOCK, JR.,

hereinafter referred to as Grantor(s) in consideration of the love and affection I have
in the State aforesaid, for my sister, ESSIE B. BRYAN, and in consideration of the
sum of One (\$1.00) Dollar

to me paid by ESSIE B. BRYAN

as Grantee(s) in the State aforesaid

, hereinafter referred to

(the receipt of which is hereby acknowledged)

have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said

Grantee(s), ESSIE B. BRYAN, HER HEIRS AND ASSIGNS:

ALL that lot of land, with the buildings and improvements thereon,
situate in the City of Charleston, State aforesaid, on the North side of
Spring Street, known under the present numbering as No. 64 (formerly 22),
and being the second lot of land to the East of Coming Street, with a two-
story building thereon.

MEASURING AND CONTAINING in front on Spring Street thirty-three (33)
feet six (6) inches, by one hundred and ninety-four (194) feet in depth,
be the said dimensions more or less.

BEING the same property conveyed to Ernest Kinloch, Jr. (as Ernest
Kinloch, Jr.) by deed of Nu-Homes Builders, Inc. dated August 9, 1979, and
recorded in Book A-120, Page 182, RMC Office for Charleston County.

TMS# 460-08-02-036

Grantee's Address: 64 SPRING ST., CHARLESTON, SC 29403

CHARLESTON COUNTY DELINQUENT
TAX DEPARTMENT
BALANCE-IN-TRUST ACCOUNT
PO BOX 605
CHARLESTON, SC 29402

Wachovia
Wachovia Bank, N.A.
wachovia.com
67-776/532

Ex. "F" 3214

7/13/2012

PAY TO THE
ORDER OF ESSIE B BRYAN

\$ **23,483.92

Twenty-Three Thousand Four Hundred Eighty-Three and 92/100***** DOLLARS

ESSIE B BRYAN
1540 STATFORD SHIRE DRIVE
CHARLESTON, SC 29407

Mary M. Scarborough

MEMO

BIT CLAIM 2010 TAX SALE

⑈003214⑈

AUTHORIZED SIGNATURE

CHARLESTON COUNTY DELINQUENT TAX DEPARTMENT/BALANCE-IN-TRUST ACCOUNT

3214

ESSIE B BRYAN

Fund Balance

BIT CLAIM 2010 TS 4600802036

7/13/2012

23,483.92

Wachovia Balance In Trust BIT CLAIM 2010 TAX SALE

23,483.92

CHARLESTON COUNTY DELINQUENT TAX DEPARTMENT/BALANCE-IN-TRUST ACCOUNT

3214

ESSIE B BRYAN

Fund Balance

BIT CLAIM 2010 TS 4600802036

7/13/2012

23,483.92

Wachovia Balance In Trust BIT CLAIM 2010 TAX SALE

23,483.92

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)



BP0240726

TAX DEED

RMC BK 0240 Pg 726 : Pg 1 •

Cx. "C"

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

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

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

WHEREAS, by virtue of said tax executions issued for tax year(s) 2009, the Delinquent Tax Collector of Charleston County sent a copy of the tax execution to the aforementioned defaulting taxpayer(s) and further sent on May 24, 2010, via certified mail a notice of delinquent taxes, assessments, penalties and costs to Essie B. Bryan, 64 Spring Street, Charleston, SC 29403-5413 where such notice was received; and

WHEREAS Lourenza Green and Edrian Trakas did post proper notice on 8/4/2010 on one or more conspicuous places on the property against which delinquent taxes were assessed and levied; and

WHEREAS, on November 1, 2010, during the usual hours of sale, the Delinquent Tax Collector, after due advertisement, did sell the same and gave receipt to C.A. Roberds, the highest bidder, at such sale for the sum of \$30,000.00 dollars; and

WHEREAS, on October 5, 2011, the Delinquent Tax Collector did send via certified mail final notice before redemption to Essie B. Bryan where such notice was received; and

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

NOW, therefore, know all men by these presents that I, Mary M. Scarborough, Delinquent Tax Collector of Charleston County, in the State aforesaid, in consideration of the sum of Thirty Thousand (\$30,000.00) Dollars, to me in hand paid by C.A. Roberds, the receipt of which is hereby acknowledged, have remised, released and forever quitclaimed and by these presents do remise, release and forever quitclaim unto the said C.A. Roberds the property to wit:

ALL that lot of land, with the buildings and improvements thereon, situate in the City of Charleston, State of South Carolina, on the North side of Spring Street, known under the present numbering as No. 64 (formerly 22), and being the second lot of land to the East of Coming Street, with a two-story building thereon. MEASURING AND CONTAINING in front on Spring Street thirty-three (33) feet six (6) inches, by one hundred and ninety-four (194) feet in depth, the said dimensions more or less.

BEING the same property conveyed to Ernest Kinloch, Jr. (as Ernest Kinlock, Jr.) by deed of Nu-Homes Builders, Inc. dated August 9, 1979, and recorded in Book A-120, Page 182, RMC Office for Charleston County, and conveyed to Essie B. Bryan and recorded on March 25, 1999, at D323/370.

PID Number: 460-08-02-036
 Grantee's Address: C A ROBERDS
 577 WHIMBREL ROAD
 KIAWAH ISLAND, SC 29455

TO have and to hold, all and singular, the premises unto said C A ROBERDS and his assigns, forever.

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

WITNESS my hand and seal this date March 21, 2012

Signed, Sealed and Delivered in the Presence of us:

Joni L. Quigley
 First Witness

A Kim Childs
 Second Witness

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

THE STATE OF SOUTH CAROLINA)
 COUNTY OF CHARLESTON)

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

Joni L. Quigley
 First Witness

SWORN to before me this date 3-20-12

Joni L. Quigley

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 6-8-14

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

AFFIDAVIT

Date of Transfer of Title
Closing Date _____, 2012

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 460-08-02-036, is being transferred BY the Charleston County Delinquent Tax Collector TO C A Roberds ON 3-20-12.
3. The DEED is (check one of the following)
 - (A) X subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (B) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
 - (C) _____ EXEMPT from the deed recording fee because (Exemption # _____).
(Explanation If required) _____
(If exempt, please skip items 4-6, and go to item 7 of this affidavit.)
4. Check one of the following if either item 3(a) or item 3(b) above has been checked.
 - (A) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$30,000.00.
 - (B) _____ The fee is computed on the fair market value of the realty which is \$ _____.
 - (C) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____.
5. Check YES _____ or NO _____ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES," the amount of the outstanding balance of this lien or encumbrance is \$ _____.
6. The DEED Recording Fee is computed as follows:
 - (A) \$30,000.00 the amount listed in item 4 above
 - (B) _____ the amount listed in item 5 above (no amount place zero)
 - (C) \$30,000.00 Subtract Line 6(b) from Line 6(a) and place the result.
7. As required by Code Section '12-24-70, I state that I am a responsible person who was connected with the transaction as: Grantor.
8. Check if Property other than Real Property is being transferred on this Deed.
 - (A) _____ Mobile Home
 - (B) _____ Other
9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Sworn this 20th Day of March, 2012

form Jemi A. Jhalil

Notary Public for SC
My Commission Expires: 6-8, 2014

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

Mary M. Scarborough
Print or Type Name Here

RECORDER'S PAGE

NOTE: This page MUST remain
with the original document



Filed By:

DELINQUENT TAX
4045 BRIDGEVIEW DR

NORTH CHARLESTON SC 29405

MAKER:

BRYAN ESSIE B

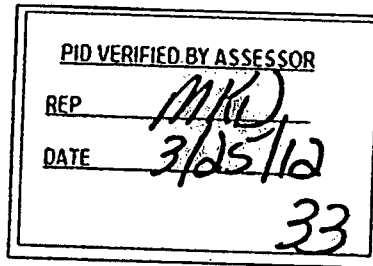
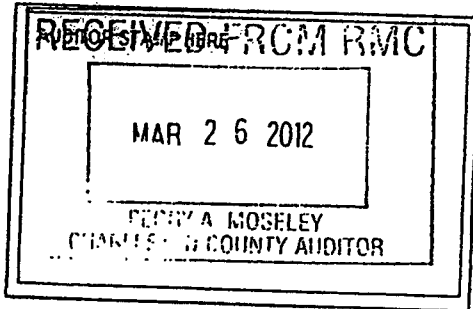
RECIPIENT:

ROBERDS C A

Note:

Original Book:

Original Page:



RECORDED

Date: March 22, 2012

Time: 3:41:54 PM

Book	Page	DocType
0240	726	Tax Deed

Charlie Lybrand, Register
Charleston County, SC

of Pages: 4

Recording Fee	\$ 10.00
State Fee	\$ 78.00
County Fee	\$ 33.00
Extra Pages	\$ -
Postage	\$ -
Chattel	\$ -
TOTAL	\$ 121.00

DRAWER 3
CLERK ECP



0240
Book



726
Page



03/22/2012
Recorded Date



4
Pgs



Original Book



Original Page



D
Doc Type



15:41:54
Recorded Time

53

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

ESSIE B. BRYAN

Plaintiff(s)

vs.

CHARLESTON COUNTY AND C. A. ROBERDS,

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2012-CP - 10- 5112

Submitted By: ATTORNEY ROBERT L. GAILLIARD
Address: 1072 E KING STREET
CHARLESTON, SC 29403

SC Bar #: 2284
Telephone #: 843-577-5250
Fax #: 843-577-9933
Other:
E-mail: rlgailliardlaw@aol.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

**If Action is Judgment/Settlement do not complete*

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|---|---|--|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ Employment (120)
☐ General (130)
☐ Breach of Contract (140)
☐ Other (199) | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20____-CP-_____
☐ Notice/ File Med Mal (230)
☐ Other (299) | Torts - Personal Injury
☐ Assault/Slander/Libel (300)
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Other (399) | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☒ Other (499) |
| Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) | Administrative Law/Relief
☐ Reinstate Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☒ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) | Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers Compensation Settlement Approval (780)
☐ Other (799) | Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999) |
| Special/Complex /Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699) | ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Sexual Predator (510) | | |

Submitting Party Signature:

Robert L. Gailliard

Date: August 6, 2012

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY

Allendale, Anderson, Beaufort, Clarendon, Colleton, Florence, Greenville, Hampton, Horry, Jasper, Lee, Lexington, Pickens (Family Court Only), Richland, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

ESSIE B. BRYAN

Plaintiff,

Vs.

CHARLESTON COUNTY AND
C.A. ROBERDS,

Defendants.

IN THE COURT OF
COMMON PLEAS
CASE No. 2012-CP-10-

SUMMONS

BY

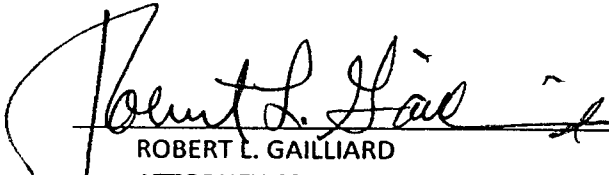
JULIE J. ARMSTRONG
CLERK OF COURT

2012 AUG -6 PM 2:09

FILED

TO THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve your Answer upon the subscriber, at his office at 1072 E King Street, Charleston, South Carolina, 29403 within thirty (30) days after service thereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.


ROBERT L. GAILLIARD
ATTORNEY FOR THE PLAINTIFF
1072 E King Street
Charleston, S.C. 29403
(843) 577-5250
FAX: (843) 577-9933

Aug 6, 2012
Charleston, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

ESSIE B. BRYAN,

Plaintiff,

v.

CHARLESTON COUNTY AND
C.A. ROBERDS,

Defendants,

C.A. ROBERDS,

Third Party Plaintiff,

v.

ERNEST KINLOCH d/b/a
ERNIE'S RESTAURANT,

Third Party Defendant,

IN THE COURT OF COMMON PLEAS

CASE #: 2012-CP-10-5112

SUMMONS

BY

JULIE J. ARMSTRONG
CLERK OF COURT

2012 SEP 26 PM 2:02

FILED

JB

TO THE THRID PARTY DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the Plaintiff or his attorney, Kerry W. Koon, at his office, 147 Wappoo Creek Drive, Suite 203, Charleston, South Carolina 29412, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

Kerry W. Koon
KERRY W. KOON

147 Wappoo Creek Drive, Suite 203
Charleston, SC 29412
(843) 795-7000

**ATTORNEY FOR DEFENDANT
ROBERDS/THIRD PARTY PLAINTIFF**

At Charleston, South Carolina

This 25th day of Sept, 2012.

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

ESSIE B. BRYAN

Plaintiff,

Vs.

CHARLESTON COUNTY AND
C.A. ROBERDS,

Defendants.

IN THE COURT OF
COMMON PLEAS
CASE No. 2012-CP-10-

COMPLAINT

FILED
2012 AUG -6 PM 2:09
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

NOW COMES the Plaintiff complaining of the Defendants by alleging and saying the following:

FISRT: That the Plaintiff is a resident of Charleston County South Carolina and has been such for more than one year prior to the commencement of this action.

SECOND: That the Defendant, Charleston County is a political subdivision of the State of South Carolina.

THIRD: That Defendant, C.A. Roberds is a resident is a resident of Charleston County who purchased 64 Spring Street at a Charleston, County Tax Sale.

FOURTH: That the Plaintiff is the record owner of the below described property:

ALL, that lot of hand, with the buildings and improvements thereon, Situate in the City of Charleston, State of South Carolina, on the North side of Spring Street, known under the present numbering as As No. 64 (formerly 22), and being the second lot of land to the East of Coming Street, with a two story building thereon. MEASURING AND CONTAINING in front of Spring Street thirty-three (33) feet six (6) inches, by one hundred and ninety-four (194) feet in depth, the said dimensions more or less.

BEING the same property conveyed to Ernest Kinloch Jr. (as Ernest Kinloch, Jr.) by deed of Nu-Homes Builders, Inc. dated August 9, 1979, and recorded in Book A-120, Page 182, R.M.C. Office for Charleston County, and conveyed to Essie B. Bryan and recorded on March 25, 1999, at D323/370.

FIFTH: That the Defendant Charleston County unlawfully conveyed that property to the Defendant C.A. Roberds by Tax Deed dated March 20, 2012 and recorded Book 0240 page 726 in the R.M.C. office for Charleston County.

SIXTH: That the South Carolina Code of Laws Section 12-51-40 specifies the steps that Charleston County through the County Treasurer of Charleston County shall proceed with the execution against a defaulting taxpayer in Charleston County to direct the Delinquent Tax Collector to sell so much of a defaulting taxpayer's estate as maybe sufficient to satisfy delinquent taxes.

SEVENTH: That the Delinquent Tax Collector failed to follow the dictates of the statutes in advertising as required under section 12-51-40, Code of Laws of South Carolina 1976, as amended.

EIGHTH: That the Delinquent Tax Collector failed to send the required copy of the tax execution to the Plaintiff by Certified Mail Return Receipt Requested as required by section 15-51-120, Code of Laws of South Carolina of the Statute.

NINTH: That the Delinquent Tax Collector failed to post proper notice on one or more conspicuous places on the property as required by section 12-51-40 of the statute.

TENTH: That the Delinquent Tax Collector failed to send final notice to Plaintiff before the right of redemption passed, at the property address, by Certified Mail Return Receipt requested as required by section 15-51-40 of the statute.

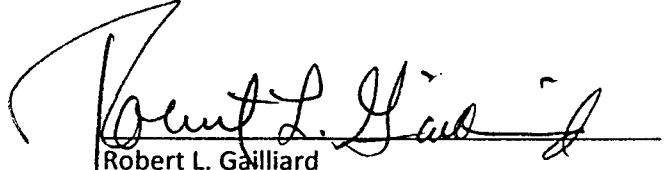
ELEVENTH: That the Tax Deed to the Defendant, C.A. Roberds is defective on its face and does NOT transfer title to defendant, as the Delinquent TAX Collector failed to follow the Statute in dispossessing the Plaintiff thus rendering its conveyance null and void against the Plaintiff.

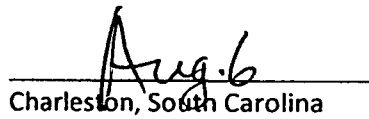
TWELFTH: That the ONLY remedy in this case for the Plaintiff is a revocation of the deed by the Court.

Wherefore, the Plaintiff prays for the following relief:

1. That the Court declares that the county failed to follow the statutes as prescribed.

2. That the Court declares the tax deed issued by the County in this case are NULL AND VOID.
3. That the Court declares that the Plaintiff is the rightful owner of the subject property.
4. That the property be returned to possession of the subject property upon payment of the back taxes, and for such other and further relief as the Court deems just and proper.


Robert L. Gailliard
Attorney for the Plaintiff
1072 E King Street
Charleston, South Carolina 29403


_____, 2012
Charleston, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
CASE #: 2012-CP-10-5112

ESSIE B. BRYAN,
Plaintiff,

v.

CHARLESTON COUNTY AND
C.A. ROBERDS,
Defendants,

C.A. ROBERDS,
Third Party Plaintiff,

v.

ERNEST KINLOCH d/b/a
ERNIE'S RESTAURANT,
Third Party Defendant,

**ANSWER & COUNTERCLAIM
AND THIRD PARTY COMPLAINT
OF C.A. ROBERDS**

BY

JULIE J. ARMSTRONG
CLERK OF COURT

2012 SEP 26 PM 2:02

FILED

The Defendant, C.A. Roberds, would respectfully show unto this Honorable Court as follows:

FOR A FIRST DEFENSE

1. That he admits on information and belief the allegations of Paragraph FIRST of the Complaint.
2. That he admits the allegations of Paragraph SECOND and THIRD of the Complaint.
3. That he denies the allegations of Paragraphs FOURTH, SEVENTH,

EIGHTH, NINTH, TENTH, ELEVENTH and TWELFTH of the Complaint.

4. That he admits so much of the allegations on Paragraph FIFTH of the complaint as allege that he received a tax deed dated March 20, 2012 and recorded in Bookm0240 Page 726 in the R.M.C. Office of Charleston County and denies the balance of the allegations contained therein.

5. That he admits so much of the allegations of Paragraph SIXTH of the Complaint as alleged as Section 12-51-40 specifies the steps that Charleston County through which the county treasurer shall proceed for execution against a defaulting tax payer and denies the allegations contained therein.

**FOR A SECOND DEFENSE AND BY WAY OF COUNTERCLAIM -
QUIET TITLE**

6. That Defendant/ Third Party Plaintiff Roberds reiterates each and every allegation hereinabove alleged as if repeated herein verbatim.

7. That Defendant Roberds is the owner of the property described in the Complaint by virtue of a valid deed of the Delinquent Tax Collector of the County of Charleston dated March 20, 2012, and duly recorded in the Office of the RMC for Charleston County in Book 0240, Page 726.

8. That all legal requirements for the tax sale and issuance of the subsequent tax deed were followed and all formalities observed, such that title should be confirmed in the said C.A. Roberds by virtue of said deed.

**THIRD PARTY COMPLAINT VERSUS ERNEST KINLOCH d/b/a ERNIE'S
RESTAURANT**

**FOR A FIRST CAUSE OF ACTION-
COLLECTION OF RENT**

9. That the Defendant/THIRD Party Plaintiff reiterates each and every ^D
allegation hereinabove alleged as if repeated herein verbatim.

10. That the Third Party Defendant doing business as Ernie's Restaurant is ^A
occupying the property described in the Complaint for the purpose of operating a restaurant.

11. That the Third Party Defendant, after due demand, refuses to pay rent and
has failed and refused to quit the premises. ^A

12. That the Third Party Plaintiff is entitled to the fair rental value of the
property from the Third Party Defendant for each month subsequent to the delivery of the deed
from the Charleston County Delinquent Tax Collector, and until the time of trial, or until
ejectment of the Third Party Defendant, by whichever first occurs. ^D

**FOR A SECOND CAUSE OF ACTION-
EJECTMENT**

13. That the Defendant/Third Party Plaintiff reiterates each and every
allegation hereinabove alleged as if repeated herein verbatim. ^D

14. That the Defendant/Third Party Plaintiff is entitled to an Order of
Ejectment directed to the Third Party Defendant and an Order placing the Third Party Plaintiff in
possession of the property. ^D

**FOR A THIRD CAUSE OF ACTION-
APPOINTMENT OF RECEIVER**

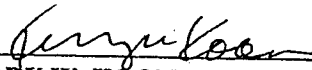
15. That the Defendant/Third Party Plaintiff reiterates each and every ^D

allegation hereinabove alleged as if repeated herein verbatim.

16. That the Defendant/Third Party Plaintiff Roberds is entitled to an Order appointing a receiver pursuant to the South Carolina Code Section 15-65-10, et seq. to collect and receive rents according to the fair rental value of the property. D

WHEREFORE, the Defendant/Third Party Plaintiff Roberds prays as follows:

- a) that the Complaint be dismissed; and
- b) for an order confirming title to the property described in the Complaint in the said Defendant/Third Party Plaintiff C.A. Roberds; and
- c) for a judgment against Third Party Defendant Ernest Kinloch in such an amount as may be determined by the finder of fact; and
- d) for an Order of Ejectment against the said Ernest Kinloch and an order placing the Defendant/Third Party Plaintiff Roberds in possession of the property described in the Complaint; and
- e) for an appointment of a receiver pursuant to S.C. Code Section 15-65-10; and
- f) for costs and disbursements of this action and reasonable attorney fees; and
- g) for such other and further relief as the Court may deem just and proper.


KERRY W. KOON
147 Wappoo Creek Drive, Ste 203
Charleston, SC 29412
(843) 795-7000
**ATTORNEY FOR DEFENDANT ROBERDS/THIRD
PARTY PLAINTIFF**

At Charleston, South Carolina
This 25th day of Sept, 2012.

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

ESSIE B. BRYAN,)

Plaintiff,)

v.)

CHARLESTON COUNTY AND)
C.A. ROBERDS,)

Defendants,)

C.A. ROBERDS,)

Third Party Plaintiff,)

v.)

ERNEST KINLOCH d/b/a)
ERNIE'S RESTAURANT,)

Third Party Defendant,)
_____)

IN THE COURT OF COMMON PLEAS
CASE #: 2012-CP-10-5112

CERTIFICATE OF SERVICE

FILED
2012 SEP 26 PM 2:02
JULIE ARMSTRONG
CLERK OF COURT
BY _____

I, Megan Mitchum, an employee of Kerry W. Koon, hereby certify that on
September 25, 2012, I served a copy of the Answer, Counterclaim and Third Party Complaint, in
the above captioned case, by depositing the same in the U.S. Mail, addressed to the following:

Robert Gailliard, Esq.
1072 E. King Street
Charleston, SC 29403

Charleston County Attorney's Office
4045 Bridgeview Dr.
North Charleston, SC 29405-7464

Mitchum

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

ESSIE B. BRYAN,
Plaintiff,

vs.

CHARLESTON COUNTY AND
C.A. ROBERDS,

Defendants.

C.A. ROBERDS,

Third Party Plaintiff,

vs.

ERNEST KINLOCH d/b/a
ERNIE'S RESTAURANT,

Third Party Defendant.

IN THE COURT OF COMMON PLEAS
CASE NO.: 2012-CP-10-5112

ANSWER

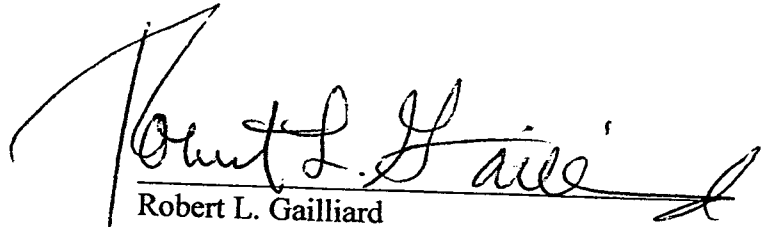
Now Comes the Third Party Defendant, Ernest Kinloch d/b/a Ernie's Restaurant, through his undersigned attorney answering the Complaint of the Third Party Plaintiff, C.A. Roberds, by alleging and saying the following:

FIRST: That the Third Party Defendant denies each and every allegation of the Third Party Complaint not herein after admitted, qualified, modified, or otherwise pleaded to.

SECOND: That the Third Party Defendant admits the allegations in Paragraphs 10 and 11 of the Third Party Complaint.

THIRD: That the Third Party Defendant denies the allegations found in paragraphs 9, 12, 13, 14, 15, and 16 of the Third Party Complaint and demands strict proof thereof.

Wherefore, the Third Party Defendant having fully answered the Complaint of the Third Party Plaintiff prays that the same be dismissed and for such other and further relief as the Court deems just and proper.



Robert L. Gailliard
Attorney for Third Party Defendant,
Ernest Kinloch d/b/a Ernie's Restaurant
1072 E King Street
Charleston, SC 29403
Telephone: (843)577-5250
Fax: (843)577-9933
Email: rlgailliardlaw@aol.com

January 22, 2013
Charleston, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

ESSIE B. BRYAN,
Plaintiff,

vs.

CHARLESTON COUNTY AND
C.A. ROBERDS,
Defendants.

C.A. ROBERDS,
Third Party Plaintiff,

vs.

ERNEST KINLOCH d/b/a
ERNIE'S RESTAURANT,
Third Party Defendant.

IN THE COURT OF COMMON PLEAS
CASE NO.: 2012-CP-10-5112

REPLY

2013 JAN 28 PM 2:30
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

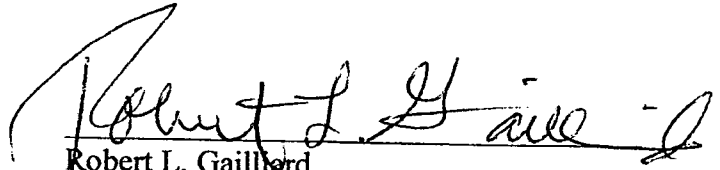
FILED

Now Comes the Plaintiff, Essie B. Bryan, through her undersigned attorney responding to the Counterclaim of the Defendant, C.A. Roberds, by alleging and saying the following:

FIRST: That the Plaintiff denies each and every allegation of the Counterclaim not hereinafter admitted, qualified, modified, or otherwise pleaded to.

SECOND: That the Plaintiff denies the allegations found in paragraphs 6, 7, and 8 of the Counterclaim.

Wherefore, the Plaintiff having fully responded to Defendant's Counterclaim prays that the same be dismissed and for such other and further relief as the Court deems just and proper.



Robert L. Gaillard
Attorney for Third Party Defendant,
Ernest Kinloch d/b/a Ernie's Restaurant
1072 E King Street
Charleston, SC 29403
Telephone: (843)577-5250
Fax: (843)577-9933
Email: rlgailliardlaw@aol.com

January 22, 2013
Charleston, South Carolina

CERTIFICATE OF SERVICE

I, Pearl Wilder-Hall, the Paralegal for Attorney Robert L. Gailliard, do hereby certify that I have served all counsel of record in this action with a copy of the pleading(s) listed below by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings: Answer & Reply

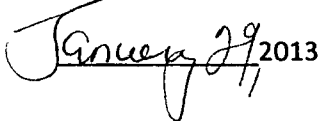
Counsel Served: Attorney Kerry Koon
147 Wappoo Creek Drive, Suite 203
Charleston, SC 29412

By



Pearl Wilder-Hall

Charleston, South Carolina



January 29, 2013

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

FOR THE NINTH JUDICIAL CIRCUIT

ESSIE B. BRYAN,

)

Plaintiff,

)

VS.

)

CASE NO.:2012-CP-10-5112

)

CHARLESTON COUNTY AND C.A.
ROBERDS,

)

)

Defendants.

)

VS

)

)

ERNEST KINLOCH,

)

)

Third Party Plaintiff.)



ORIGINAL

Hearing before the
Honorable Mikell R. Scarborough, reported by Bernadette A.
Cali, CSR and Notary Public, at 2:00 p.m. on August 19,
2013 at 100 Broad Street, Charleston, South Carolina.

A P P E A R A N C E S

For the Plaintiff: Robert Gailliard, Esq.
1072 E. King St.
Charleston, S.C. 29403

For the Defendant: Kerry W. Koon, Esq.
147 Wappoo Creek Drive, Suite 203
Charleston, S.C. 29403

For the County: Bernard E. Ferrara, Jr., Esq.
4045 Bridgeview Drive
North Charleston, S.C. 29405

Bernadette A. Cali, CSR
Notary Public

1 (Hearing commenced.)

2 THE COURT: Okay. This is the case captioned
3 Essie Bryan versus Charleston County and C. A. Roberds.
4 I have them as a third-party action in the same case;
5 C. A. Roberds versus Ernest Kinlock, d/b/a Ernie's
6 Restaurant. The case number is 2012-CP-10-5112.

7 Present today is Mr. Robert Gailliard for the
8 Plaintiff, Ms. Bryan; and I believe also attorney for
9 the Defendant, Ernest Kinlock. And for Charleston
10 County, Mr. Bernie Ferrara, Deputy Assistant County
11 Attorney -- Chief Deputy County Attorney, I guess; and
12 also Mr. Kerry Koon on behalf of Mr. Roberds.

13 Today is the pretrial hearing day and all
14 outstanding motions are to be determined. In reviewing
15 the file it appears that both the Defendant Charleston
16 County and the Defendant Roberds have filed motions for
17 summary judgment, and respective in their capacity as
18 Defendants, I believe, are both these cases.

19 So we've got -- those are the motions I've got. I
20 don't have any motion from Mr. Gailliard, and I think
21 the County's came in -- Mr. Koon's came in first.

22 MR. KOON: Mine came in first, but we agreed
23 Mr. Ferrara will give the first argument.

24 THE COURT: All right. Mr. Ferrara?

25 MR. FERRARA: Thank you, Your Honor.

1 (Discussion off the record.)

2 MR. FERRARA: Your Honor, may I approach the bench
3 just to serve to Your Honor -- I don't know whether you
4 have them -- the motion, the affidavit and the
5 Certificate of Service.

6 THE COURT: All right.

7 (Hands up document.)

8 MR. FERRARA: What I just served Your Honor was
9 served on both Mr. Gailliard and Mr. Koon on August 9.

10 By way of background, Your Honor, Essie Bryan
11 filed her Complaint on August 6, 2012. In that
12 Complaint she alleges that Charleston County failed to
13 comply with the alternate procedure for the collection
14 of property taxes; specifically three allegations as to
15 what the County failed to do.

16 One of the allegations is the County failed to
17 send a copy of the tax execution to the Plaintiff by
18 certified mail return receipt requested.

19 The second allegation is the County failed to
20 properly post the property, and the third allegation is
21 the County failed to send the final notice before the
22 redemption period passed.

23 THE COURT: Just one second. This thing is not
24 working. Are we connected? Are you getting anything?
25 Let's see.

1 (Interruption)

2 THE COURT: I apologize. Mr. Ferrara, looks like
3 she's got a record but I don't. So go ahead and I'll
4 pay attention to what you're saying.

5 MR. FERRARA: Thank you, Your Honor.

6 On August 9, 2013 Charleston County filed its
7 motion to declare its Request For Admission deemed
8 admitted, and a motion for summary judgment.

9 The motion was based on Rule 36 of the South
10 Carolina Rules of Civil Procedure on the grounds that
11 the Plaintiff, Essie Bryan, failed to serve upon
12 Charleston County a written answer or objection within
13 30 days after service of the Request For Admission.

14 Then in tandem with that motion Charleston County
15 filed its Motion For Summary Judgment on the grounds
16 that Charleston County complied with the alternate
17 receiver for the collection of property taxes. That's
18 Section 12-51-40 et sequitur.

19 In the motion we allege that -- and it's supported
20 by my Affidavit -- that on September 28, 2012
21 Charleston County sent its Request For Admission to the
22 Plaintiff's counsel. And that is, again, supported by
23 the Affidavit which is attached to the documents I
24 served to Your Honor and opposing -- and Defendant's
25 counsel as well.

1 Then also attached to that document, Your Honor,
2 are the actual Requests For Admission of Charleston
3 County to the Plaintiff.

4 As of the date of this motion the Plaintiff has
5 not served a written answer or objection to the Request
6 For Admission. Accordingly, Charleston County seeks to
7 have those admissions deemed -- declared admitted by
8 Your Honor.

9 And I'm not going to go through what Rule 36 says,
10 but it says if no answer or objection is received
11 within 30 days after a party serving a request to admit
12 upon another party then they are -- the judge has the
13 discretion to deem them admitted. That's what we're
14 here for today.

15 So the County does move, Your Honor, to have those
16 requests to admit admitted. And based on those
17 admissions it moves for summary judgment on the grounds
18 that there is no genuine issue of material fact; that
19 Charleston County did, in fact, comply with the
20 alternate procedure for collection of property taxes.

21 What I would like to draw Your Honor's attention
22 to, in the Request For Admission, regarding the three
23 allegations I spoke earlier about, the tax execution
24 notice; request number 2 says, admit that Essie Bryan
25 received the execution notice referred to in request

1 number 1. If Your Honor deems that admitted Essie
2 Bryan received the tax execution notice.

3 Regarding the second allegation, the posting of
4 the property, request number 10, to admit that the
5 document attached hereto as Exhibit F shows a posting
6 slip on the house located on tax map parcel number
7 460-08-02-036, that being the property in question
8 before Your Honor.

9 With regard to the third allegation, about the
10 County failing to send notice regarding the final
11 notice before the end of the redemption, that would be
12 request number 19, which says admit that Charleston
13 County sent final notice of redemption to both
14 addresses referenced in the request number 13, 14 and
15 that Essie Bryan or anyone on her behalf did not send
16 Charleston County correct or forwarding address
17 changing her address from the address referenced in
18 request number 39, 40.

19 And then request number 20 says that, admit that
20 Essie Bryan didn't redeem the property, and that
21 request number 21 says that -- admit Charleston County
22 sent tax bills from 2008 to 64 Spring Street with that
23 parcel identification number I just mentioned to you.

24 So based on those admissions there is no genuine
25 issue of material fact that Charleston County did not

1 comply with the alternate procedure for the collection
2 of property taxes.

3 And with that said, Your Honor, I would be happy
4 to answer any questions you may have.

5 THE COURT: Okay. I saw in your packet you-all
6 had sent those. Another letter was sent sometime in
7 the spring.

8 MR. FERRARA: I'm sorry. In the package is a
9 letter from ~Johanna Gardner dated April 22nd, 2013
10 where she writes Mr. Gailliard and says, (reading) we
11 still haven't received responses to your Request For
12 Admission. The County deems those requests admitted.
13 And then it ends with the Certificate Of Service where
14 we filed the motion, the Affidavit, the Request For
15 Admission as attachments to both Mr. Gailliard and
16 Mr. Koon on August 9, 2013.

17 THE COURT: All right. Very good. Mr. Koon, let
18 me hear from you as well.

19 MR. KOON: Yes, sir.

20 On October 8 of 2012 I served identical Request To
21 Admission -- For Admission on Mr. Gailliard, and I did
22 that not just because I was being a little lazy but
23 because the County's Request to Admit were very
24 complete and basically took the whole tax sale process
25 step-by-step and requested admission to the

1 authenticity of documents and receipt of documents, and
2 I wrote to Mr. Gailliard and said send us a copy of
3 what you send the County, that will be good enough to
4 answer our Request To Admit.

5 And as of the date of the motion, and as of today,
6 that has not happened, so we would join in the motion
7 on behalf of Defendant Roberds as to our counterclaim
8 to confirm title in his name.

9 That would -- assuming Your Honor would rule
10 favorably on that issue -- that would still leave the
11 issue of rent and tenancy and who is entitled to be
12 there, left with the Court. But the title issue would
13 be resolved should you rule favorably on our motion.

14 In addition, Your Honor, I would point out that in
15 my Affidavit I attached some additional documents that
16 were received from the County in response to a Freedom
17 of Information Act request and which show that
18 Ms. Bryan made a conscious decision to request the
19 \$23,000 overage and received and, at her request, a
20 check was issued and she received the overage.

21 So, Your Honor, we would additionally argue that
22 since the title issue is one of equity, that there
23 should have been some offer tendered to restore the
24 overage before trying to upset the tax deed. So that
25 would bring in questions of waiver as to whether or not

1 that has been waived.

2 And the last thing I would say, Your Honor, is
3 that the Request To Admit basically step-by-step go
4 through every stage of the tax sale procedure from the
5 initial notice and the levy and the posting and the
6 redemption, and if those matters are deemed admitted it
7 does show that the County did everything statutorily
8 required and maybe even more.

9 It seems to me that in looking at the statute,
10 since there is a return receipt of the execution of
11 levy, maybe even the posting wasn't even required. As
12 I understand, posting is only required if a certified
13 mail receipt is not returned; not signed personally by
14 Ms. Bryan but it was returned, so perhaps the posting
15 was not even a required step.

16 So we would join in the motion and ask Your Honor
17 to rule on our counterclaim in favor of the Defendant
18 and confirm title in Mr. Roberds' name.

19 Thank you.

20 THE COURT: All right. Very good. Mr. Gailliard?

21 MR. GAILLIARD: Yes. May it please the Court,
22 Your Honor.

23 Clearly the Court has discretion in this matter
24 and there are several, not inconsistencies but things
25 that the County just did not do. And the case law is

1 very clear, Your Honor, that --

2 THE COURT: Before we get into the merits, let's
3 talk about the Request To Admit and what's happened
4 there.

5 MR. GAILLIARD: All right. Well, let's do that.

6 Let's look, Your Honor, which rule -- Rule 26 is
7 referred to in the rule regarding the request to admit.

8 THE COURT: Let me just ask you this question
9 right off the bat. Have there been -- one, did you
10 receive them; provided proof of that? And, two, have
11 you answered them? Have you had a chance to answer
12 them?

13 MR. GAILLIARD: I have not responded to the
14 Request To Admit. We have answered Interrogatories
15 which were sent to both Mr. Koon and the County, and I
16 would point out to the Court that in the Answers To
17 Interrogatories -- we're talking about a couple of
18 germane points here -- I would point out answer number
19 4 which was sent to both counsel on June 25th. It
20 clearly states that no notice was ever posted on the
21 property by Charleston County. And so that issue is in
22 contention.

23 So what we're talking about here, Your Honor, is
24 really a discovery technicality. And it's up to this
25 Court to use it's discretion whether or not we're going

1 to resolve this very serious matter on a discovery
2 technicality or not. And that's all it comes down to.

3 THE COURT: All right. Well, I guess that's
4 within my discretion, but I can read the rules as well
5 as anybody.

6 Tell me how it is -- here's what concerns me in
7 this case. Tell me how it is that we got -- I've got
8 evidence in the record in here where you're writing on
9 behalf of Ms. Bryan, the Plaintiff, in this initial
10 action requesting the overage to be paid to her on
11 June 26 of 2012 and then submitting the required
12 affidavit, I guess, to obtain the overage on behalf of,
13 quote, all interested parties, dated July 5th, and then
14 there is a check in here from the Delinquent Tax
15 Department on July 13, 2012 paying Ms. Bryan almost
16 \$23,500.

17 MR. GAILLIARD: Your Honor, what's your question
18 about? I wasn't clear as to your question.

19 THE COURT: How is it that you-all are requesting
20 the overage from the tax sale in one month and turning
21 around and filing this lawsuit in less than 30 days?
22 How did that come to be?

23 MR. GAILLIARD: Well, they, Your Honor --

24 THE COURT: I think that may well be sanctionable
25 conduct, Mr. Gailliard. It clearly raises the issue of

1 whether or not this is a frivolous proceeding. I can
2 clearly state that.

3 I don't understand how you could take the money on
4 the overage from Mr. Roberds who pays \$30,000 at the
5 tax sale, request that you get the money, you get the
6 money, then you turn around and file the lawsuit saying
7 that the tax sale's invalid.

8 MR. GAILLIARD: The question about the money, Your
9 Honor, is this, and the lawsuit makes it clear. If
10 Mr. Roberds is determined to be the owner of the
11 property, clearly the money goes to my clients. If
12 they get the property then the lawsuit says we give him
13 the money back. I don't think the money is dispositive
14 of the issue.

15 THE COURT: All right. Well, the failure to
16 answer the Request To Admit is, so I'm going to grant
17 the motion for summary judgment on that basis. All
18 right?

19 MR. GAILLIARD: Your Honor, may I be heard?

20 THE COURT: You can be heard if you like. You can
21 make a record if you like, but failure to answer
22 Request To Admit after ten months is going to render
23 any argument you've got relatively meaningless, but go
24 ahead.

25 MR. GAILLIARD: Your Honor, what I would point

1 out, and the record is clear, that the County did not
2 do what they were supposed to do; the Complaint, the
3 Answer, my responses to the Interrogatories and the
4 fact that it's in the discretion of the Court to decide
5 whether or not a discovery technicality is going to be
6 dispositive of this case.

7 And I would ask the Court if you look at the
8 Answers To Interrogatories, which was sent and says
9 clearly that no notice was ever posted. I also have
10 affidavits, which we sent to Mr. Koon, by everyone that
11 worked there that said no sign was posted. And the
12 case law says clearly that you have to post the
13 property. They can't get around they didn't post the
14 property.

15 THE COURT: There is a photograph of the posting
16 in there, so I take issue with you on that.

17 And, number two, it appears that they did serve
18 Ms. Bryan and the green sheets were signed for. They
19 weren't signed for by her, but they were signed for. I
20 stayed up here until 7 o'clock last week doing some
21 research on that question and the burden is upon you to
22 challenge the accuracy of who signed it, whether or not
23 it got to Ms. Bryan.

24 MR. GAILLIARD: Well --

25 THE COURT: I can't remember the names that are on

1 there but two different people signed for those green
2 cards.

3 MR. GAILLIARD: Neither one of those persons is
4 Essie Bryan.

5 THE COURT: Correct.

6 MR. GAILLIARD: One is Linda Brown. And if you
7 look at court rules, when it says restricted
8 delivery -- this comes up in other courts all the
9 time -- if the person it's mailed to doesn't sign for
10 it the Court doesn't accept it.

11 THE COURT: That is incorrect. I discovered that
12 last week. I would assume that to be the law, but that
13 is incorrect. Once the letter is sent certified mail
14 restricted delivery to the addressee that is sufficient
15 for service of process.

16 Whoever it's signed by, the person that is
17 contesting the service has got to come in and contest
18 that service. It's valid service if it's sent
19 according to the rule.

20 So these were valid services not requiring posting
21 of the property, as Mr. Koon has indicated but, in any
22 event, I think it's a better practice for the County to
23 go forward and post it. And there is a photograph in
24 here -- which exhibit is that, Mr. Koon?

25 MR. KOON: To the original County documents it

1 was --

2 THE COURT: It's in Exhibit A to Mr. Koon's
3 document.

4 MR. KOON: Yes, sir. It's the County's Exhibit F.

5 MR. FERRARA: That's right.

6 MR. GAILLIARD: Your Honor, I need to ask the
7 Court one other matter.

8 THE COURT: All right.

9 MR. GAILLIARD: Mr. Koon will verify that I sent
10 him copies of affidavits in this matter. And I just
11 apologize to the Court. I thought all that stuff was
12 there -- apparently sitting on my desk. May I file
13 those originals with the Court today?

14 MR. KOON: I have no objection. He's certainly
15 timely.

16 THE COURT: Affidavits as to service of process,
17 as to --

18 MR. GAILLIARD: Affidavits in opposition to this
19 motion for summary judgment.

20 THE COURT: Yes. I don't see them in here.

21 MR. GAILLIARD: They are not here. I
22 inadvertently left them on my desk. Mr. Koon can
23 confirm that he got them on Friday.

24 THE COURT: Did you get them Friday?

25 MR. KOON: Yes, sir. We did.

1 THE COURT: All right. They are required to be
2 filed two days prior to. And I don't see them, but,
3 Mr. Koon, I'll grant you that request.

4 MR. GAILLIARD: Thank you very much, Your Honor.

5 THE COURT: As to the motion for summary judgment,
6 I'll grant them both.

7 MR. GAILLIARD: Should I do a formal order?

8 THE COURT: I'll ask them to send me an order and,
9 Mr. Koon, I've been looking at the file. I don't see
10 an order from the June hearing where I set the amount
11 of the rent.

12 MR. KOON: Didn't I send that to you?

13 THE COURT: If you'll just resend it.

14 MR. KOON: I'll do that.

15 THE COURT: That was, I think, \$2400 in past due
16 rent.

17 MR. KOON: Let me make sure. I know I -- let me
18 make sure I sent it to the right -- your customary
19 email.

20 MS. CRAIG: S. Craig.

21 THE COURT: If you sent it to me no telling where
22 it went.

23 MR. KOON: Okay. At charlestoncounty.org.

24 MS. CRAIG: Yes, sir.

25 MR. KOON: I'll take care of that this afternoon.

1 THE COURT: Very good. That could be my
2 oversight.

3 I'll grant summary judgment on what would be the
4 initial action, Essie Bryan versus Charleston County
5 and C. A. Roberds. So that leaves us, still leaves us
6 with the Roberds case against Mr. Kinlock and his
7 restaurant; correct?

8 MR. KOON: Yes, sir. And, of course, now the
9 Plaintiff is taking the position that Essie Bryan is
10 the owner of the restaurant, so is there any objection
11 to me amending my counterclaim to reflect that?

12 MR. GAILLIARD: I don't understand what you mean
13 taking the position. She's been the owner of the
14 restaurant all the time.

15 MR. KOON: I counterclaimed for possession against
16 Ernie Kinlock. If he's not the owner I need to
17 substitute Ms. Bryan as party for that.

18 MR. GAILLIARD: She's the correct party if you
19 want to redo that.

20 THE COURT: You can do that or wait until trial or
21 whatever you want to do and move to conform the proof
22 to the evidence.

23 MR. KOON: Yes, sir.

24 THE COURT: All right. Is rent being paid? Is
25 all that taking place?

1 MR. KOON: No, sir.

2 THE COURT: You can go ahead and make your motion
3 Put a separate order in there to amend it, then we'll
4 go from there.

5 MR. KOON: Well, in fairness -- (inaudible) I know
6 Your Honor said it verbally --

7 THE COURT: Yes. That will be fine.

8 MR. KOON: Yes, sir.

9 THE COURT: There was back rent, too, as I recall.

10 MR. KOON: That is correct, Your Honor.

11 THE COURT: All right, gentlemen. Thank you all
12 for coming in today.

13 (Hearing concluded.)

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STATE OF SOUTH CAROLINA)

)

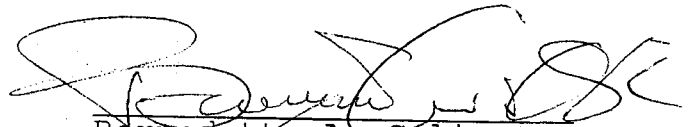
C E R T I F I C A T E

COUNTY OF CHARLESTON)

I, Bernadette A. Cali, Notary Public, do hereby certify that the within hearing was taken and transcribed by me; and that the foregoing pages are a true and accurate transcript of the within proceedings. I further certify that the persons were present as stated.

I further certify that I am not of counsel or kin to any of the parties to this action, nor am I interested in the result of the said action.

IN WITNESS WHEREOF, I have hereunto subscribed my name, this November 21, 2013.



Bernadette A. Cali, CSR
Notary Public
My Commission Expires
April 5, 2020

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	IN THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE #: 2012-CP-10-5112
ESSIE B. BRYAN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
CHARLESTON COUNTY AND	)	DEFENDANT AND THIRD
C.A. ROBERDS,	)	PARTY PLAINTIFF C.A. ROBERD'S
	)	FIRST REQUEST FOR ADMISSIONS
Defendants,	)	TO PLAINTIFF ESSIE B. BRYAN
	)	
C.A. ROBERDS,	)	
	)	
Third Party Plaintiff,	)	
	)	
v.	)	
	)	
ERNEST KINLOCH d/b/a	)	
ERNIE'S RESTAURANT,	)	
	)	
Third Party Defendant,	)	
	)	

TO THE PLAINTIFF ESSIE B. BRYAN ABOVE NAMED:

The Defendant and Third Party Plaintiff hereby submits the following requests for admissions pursuant to Rule 36 of the South Carolina Rules of Civil Procedure to be separately admitted or denied within 30 days of the date of service hereof.

Request No. 1: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit A is a true and accurate copy of the Execution Notice for Tax Map Parcel Identification Number 460-08-02-036, dated April 2, 2010, addressed to Essie B. Bryan, 64 Spring St., Charleston, SC 29403-5413.

Request No. 2: Admit that Essie B. Bryan received the Execution Notice referenced in Request No.

1.

Request No. 3: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit B is a true and accurate copy of the Official Notice of Levy for Tax Map Parcel Identification Number 460-08-02-036, dated May 24, 2010, with current owner as Essie B. Bryan.

Request No. 4: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit C is a true and accurate copy of a document of the United States Postal Service Certified Mail Return Receipt for Tax Map Parcel Identification Number 460-08-02-036 addressed to Essie B. Bryan, 64 Spring St., Charleston, SC 29403-5413.

Request No. 5: Admit that the document attached hereto as Exhibit C is referred to as PS Form 3811, July 1999, showing Article Number 7184 9158 3733 0835 1426.

Request No. 6: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit D is a true and accurate copy of the Certified Mail Return Receipt Requested Restricted Delivery envelope of the Charleston County Delinquent Tax Collector identified as 7184 9158 3733 0835 1426 addressed to Essie B. Bryan, 64 Spring St., Charleston, SC 29403-5413, and contains a signature acknowledging receipt.

Request No. 7: Admit that the Certified Mail Return Receipt Numbers in Request Nos. 5 and 6 contain the same Certified Mail Return Receipt Number 7184 9158 3733 0835 1426 regarding Tax Map Parcel Identification Number 460-08-02-036.

Request No. 8: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit E is a true and accurate copy of a document of the United States Postal Service referred to as PS Form 3811, July 1999, showing Article Number 7184 9158 3733 0950 2643 for Tax Map Parcel Identification Number 460-08-02-036 addressed to Essie B. Bryan, 64 Spring St., Charleston, SC 29403-5413.

Request No. 9: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit F is a true and accurate copy of a business record of Charleston County titled Real Property Posting Slip For 2009 Tax Sale showing Tax Map Parcel Identification Number 460-08-02-036 was posted on August 4, 2010.

Request No. 10: Admit that the document attached hereto as Exhibit F shows a posting slip on the

house located on Tax Map Parcel Identification Number 460-08-02-036.

Request No. 11: Admit that the document attached hereto as Exhibit F shows a portion of the real property of Tax Map Parcel Identification Number 460-08-02-036.

Request No. 12: Admit that Charleston County posted a delinquent tax sale notice on August 4, 2010, for Tax Map Parcel Identification Number 460-08-02-036 as depicted in the photo referenced in Exhibit F.

Request No. 13: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit G is a true and accurate copy of the Charleston County Final Notice of Redemption for Tax Map Parcel Identification Number 460-08-02-036, dated September 30, 2011, addressed to Essie B. Bryan, 64 Spring St., Charleston, SC 29403.

Request No. 14: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit H is a true and accurate copy of the Charleston County Final Notice of Redemption for Tax Map Parcel Identification Number 460-08-02-036, dated September 30, 2011, addressed to Essie B. Bryan, 1540 Staffordshire Dr., Charleston, SC 29407.

Request No. 15: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit I is a true and accurate copy of the Title to Real Estate for Tax Map Parcel Identification Number 460-08-02-036 dated March 23, 1999, and recorded on March 25, 1999 in Book D323, Page 370 in the Office of the Register of Mesne Conveyance for Charleston County, South Carolina.

Request No. 16: Admit that the document attached hereto as Exhibit I identifies the Grantee as Essie B. Bryan.

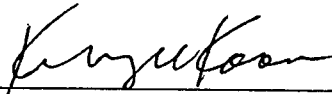
Request No. 17: Admit that the document attached hereto as Exhibit I shows the "Grantee's Address" as 64 Spring St., Charleston, SC 29403.

Request No. 18: Admit that Charleston County sent the tax bill for tax year 2009 to 64 Spring St., Charleston, SC 29403 for Tax Map Parcel Identification Number 460-08-02-036.

Request No. 19: Admit that Charleston County sent Final Notices of Redemption to both addresses referenced in Request Nos. 13 and 14 and that Essie B. Bryan, or anyone on her behalf, did not send Charleston County a corrected or forwarding address changing her address from the addresses referenced in Request Nos. 39 and 40.

Request No. 20: Admit that Essie B. Bryan, or anyone on her behalf, did not redeem the property identified as Tax Map Parcel Identification Number 094-00-00-071.

Request No. 21: Admit that Charleston County sent the tax bills for tax years 2000 through 2008 to 64 Spring St., Charleston, SC 29403 for Tax Map Parcel Identification Number 460-08-02-036.



KERRY W. KOON

147 Wappoo Creek Drive, Ste 203

Charleston, SC 29412

(843) 795-7000

**ATTORNEY FOR DEFENDANT AND THIRD
PARTY DEFENDANT C.A. ROBERDS**

At Charleston, South Carolina

This 4th day of Feb, 2012.

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 2012-CP-10-5112

Essie B. Bryan,)
)
Plaintiff,)

vs.)

Charleston County and C.A. Roberds,)
)
Defendants.)

**REQUESTS FOR ADMISSIONS OF
CHARLESTON COUNTY TO PLAINTIFF**

TO: PLAINTIFF ESSIE B. BRYAN, AND ROBERT L. GAILLIARD, ESQUIRE,
ATTORNEY FOR PLAINTIFF

Pursuant to Rule 36 of the South Carolina Rules of Civil Procedure, the Defendant Charleston County requests that the Plaintiff Essie B. Bryan admit the following facts or admit so much of each enumerated request as can be admitted, or qualify such admission, or if any request is denied, set forth in detail the reasons for such denial. Such answers and replies to these request to admit are to be served on the undersigned no later than the thirtieth (30th) day after service, and if such service is not made, or any answer not denied or qualified or objected to within that time, such request will be deemed admitted in accordance with the provisions of the rule.

Please be advised that Rule 36 of the South Carolina Rules of Civil Procedure provides that if objection is made, the reasons therefore shall be stated. It further provides that the answer shall specifically deny the matter or set forth in detail the reasons why the Plaintiff cannot truthfully admit or deny the matter. It further provides that a denial shall fairly meet the substance of the requested admission, and when good faith requires that the Plaintiff qualify its answer or deny only a part of the matter of which an admission is requested, the Plaintiff shall specify so much of it is true and qualify or deny the remainder. It further provides that the Plaintiff may not give lack of

information or knowledge as a reason for failure to admit or deny unless s/he states that s/he has made reasonable inquiry and that the information known or readily obtainable by him/her is insufficient to enable him/her to admit or deny.

Request No. 1: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit A is a true and accurate copy of the Execution Notice for Tax Map Parcel Identification Number 460-08-02-036, dated April 2, 2010, addressed to Essie B. Bryan, 64 Spring St., Charleston, SC 29403-5413.

Request No. 2: Admit that Essie B. Bryan received the Execution Notice referenced in Request No. 1.

Request No. 3: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit B is a true and accurate copy of the Official Notice of Levy for Tax Map Parcel Identification Number 460-08-02-036, dated May 24, 2010, with current owner as Essie B. Bryan.

Request No. 4: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit C is a true and accurate copy of a document of the United States Postal Service Certified Mail Return Receipt for Tax Map Parcel Identification Number 460-08-02-036 addressed to Essie B. Bryan, 64 Spring St., Charleston, SC 29403-5413.

Request No. 5: Admit that the document attached hereto as Exhibit C is referred to as PS Form 3811, July 1999, showing Article Number 7184 9158 3733 0835 1426.

Request No. 6: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit D is a true and accurate copy of the Certified Mail Return Receipt Requested Restricted Delivery envelope of the Charleston County Delinquent Tax Collector identified as 7184 9158 3733 0835 1426 addressed to Essie B. Bryan, 64 Spring St., Charleston, SC 29403-5413, and contains a signature acknowledging receipt.

Request No. 7: Admit that the Certified Mail Return Receipt Numbers in Request Nos. 5 and 6 contain the same Certified Mail Return Receipt Number 7184 9158 3733 0835 1426 regarding Tax Map Parcel Identification Number 460-08-02-036.

Request No. 8: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit E is a true and accurate copy of a document of the United States Postal Service referred to as PS Form 3811, July 1999, showing Article Number 7184 9158 3733 0950 2643 for Tax Map Parcel Identification Number 460-08-02-036 addressed to Essie B. Bryan, 64 Spring St., Charleston, SC 29403-5413.

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Request No. 11: Admit that the document attached hereto as Exhibit F shows a portion of the real property of Tax Map Parcel Identification Number 460-08-02-036.

Request No. 12: Admit that Charleston County posted a delinquent tax sale notice on August 4, 2010, for Tax Map Parcel Identification Number 460-08-02-036 as depicted in the photo referenced in Exhibit F.

Request No. 13: AUTHENTICITY REQUEST: Admit that the document attached hereto as Exhibit G is a true and accurate copy of the Charleston County Final Notice of Redemption for Tax Map Parcel Identification Number 460-08-02-036, dated September 30, 2011, addressed to Essie B. Bryan, 64 Spring St., Charleston, SC 29403.

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Request No. 17: Admit that the document attached hereto as Exhibit I shows the "Grantee's Address" as 64 Spring St., Charleston, SC 29403.

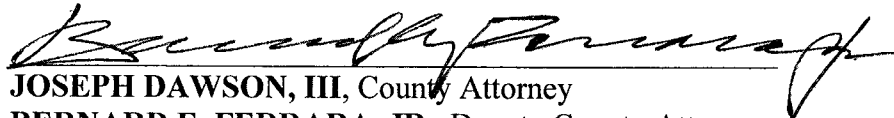
Request No. 18: Admit that Charleston County sent the tax bill for tax year 2009 to 64 Spring St., Charleston, SC 29403 for Tax Map Parcel Identification Number 460-08-02-036.

Request No. 19: Admit that Charleston County sent Final Notices of Redemption to both addresses referenced in Request Nos. 13 and 14 and that Essie B. Bryan, or anyone on her behalf, did not send Charleston County a corrected or forwarding address changing her address from the addresses referenced in Request Nos. 39 and 40.

Request No. 20: Admit that Essie B. Bryan, or anyone on her behalf, did not redeem the property identified as Tax Map Parcel Identification Number 094-00-00-071.

Request No. 21: Admit that Charleston County sent the tax bills for tax years 2000 through 2008 to 64 Spring St., Charleston, SC 29403 for Tax Map Parcel Identification Number 460-08-02-036.

CHARLESTON COUNTY



JOSEPH DAWSON, III, County Attorney

BERNARD E. FERRARA, JR., Deputy County Attorney

AUSTIN A. BRUNER, Assistant County Attorney

BRADLEY A. MITCHELL, Assistant County Attorney

JOHANNA S. GARNER, Assistant County Attorney

CHARLESTON COUNTY ATTORNEY'S OFFICE

Lonnie Hamilton, III Public Services Building

4045 Bridge View Drive

North Charleston, South Carolina 29405

(843) 958-4010

ATTORNEYS FOR DEFENDANT

Charleston, South Carolina
September 28, 2012

CERTIFICATE OF SERVICE

I certify that I have served a true and correct copy of the foregoing Requests for Admissions of Charleston County to Plaintiff upon Plaintiff's counsel of record by depositing a copy of the same in the United States mail, postage prepaid or hand-delivery in the manner prescribed by the applicable South Carolina Rules of Civil Procedure.

DATED this 28th day of September, 2012.



BERNARD E. FERRARA, ESQUIRE

Exhibit A

Execution Notice for

Tax Map Parcel Identification Number 460-08-02-036

EXECUTION NOTICE

County of Charleston, S.C. -

APRIL 2, 2010

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

UNIFIED TAXES ARE DUE ON THE FOLLOWING DESCRIBED REAL PROP

Property Description	Tax Year	Receipt#	Amount Due
PARCEL ID: 460-08-02-036 64 SPRING ST 03 PROPERTY DESCRIPTION: 64 SPRING	2009	2009-019485	\$ 3,053.54
752 1 AV 0.335 *****AUTO**5-DIGIT 29403 000752 BRYAN ESSIF B 29403-5413 752 4R PAID WITH PROCEEDS FROM TAX SALE *460-08-02-036*	LEVY COST		\$ 30.00
	Amount Due		\$ 3,083.54

NOV 01 2010

AMOUNT DUE AFTER 05-14-2010 \$ 3,148.54
10-01-2010 \$ 3,188.54

**DELINQUENT TAX
CHARLESTON COUNTY**

PLEASE NOTE: AFTER JULY 23, 2010 ONLY CASH, MONEY ORDERS, OR CERTIFIED CHECKS WILL BE ACCEPTED FOR PAYMENT OF DELINQUENT REAL PROPERTY TAXES.

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

1. AN "OFFICIAL NOTICE OF LEVY" WILL BE MAILED TO YOU.
2. YOUR PROPERTY WILL BE ADVERTISED IN THE "CHARLESTON POST & COURIER".
3. A SIGN MAY BE PLACED ON YOUR PROPERTY ANNOUNCING THAT THE PROPERTY IS TO BE SOLD FOR NON-PAYMENT OF TAXES.
4. YOUR PROPERTY WILL BE SOLD AT PUBLIC AUCTION BEGINNING ON NOVEMBER 01, 2010.

ALL REAL ESTATE TAXES MUST BE PAID ON OR BEFORE 5:00 P.M. ON OCTOBER 29, 2010 IN ORDER TO AVOID HAVING THE PROPERTY SOLD AT TAX SALE.

IF YOU ARE IN BANKRUPTCY, PLEASE CONTACT THIS OFFICE IMMEDIATELY.

FOR MORE INFORMATION YOU CAN EMAIL realproperty@charlestoncounty.org.

IF YOU HAVE ANY QUESTIONS REGARDING THIS BILL, PLEASE CALL 843-202-6576

RECEIPT NUMBER(S) 2009-019485

TEAR AT PERFORATION AND RETURN BOTTOM PORTION

PARCEL I.D. 460-08-02-036

AMOUNT DUE AFTER 05-14-2010 MESSAGE \$ 3,148.54
10-01-2010 \$ 3,188.54

LEGAL DESCRIPTION: 64 SPRING ST
03
PROPERTY DESCRIPTION:
64 SPRING

BRYAN ESSIE B

PAY THIS AMOUNT
\$ 3,083.54

MAKE PAYMENTS TO:

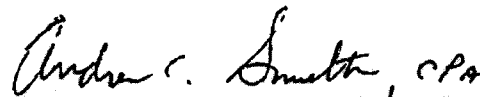
CHARLESTON COUNTY TREASURER R
P.O. BOX 878
CHARLESTON, SC 29402-0878

OFFICE OF DELINQUENT TAX COLLECTOR
Charleston County, SC

ANDREW C. SMITH, C.P.A.; COUNTY TREASURER FOR CHARLESTON COUNTY
to the Delinquent Tax Collector of Charleston County or his deputy:

WHEREAS, the delinquent taxpayer whose name appears on the reverse side has been duly assessed the sum shown on the reverse side, the same being for School, County and Special taxes, including penalties and costs thereon, for the TAX YEAR(S) SHOWN.

WHEREAS, the delinquent taxpayer has failed to pay the taxes, penalties and costs, this execution commands you in the name of the State to levy by distress and sell so much of the delinquent taxpayer's property as is sufficient to satisfy the delinquent taxes, assessments, penalties, and costs. This execution is sufficient warrant for a levy by distress and sale.



CHARLESTON COUNTY TREASURER

Exhibit B

Official Notice of Levy for

Tax Map Parcel Identification Number 460-08-02-036

MARY M. SCARBOROUGH
Delinquent Tax Collector



DELINQUENT TAX COLLECTOR
4045 BRIDGE VIEW DR., 1ST FLOOR
NORTH CHARLESTON, SC 29405

MAY 24, 2010
4600802036

OFFICIAL NOTICE OF LEVY

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

Current Owner: BRYAN ESSIE B

Total taxes, penalties and costs:

Amount Due After:

Total Taxes Due:

MAY 14, 2010
OCTOBER 01, 2010
OCTOBER 29, 2010

\$3,148.54
\$3,188.54
\$3,278.54 and 2010 Taxes

BRYAN ESSIE B

PARCEL ID: 4600802036

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

ALL REAL PROPERTY TAXES MUST BE PAID ON OR BEFORE 5:00 P.M. OCTOBER 29, 2010 TO AVOID TAX SALE ON NOVEMBER 01, 2010. RETURN RECEIPT OF THIS NOTICE SHALL BE DEEMED EQUIVALENT TO "LEVYING BY DISTRESS".

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

Delivery payment to:

Charleston County Treasurer - DT
4045 Bridgeview Dr., 1st Floor
North Charleston, SC 29405

Mail payment to:

Charleston County Treasurer - DT
PO Box 878
Charleston SC 29402-0878

Business Hours:

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

Delinquent Tax Phone
Number:
(843) 202-6576

UNITED STATE POSTAL SERVICE



FIRST-CLASS
MAIL
POSTAGE &
FEES PAID
LPP
29292

CHARLESTON COUNTY DELINQUENT TAX COLLECTOR
4045 BRIDGE VIEW DR B110
NORTH CHARLESTON SC 29405-7464



103

Exhibit C

PS Form 3811, July 1999

Article Number 7184 9158 3733 0835 1426



CHARLESTON COUNTY DELINQUENT TAX COLLECTOR
4045 BRIDGE VIEW DR B110
NORTH CHARLESTON SC 29405-7464

FIRST-CLASS
MAIL
POSTAGE &
FEES PAID
LPP
29292

7184 9158 3733 0835 1426

RETURN RECEIPT REQUESTED
RESTRICTED DELIVERY

IMPORTANT NOTICE

4600802036

004717

BRYAN ESSIE B
64 SPRING ST
CHARLESTON SC 29403-5413

POSTMAN TEAR ALONG PERFORATION TO REMOVE CARD

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) B. Date of Delivery	
1. Article Addressed to: BRYAN ESSIE B		C. Signature X _____ ☐ Agent ☐ Addressee	
4600802036		D. Is delivery address different from item 17? ☐ Agent ☐ Addressee If YES, enter delivery address below:	
PARCEL ID: 4600802036 004717 05/24/2010 04:00 P.M.		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered Mail ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
2. Article Number 71849158373308351426		4. Restricted Delivery? (Extra Fee) ☒ Yes	

Exhibit D

Certified Mail Return Receipt Requested Restricted Delivery for

Article Number 7184 9158 3733 0835 1426

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

BRYAN ESSE R

PARCEL ID: 4600802036 004717
05/24/2010 04:00 P.M.

2. Article Number

71849158373308351426

PS Form 3811, JULY 1999

COMPLETE THIS SECTION ON DELIVERY

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

C. Signature

☐ Agent
☐ AddresseeD. Is delivery address different from item 1? ☐ Agent
If YES, enter delivery address below: ☐ Addressee

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered Mail ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.4. Restricted Delivery? (Extra Fee) ☒ Yes

Domestic Return Receipt

107

Exhibit E

PS Form 3811, July 1999

Article Number 7184 9158 3733 0950 2643

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

4600802036
BRYAN ESSIE B4600802036 790
10/06/2011 04:00 P.M. 2010TS FINAL NOTICE

2. Article Number

71849158373309502643

PS Form 3811, JULY 1999

COMPLETE THIS SECTION ON DELIVERY

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

C. Signature

x *Bryan Essie B*☐ Agent
☐ AddresseeD. Is delivery address different from item 1? ☐ Agent
If YES, enter delivery address below: ☐ Addressee

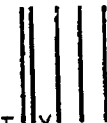
3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered Mail ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.4. Restricted Delivery? (Extra Fee) ☒ Yes

Domestic Return Receipt

601

UNITED STATE POSTAL SERVICE



DELINQUENT TAX

11 OCT 12 AM 11:31

FIRST-CLASS
MAIL
POSTAGE &
FEES PAID
LPP
29292

RECEIVED
CHARLESTON COUNTY TAX COLLECTOR
4045 BRIDGE VIEW DRIVE STE B110
NORTH CHARLESTON/SC 29405-7464

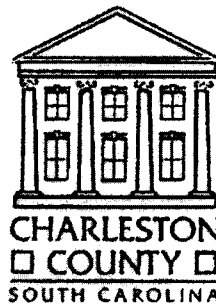


110

Exhibit F

Real Property Positing Slip for 2009 Tax Sale for
Tax Map Parcel Identification Number 460-08-02-036

Department of Revenue Collections
Public Service Building
4045 Bridge View Drive
North Charleston, SC 29405-7464
Telephone (843)202-6080
Fax (843)202-6066



Bankruptcy Division
Business License Division
Delinquent Tax Division
Hospitality/Accommodations Division
Legal Processing Division
Solid Waste Disposal Fee Division
Stormwater Management Division

REAL PROPERTY POSTING SLIP FOR 2009 TAX SALE				
SALE DATE	November 1, 2010			
PARCEL ID	460-08-02-036			
TAX ADDRESS	64 SPRING ST			
DEFAULTING	BRYAN ESSIE B			
DATE POSTED	8/4/2010			
POSTING ID'S	LSG		EJT	
TAX RCPT(S)	2009-019485			
SLIP DATE				



Exhibit G

Final Notice of Redemption sent to
Essie B. Bryan, 64 Spring St., Charleston, SC 29403

Mary Scarborough
Delinquent Tax Collector



Delinquent Tax Collector
4045 Bridgeview Drive, Ste B110
North Charleston, SC 29405
Ofc: (843) 202-6570
Fax: (843) 202-6066

September 30, 2011

VIA CERTIFIED MAIL

4600802036 — 2010TS Final Notice

ESSIE B BRYAN

64 SPRING ST

CHARLESTON SC 29403

FINAL NOTICE OF PROPERTY REDEMPTION

RE: ESSIE B BRYAN

TAX ADDRESS: 64 SPRING ST

NOTICE is hereby given that the real property described on this notice has been sold for taxes by the Delinquent Tax Collector for Charleston County and if not redeemed by paying taxes, assessments, penalties, costs, and interest at the applicable rate on the bid price in the total amount of redemption amount + 2010 dollars on or before 5:00 pm, **Wednesday, November 2, 2011**, a tax title must be delivered to the successful purchaser at the tax sale. Payments must be made to the office of the Delinquent Tax Collector located at 4045 Bridgeview Drive, Suite B110, North Charleston, SC 29405.

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

<u>Tax Map Number</u>	<u>Redemption Amount</u>	<u>2010 Tax Amount</u>	<u>Due By</u>
4600802036	\$6878.54	\$3053.54	November 2, 2011

If you have any questions about this **IMPORTANT** matter, please feel free to contact our office directly at (843) 202-6570.

ONLY CASH, MONEY ORDERS OR CERTIFIED FUNDS WILL BE ACCEPTED

THIS IS YOUR FINAL NOTICE OF PROPERTY SOLD!

Mary M. Scarborough
Delinquent Tax Collector

Exhibit H

Final Notice of Redemption sent to

Essie B. Bryan, 1540 Staffordshire Dr., Charleston, SC 29407

Mary Scarborough
Delinquent Tax Collector



Delinquent Tax Collector
4045 Bridgeview Drive, Ste B110
North Charleston, SC 29405
Ofc: (843) 202-6570
Fax: (843) 202-6066

September 30, 2011

VIA CERTIFIED MAIL

4600802036 – 2010TS Final Notice

ESSIE B BRYAN
1540 STAFFORDSHIRE DR
CHARLESTON SC 29407

FINAL NOTICE OF PROPERTY REDEMPTION

RE: ESSIE B BRYAN
TAX ADDRESS: 64 SPRING ST

NOTICE is hereby given that the real property described on this notice has been sold for taxes by the Delinquent Tax Collector for Charleston County and if not redeemed by paying taxes, assessments, penalties, costs, and interest at the applicable rate on the bid price in the total amount of redemption amount + 2010 dollars on or before 5:00 pm, **Wednesday, November 2, 2011**, a tax title must be delivered to the successful purchaser at the tax sale. Payments must be made to the office of the Delinquent Tax Collector located at 4045 Bridgeview Drive, Suite B110, North Charleston, SC 29405.

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4600802036	\$6878.54	\$3053.54	November 2, 2011

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THIS IS YOUR FINAL NOTICE OF PROPERTY SOLD!

Mary M. Scarborough
Delinquent Tax Collector

Exhibit I

Title to Real Estate for

Tax Map Parcel Identification Number 460-08-02-036

IX D 323PG370

State of South Carolina,

COUNTY OF CHARLESTON

Now All Men by These Presents, That I, ERNEST KINLOCH, JR., also known
as ERNEST KINLOCK, JR.,

hereinafter referred to as Grantor(s) in consideration of the love and affection I have
for my sister, ESSIE B. BRYAN,
the State aforesaid, and in consideration of the

sum of One (\$1.00) Dollar

has been paid by ESSIE B. BRYAN

, hereinafter referred to

Grantor(s) in the State aforesaid

(the receipt of which is hereby acknowledged)

have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said

grantee(s), ESSIE B. BRYAN, HER HEIRS AND ASSIGNS:

ALL that lot of land, with the buildings and improvements thereon,
situate in the City of Charleston, State aforesaid, on the North side of
Spring Street, known under the present numbering as No. 64 (formerly 22),
and being the second lot of land to the East of Coming Street, with a two-
story building thereon.

MEASURING AND CONTAINING in front on Spring Street thirty-three (33)
feet six (6) inches, by one hundred and ninety-four (194) feet in depth,
to the said dimensions more or less.

BEING the same property conveyed to Ernest Kinloch, Jr. (as Ernest
Kinlock, Jr.) by deed of Nu-Homes Builders, Inc. dated August 9, 1979, and
recorded in Book A-120, Page 182, RMC Office for Charleston County.

MS# 460-08-02-036

Grantee's Address: 64 SPRING ST., CHARLESTON, SC 29403

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

XXXXXX

XXXXXXXXXX

XXXXXX

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

EX D 323PG371

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said Grantee(s), HER Heirs and Assigns forever.

And the Grantor(s) do hereby bind Grantor(s) Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Grantee(s), HER

Heirs and Assigns, against Grantor(s) and Grantor(s) Heirs and against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS MY Hand and Seal this 23rd day of MARCH

in the year of our Lord one thousand nine hundred and ninety-nine

and in the two hundredth and twenty-second

year of the Sovereignty

and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

Kenneth Pentecost
Witness
Virginia Lord
and Witness

Ernest Kinloch Jr. A/K/A
Ernest Kinloch Jr.

ERNEST KINLOCH, JR., also known as
ERNEST KINLOCH, JR. (SEAL)

STATE OF SOUTH CAROLINA,

CHARLESTON COUNTY.

PERSONALLY appeared before me the undersigned and made oath that s/he saw the within-named Grantor(s) sign, seal and, as his/her/their act and deed, deliver the within-written Deed for the uses and purposes therein mentioned; and that s/he, with the other witness subscribed above witnessed the execution thereof.

SIGNED and sealed this 23rd day of

1899

Notary Public for South Carolina

My Commission Expires: 5-13-28

Kenneth Pentecost

(WITNESS)

State of South Carolina,

County of _____

TO

TITLE TO REAL ESTATE

I hereby certify that the within Deed was filed for record in my office at _____ M. o'clock on the _____ day of _____ 19____, and was immediately entered upon the proper indexes and duly recorded in Book _____ of Deeds, page _____

Register of Mease County

for _____ County, S. C.

I hereby certify that the within Deed has been

this _____ day of _____

19____ Recorded

in Book _____ of Deeds, page _____

Auditor for _____ County

WIT A. L. WEAVER, CLERK, CHARLESTON, S. C.

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

AFFIDAVIT

EX D 323PG372

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 ERNEST KILLOCH, JR.
TO ESSIE S. BAYAN ON MARCH 23, 1999

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) _____ EXEMPT from the deed recording fee because (exemption# 1)
(Explanation if required) DEED FROM BROTHER TO SISTER.
NO CONSIDERATION PAID OR TO BE PAID.
(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. I understand that a person required to furnish this affidavit who wilfully 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 23rd
day of MARCH 1999
at Charleston
Notary Public for South Carolina
My Commission Expires 5-13-01

J. Kenneth Reimers
Grantor, Grantee, or Legal Representative
connected with this transaction

J. KENNETH REIMERS
Print or Type Name here

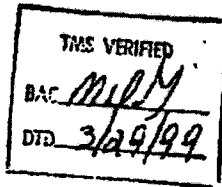
J Kenneth Rentiers

BK D 323PG373

FILED
D 323-370
99 MAR 25 AM 10:11
CHARLIE LYBRAND
REGISTER
CHARLESTON COUNTY SC

Recording Fee 10.00
State Fee EXEMPT
County Fee EXEMPT
Postage EXEMPT
TOTAL 10.00

B



Recorded this 25 day of Mar Year 99
On Property Record Card
Leon A. Mobley
Auditor Charleston County

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
IN THE NINTH JUDICIAL CIRCUIT
CASE #: 2012-CP-10-5112

ESSIE B. BRYAN,

Plaintiff,

v.

CHARLESTON COUNTY AND
C.A. ROBERDS,

Defendants,

C.A. ROBERDS,

Third Party Plaintiff,

v.

ERNEST KINLOCH d/b/a
ERNIE'S RESTAURANT,

Third Party Defendant,

**DEFENDANT AND THIRD
PARTY PLAINTIFF C.A. ROBERD'S
FIRST INTERROGATORIES TO
PLAINTIFF ESSIE B. BRYAN**

TO THE PLAINTIFF ESSIE B. BRYAN ABOVE NAMED:

Pursuant to Rule 33 of the Rules of Civil Procedure for the Circuit Courts of South Carolina, the Defendant and Third Party Plaintiff hereby proposes the following interrogatories of the Plaintiff to be answered separately and under oath within thirty (30) days from the date of service hereof:

1. Give the names, addresses, and telephone numbers of persons known to the Plaintiff or Plaintiff's attorney to be witnesses concerning the facts of the case, and indicate whether or not written or recorded statements have been taken from the witnesses, and indicate who has possession of such statements.

2. Set forth a list of photographs, plats, sketches, or other prepared documents in the possession of the Plaintiff that relate to the claim in this case.

3. List the names, addresses, and telephone numbers of any expert witnesses whom the Plaintiff proposes to use as witnesses at the trial of this case.

4. For each person known to the Plaintiff or Plaintiffs counsel to be a witness concerning the facts of this case, set forth either a summary sufficient to inform Defendant Charleston County of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witness.

5. Set forth all damages claimed to have been sustained by the Plaintiff.

6. With respect to your contention in Paragraph 5, that "the Defendant Charleston County unlawfully conveyed that property to the Defendant C.A. Roberds by Tax Deed dated March 20, 2012 and recorded Book 0240 page 726 in the R.M.C. office for Charleston County," please state with specificity and particularity as follows:

- (a) Identify each and every person having knowledge of any facts that support your contention, including each witness you may or will call at trial to support your contention, with a summary of each witness's expected testimony;
- (b) Identify each and every fact that supports your contention;
- (c) Identify each and every document upon which you rely to support your contention;
- (d) Identify each and every tangible item of evidence upon which you rely to support your contention.

7. With respect to your contention in Paragraph 6, that "the South Carolina Code of Laws Section 12-51-40 specifies the steps that Charleston County through the County Treasurer of

Charleston County shall proceed with the execution against a defaulting taxpayer in Charleston County to direct the Delinquent Tax Collector to sell so much of a defaulting taxpayer's estate as may be (sic) sufficient to satisfy delinquent taxes," please state with specificity and particularity as follows:

- (a) Identify each and every person having knowledge of any facts that support your contention, including each witness you may or will call at trial to support your contention, with a summary of each witness's expected testimony;
- (b) Identify each and every fact that supports your contention;
- (c) Identify each and every document upon which you rely to support your contention;
- (d) Identify each and every tangible item of evidence upon which you rely to support your contention.

8. With respect to your contention in Paragraph 7, that "the Delinquent Tax Collector failed to follow the dictates of the statutes in advertising as required under Section 12-51-40, Code of Laws of South Carolina 1976, as amended," please state with specificity and particularity as follows:

- (a) Identify each and every person having knowledge of any facts that support your contention, including each witness you may or will call at trial to support your contention, with a summary of each witness's expected testimony;
- (b) Identify each and every fact that supports your contention;
- (c) Identify each and every document upon which you rely to support your contention;
- (d) Identify each and every tangible item of evidence upon which you rely to support your contention.

9. With respect to your contention in Paragraph 8, that "the Delinquent Tax Collector failed to send the required copy of the tax execution to the Plaintiff by Certified Mail Return Receipt Requested as required by section 15-51-120, Code of Laws of South Carolina of the Statute," please state with specificity and particularity as follows:

- (a) Identify each and every person having knowledge of any facts that support your contention, including each witness you may or will call at trial to support your contention, with a summary of each witness's expected testimony;
- (b) Identify each and every fact that supports your contention;
- (c) Identify each and every document upon which you rely to support your contention;
- (d) Identify each and every tangible item of evidence upon which you rely to support your contention.

10. With respect to your contention in Paragraph 9, that "the Delinquent Tax Collector failed to post proper notice on one or more conspicuous places on the property as required by section 12-51-40 of the statute," please state with specificity and particularity as follows:

- (a) Identify each and every person having knowledge of any facts that support your contention, including each witness you may or will call at trial to support your contention, with a summary of each witness's expected testimony;
- (b) Identify each and every fact that supports your contention;
- (c) Identify each and every document upon which you rely to support your contention;
- (d) Identify each and every tangible item of evidence upon which you rely to support your contention.

11. With respect to your contention in Paragraph 10, that "the Delinquent Tax Collector

failed to send final notice to Plaintiff before the right of redemption passed, as the property address, by Certified Mail Return Receipt requested as required by section 15-51-40 of the statute," please state with specificity and particularity as follows:

- (a) Identify each and every person having knowledge of any facts that support your contention, including each witness you may or will call at trial to support your contention, with a summary of each witness's expected testimony;
- (b) Identify each and every fact that supports your contention;
- (c) Identify each and every document upon which you rely to support your contention;
- (d) Identify each and every tangible item of evidence upon which you rely to support your contention.

12. With respect to your contention in Paragraph 11, that "the Tax Deed to the Defendant, C.A. Roberds is defective on its face and does NOT transfer title to defendant, as Delinquent Tax Collector failed to follow the Statute in dispossessing the Plaintiff thus rendering its conveyance null and void against the Plaintiff," please state with specificity and particularity as follows:

- (a) Identify each and every person having knowledge of any facts that support your contention, including each witness you may or will call at trial to support your contention, with a summary of each witness's expected testimony;
- (b) Identify each and every fact that supports your contention;
- (c) Identify each and every document upon which you rely to support your contention;
- (d) Identify each and every tangible item of evidence upon which you rely to support your contention.

13. Please identify each and every statute, regulation, case, treatise or other authority which you rely to support your contentions and allegations contained in the Complaint.



KERRY W. KOON

147 Wappoo Creek Drive, Ste 203

Charleston, SC 29412

(843) 795-7000

**ATTORNEY FOR DEFENDANT AND THIRD
PARTY DEFENDANT C.A. ROBERDS**

At Charleston, South Carolina

This for day of Oct, 2012.

IN THE COURT OF COMMON PLEAS

CASE #: 2012-CP-10-5112

ESSIE B. BRYAN,

Plaintiff,

Y.

**CHARLESTON COUNTY AND
C.A. ROBERDS,**

Defendants,

C.A. ROBERDS,

Third Party Plaintiff,

V.

**ERNEST KINLOCH d/b/a
ERNIE'S RESTAURANT,**

Third Party Defendant,

**DEFENDANT AND THIRD PARTY
PLAINTIFF ROBERDS' FIRST
SUPPLEMENTAL INTERROGATORIES
TO PLAINTIFF AND
THIRD PARTY DEFENDANT**

TO THE PLAINTIFF AND THIRD PARTY DEFENDANT ABOVE NAMED:

Pursuant to Rule 33 of the Rules of Civil Procedure for the Circuit Courts of South Carolina, the Defendant and Third Party Plaintiff hereby propose the following interrogatories of the Plaintiff and Third Party Defendant, to be answered separately and under oath within thirty (30) days from the date of service hereof:

1. Please state the name of the restaurant operated at 64 Spring Street, Charleston, South Carolina.
2. Please state the identity of each and every owner of the restaurant referred to in your answer to the previous interrogatory.

At Charleston, South Carolina
This 13th day of June, 2013.

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

)
)
)

IN THE COURT OF COMMON PLEAS
IN THE NINTH JUDICIAL CIRCUIT
CASE #: 2012-CP-10-5112

ESSIE B. BRYAN,
Plaintiff,

)
)
)
)
)

v.

CHARLESTON COUNTY AND
C.A. ROBERDS,
Defendants,

)
)
)
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)

*DEFENDANT AND THIRD
PARTY PLAINTIFF C.A. ROBERD'S
FIRST REQUEST FOR PRODUCTION
TO PLAINTIFF ESSIE B. BRYAN*

C.A. ROBERDS,
Third Party Plaintiff,

)
)
)
)
)

v.

ERNEST KINLOCH d/b/a
ERNIE'S RESTAURANT,
Third Party Defendant,

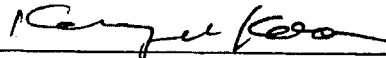
)
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)

TO THE PLAINTIFF ESSIE B. BRYAN ABOVE NAMED:

Pursuant to Rule 34 of the South Carolina Rules of Civil Procedure, Defendant and Third Party Plaintiff requests Plaintiff herein, to produce and permit Defendant and Third Party Plaintiff, or someone acting in Defendant and Third Party Plaintiff's behalf, to inspect and copy the following enumerated documents in Plaintiff's possession, custody or control within thirty (30) days after service hereof:

1. Copies of all documents or other materials identified in response to the First Set of Interrogatories of C.A. Roberds to Plaintiff.

2. Copies of all documents or other materials utilized in responding to the First Set of Interrogatories of C.A. Roberds to Plaintiff.
3. Copies of all documents or physical evidence to be utilized at the trial of this case, whether it is to be admitted into evidence or used for the purpose of examining or cross-examining a witness, or used for demonstrative purposes.
4. Copies of any and all statements given by the Plaintiff, which are in possession of the Plaintiff or Plaintiff's attorney, whether written or recorded or on a tape recorder or otherwise.
5. Copies of any and all statements by witnesses relating to the matters complained of in the Complaint, which are in the possession of the Plaintiff or Plaintiff's attorney, whether written or recorded or on a tape recorder or otherwise.
6. Copies of any and all statements, memoranda, reports, recordings, or other materials which in any way may relate to the matters complained of in the Complaint, which are in the possession of the Plaintiff or Plaintiff's attorney, whether written or recorded or otherwise.
7. Copies of any and all correspondence between the Plaintiff and any Defendant which in any way may relate to the allegations which are the subject matter of the Complaint.
8. Copies of any and all correspondence between the Plaintiff and any other party or other parties, which may relate to the allegations which are the subject matter of the Complaint.
9. Copies of any and all files, statements, memoranda, reports or any other documents or materials which are in the possession of the Plaintiff or Plaintiff's attorney which may relate to or arise out of any and all representations of the Plaintiff.
10. Copies of any and all documents you intend to introduce at trial.



KERRY W. KOON

147 Wappoo Creek Drive, Ste 203

Charleston, SC 29412

(843) 795-7000

**ATTORNEY FOR DEFENDANT AND THIRD
PARTY DEFENDANT C.A. ROBERDS**

At Charleston, South Carolina

This 14th day of Oct, 2012.

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 2012-CP-10-5112

Essie B. Bryan,)
)
Plaintiff,)
)
vs.)
)
Charleston County and C.A. Roberds,)
)
Defendants.)
)

**FIRST SET OF INTERROGATORIES OF
CHARLESTON COUNTY TO PLAINTIFF**

TO: PLAINTIFF ESSIE B. BRYAN, AND ROBERT L. GAILLIARD, ESQUIRE,
ATTORNEY FOR PLAINTIFF

Pursuant to Rule 33 of the South Carolina Rules of Civil Procedure, the Defendant Charleston County requests that the Plaintiff Essie B. Bryan answer the following interrogatories separately and fully in writing under oath and serve the answers and objections, if any, within 30 days after service of the interrogatories. These interrogatories shall be deemed to continue until the time of the trial of the case, and the Plaintiff is expected to file supplemental responses to the interrogatories in accordance with Rule 26(e) of the South Carolina Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

1. These interrogatories seek all information known or reasonably available to the Plaintiff, including, without limitation, information known or available to all agents, attorneys, investigators, representatives of any kind, and all persons acting on the Plaintiff's behalf.
2. Where an interrogatory requests the identification of a document, this means setting forth (a) the name(s) of the document's author(s) or sender(s); (b) the name(s) of the document's addressee(s) and recipient(s); (c) the date of the document; (d) the nature of the document (e.g., letter, memorandum, report, etc.); (e) the location of the document, its custodian; and (f) a

description of the contents of the document. A copy of each document may be produced in lieu of identifying each document. For those documents produced, each document is to be identified by the interrogatory number(s) to which it is responsive.

3. For the purpose of these interrogatories, the term "document" means any record or store of information, including, without limitation, the original of all writings of every kind, including, but not limited to, letters, telegrams, telexes, memoranda, notes, reports, work papers, surveys, manuals, guidelines, instructions, studies, speeches, calendar or diary entries, travel records and vouchers, minutes of meetings, conferences, telephone or other conversations or communications, pamphlets, charts, lists, directives, records, and drafts. The term "document" also includes tape recordings of meetings, conferences and telephone or other conversations or communications, as well as data processing machine printouts and tapes, or other mechanical means of storing or recording information. The term "document" further includes copies, reproductions or film impressions of any of the aforementioned writings or documents the originals of which are not in the possession, custody or control of the Plaintiff. Finally the term "document" includes copies, reproductions or film impressions which are not identical duplicates of the originals because of markings of any kind that appear on the copies, reproductions or film impressions, but not on the original.

4. For the purposes of these interrogatories, the term "persons" shall include natural persons, firms, partnerships, associations, joint ventures, corporations and any other form of legal entity.

5. When an interrogatory requests the identification of a person, that person shall be identified by (a) full name; (b) present or last known employer; and (c) present or last known

mailing address. In the case of a "person" other than a natural person, there must be stated its legal name and its present or last known principal place of business.

6. If a privilege of any kind is claimed as a basis for limiting any response to these interrogatories, the information that the privilege is being asserted should be clearly identified and the entire factual and legal bases for the claim of the privilege stated.

7. "Communication" or "Communications" includes, among others, any written, oral or electronic communication of any kind including, but not limited to, letters, telegrams, exchanges of written or recorded information, face to face meetings, telephone conversations, e-mail, etc.

INTERROGATORIES

1. Give the names, addresses, and telephone numbers of persons known to the Plaintiff or Plaintiff's attorney to be witnesses concerning the facts of the case, and indicate whether or not written or recorded statements have been taken from the witnesses, and indicate who has possession of such statements.

2. Set forth a list of photographs, plats, sketches, or other prepared documents in the possession of the Plaintiff that relate to the claim in this case. *None*

3. List the names, addresses, and telephone numbers of any expert witnesses whom the Plaintiff proposes to use as witnesses at the trial of this case. *None*

4. For each person known to the Plaintiff or Plaintiff's counsel to be a witness concerning the facts of this case, set forth either a summary sufficient to inform Defendant Charleston County of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witness. *0/0*

5. Set forth all damages claimed to have been sustained by the Plaintiff.

6. With respect to your contention in Paragraph 5, that "the Defendant Charleston County unlawfully conveyed that property to the Defendant C.A. Roberds by Tax Deed dated March 20, 2012 and recorded Book 0240 page 726 in the R.M.C. office for Charleston County," please state with specificity and particularity as follows:

(a) Identify each and every person having knowledge of any facts that support your contention, including each witness you may or will call at trial to support your contention, with a summary of each witness's expected testimony;

(b) Identify each and every fact that supports your contention;

(c) Identify each and every document upon which you rely to support your contention;

(d) Identify each and every tangible item of evidence upon which you rely to support your contention.

7. With respect to your contention in Paragraph 6, that "the South Carolina Code of Laws Section 12-51-40 specifies the steps that Charleston County through the County Treasurer of Charleston County shall proceed with the execution against a defaulting taxpayer in Charleston County to direct the Delinquent Tax Collector to sell so much of a defaulting taxpayer's estate as may be (sic) sufficient to satisfy delinquent taxes," please state with specificity and particularity as follows:

(a) Identify each and every person having knowledge of any facts that support your contention, including each witness you may or will call at trial to support your contention, with a summary of each witness's expected testimony;

(b) Identify each and every fact that supports your contention;

(c) Identify each and every document upon which you rely to support your

contention;

(d) Identify each and every tangible item of evidence upon which you rely to support your contention.

8. With respect to your contention in Paragraph 7, that "the Delinquent Tax Collector failed to follow the dictates of the statutes in advertising as required under Section 12-51-40, Code of Laws of South Carolina 1976, as amended," please state with specificity and particularity as follows:

(a) Identify each and every person having knowledge of any facts that support your contention, including each witness you may or will call at trial to support your contention, with a summary of each witness's expected testimony;

(b) Identify each and every fact that supports your contention;

(c) Identify each and every document upon which you rely to support your contention;

(d) Identify each and every tangible item of evidence upon which you rely to support your contention.

9. With respect to your contention in Paragraph 8, that "the Delinquent Tax Collector failed to send the required copy of the tax execution to the Plaintiff by Certified Mail Return Receipt Requested as required by section 15-51-120, Code of Laws of South Carolina of the Statute," please state with specificity and particularity as follows:

(a) Identify each and every person having knowledge of any facts that support your contention, including each witness you may or will call at trial to support your contention, with a summary of each witness's expected testimony;

(b) Identify each and every fact that supports your contention;

(c) Identify each and every document upon which you rely to support your contention;

(d) Identify each and every tangible item of evidence upon which you rely to support your contention.

10. With respect to your contention in Paragraph 9, that "the Delinquent Tax Collector failed to post proper notice on one or more conspicuous places on the property as required by section 12-51-40 of the statute," please state with specificity and particularity as follows:

(a) Identify each and every person having knowledge of any facts that support your contention, including each witness you may or will call at trial to support your contention, with a summary of each witness's expected testimony;

(b) Identify each and every fact that supports your contention;

(c) Identify each and every document upon which you rely to support your contention;

(d) Identify each and every tangible item of evidence upon which you rely to support your contention.

11. With respect to your contention in Paragraph 10, that "the Delinquent Tax Collector failed to send final notice to Plaintiff before the right of redemption passed, as the property address, by Certified Mail Return Receipt requested as required by section 15-51-40 of the statute," please state with specificity and particularity as follows:

(a) Identify each and every person having knowledge of any facts that support your contention, including each witness you may or will call at trial to support your contention, with a summary of each witness's expected testimony;

(b) Identify each and every fact that supports your contention;

(c) Identify each and every document upon which you rely to support your contention;

(d) Identify each and every tangible item of evidence upon which you rely to support your contention.

12. With respect to your contention in Paragraph 11, that "the Tax Deed to the Defendant, C.A. Roberds is defective on its face and does NOT transfer title to defendant, as Delinquent Tax Collector failed to follow the Statute in dispossessing the Plaintiff thus rendering its conveyance null and void against the Plaintiff," please state with specificity and particularity as follows:

(a) Identify each and every person having knowledge of any facts that support your contention, including each witness you may or will call at trial to support your contention, with a summary of each witness's expected testimony;

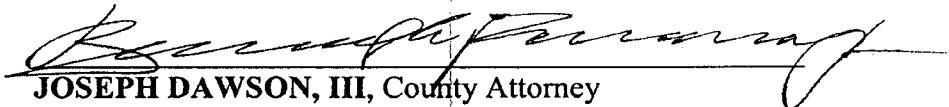
(b) Identify each and every fact that supports your contention;

(c) Identify each and every document upon which you rely to support your contention;

(d) Identify each and every tangible item of evidence upon which you rely to support your contention.

13. Please identify each and every statute, regulation, case, treatise or other authority which you rely to support your contentions and allegations contained in the Complaint.

CHARLESTON COUNTY



JOSEPH DAWSON, III, County Attorney
BERNARD E. FERRARA, JR., Deputy County Attorney
AUSTIN A. BRUNER, Assistant County Attorney
BRADLEY A. MITCHELL, Assistant County Attorney
JOHANNA S. GARDNER, Assistant County Attorney
CHARLESTON COUNTY ATTORNEY'S OFFICE
Lonnie Hamilton, III Public Services Building
4045 Bridge View Drive
North Charleston, South Carolina 29405
(843) 958-4010

ATTORNEYS FOR DEFENDANT

Charleston, South Carolina
September 21, 2012

CERTIFICATE OF SERVICE

I certify that I have served a true and correct copy of the foregoing First Set of Interrogatories of Charleston County to Plaintiff upon Plaintiff's counsel of record by depositing a copy of the same in the United States mail, postage prepaid or hand-delivery in the manner prescribed by the applicable South Carolina Rules of Civil Procedure.

DATED this 28th day of September, 2012.



BERNARD E. FERRARA, JR., ESQUIRE

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 2012-CP-10-5112

Essie B. Bryan,)
)
Plaintiff,)
)
vs.)
)
Charleston County and C.A. Roberds,)
)
Defendants.)
)

**REQUESTS FOR PRODUCTION OF
DOCUMENTS OF CHARLESTON
COUNTY TO PLAINTIFF**

TO: PLAINTIFF ESSIE B. BRYAN AND ROBERT L. GAILLIARD, ESQUIRE,
ATTORNEY FOR PLAINTIFF

Pursuant to Rule 34 of the South Carolina Rules of Civil Procedure, the Defendant Charleston County requests that the Plaintiff Essie B. Bryan produce the documents and items requested below for inspection and copying at the Charleston County Attorney's Office, 4045 Bridge View Drive, Charleston, South Carolina thirty (30) days from the date hereof, or at such reasonable time and place as the Plaintiff shall specify. This request for production of documents is considered continuing in nature, and the Plaintiff is expected to produce supplemental documents in accordance with Rule 26(e) of the South Carolina Rules of Civil Procedure.

INSTRUCTIONS

Whenever a description of documents is framed in the conjunctive, it shall also be taken in the disjunctive, and vice versa. A description framed in the singular shall also be taken in the plural, and vice versa.

These requests to produce seek all documents known to or reasonably available to the Plaintiff, including, without limitation, documents known or available to the Plaintiff and all

agents, attorneys, investigators, representatives of any kind, and all persons acting on the behalf of the Plaintiff.

If a privilege of any kind is claimed as a basis for withholding or masking any document responsive to this request, the information that the privilege is being asserted should be clearly identified and the entire factual and legal bases for the claim of the privilege being asserted should be clearly identified and the entire factual and legal bases for the claim of the privilege stated. Each document withheld should be identified by setting forth (i) the name(s) of the document's author(s) or sender(s); (ii) the name(s) of the document's addressee(s) and recipients(s); (iii) the date of the document; (iv) the nature of the document (e.g., letter, memorandum, report, etc.); (v) the location of the document and its custodian; and (vi) a description of the contents of the document.

If any document described in this request was, but no longer is, in your possession, or subject to your custody or control, or in existence, state whether:

- a. it is missing or lost;
- b. it has been destroyed;
- c. it has been transferred, voluntarily or involuntarily, to others; and
- d. who may have a copy.

In each instance, explain the circumstances surrounding such disposition and identify the person(s) directing or authorizing same, and the date(s) thereof. Identify each document by listing its author, his address, type (e.g., letter, memorandum, telegram, chart, photograph, etc.), date, subject matter, present location(s) and custodian(s), and state whether the document (or copies) is still in existence.

The term "documents" refers to all original writings of any nature whatsoever and all

non-identical copies thereof, in your possession, or in the possession of your predecessors, successors, subsidiaries, agents, servants, employees, consultants, or other representatives, regardless of where located, and all other documents of which you have knowledge, and includes, but is not limited to, correspondence, diagrams, sketches, maps, tape recordings, information stored for computer retrieval, films, photographs, contracts, agreements, notes, minutes of meetings, schedules, summaries, analysis, memoranda, working papers, diaries, calendars, invoices, receipts, telephone messages, and bills. If the original and/or non-identical copies are unavailable, "documents" also means copies thereof.

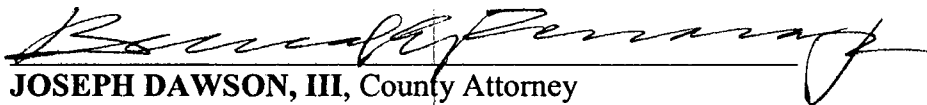
DOCUMENTS TO BE PRODUCED

1. Copies of all documents or other materials identified in response to the First Set of Interrogatories of Charleston County to Plaintiff.
2. Copies of all documents or other materials utilized in responding to the First Set of Interrogatories of Charleston County to Plaintiff.
3. Copies of all documents or physical evidence to be utilized at the trial of this case, whether it is to be admitted into evidence or used for the purpose of examining or cross-examining a witness, or used for demonstrative purposes.
4. Copies of any and all statements given by the Plaintiff, which are in possession of the Plaintiff or Plaintiff's attorney, whether written or recorded or on a tape recorder or otherwise.
5. Copies of any and all statements by witnesses relating to the matters complained of in the Complaint, which are in the possession of the Plaintiff or Plaintiff's attorney, whether written or recorded or on a tape recorder or otherwise.
6. Copies of any and all statements, memoranda, reports, recordings, or other materials which in any way may relate to the matters complained of in the Complaint, which are in the

possession of the Plaintiff or Plaintiff's attorney, whether written or recorded or otherwise.

7. Copies of any and all correspondence between the Plaintiff and the Defendant which in any way may relate to the allegations which are the subject matter of the Complaint.
8. Copies of any and all correspondence between the Plaintiff and any other party or other parties, which may relate to the allegations which are the subject matter of the Complaint.
9. Copies of any and all files, statements, memoranda, reports or any other documents or materials which are in the possession of the Plaintiff or Plaintiff's attorney which may relate to or arise out of any and all representations of the Plaintiff.
10. Copies of any and all documents you intend to introduce at trial.

CHARLESTON COUNTY



JOSEPH DAWSON, III, County Attorney
BERNARD E. FERRARA, JR., Deputy County Attorney
AUSTIN A. BRUNER, Assistant County Attorney
BRADLEY A. MITCHELL, Assistant County Attorney
JOHANNA S. GARDNER, Assistant County Attorney
CHARLESTON COUNTY ATTORNEY'S OFFICE
Lonnie Hamilton, III Public Services Building
4045 Bridge View Drive
North Charleston, South Carolina 29405
(843) 958-4010

ATTORNEYS FOR DEFENDANT

Charleston, South Carolina
September 28, 2012

CERTIFICATE OF SERVICE

I certify that I have served a true and correct copy of the foregoing Requests for Production of Documents of Charleston County to Plaintiff upon Plaintiff's counsel of record by depositing a copy of the same in the United States mail, postage prepaid or hand-delivery in the manner prescribed by the applicable South Carolina Rules of Civil Procedure.

DATED this 28th day of September, 2012.


BERNARD E. FERRARA, ESQUIRE

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 2012-CP-10-5112

Essie B. Bryan,)
)
Plaintiff,)

vs.)

Charleston County and C.A. Roberds,)
)
Defendants.)
_____)

**ANSWER OF
DEFENDANT CHARLESTON COUNTY**

The Defendant Charleston County, answering the Complaint of the Plaintiff Essie S. Bryan, alleges and states as follows:

1. Charleston County denies each and every allegation of the Complaint of the Plaintiff that is not specifically admitted herein.
2. Charleston County is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1; therefore, it denies the same and demands strict proof thereof.
3. Charleston County admits the allegations contained in Paragraph 2.
4. Charleston County is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3; therefore, it denies the same and demands strict proof thereof.
5. Charleston County is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4; therefore, it denies the same and demands strict proof thereof. Charleston County craves reference to the record of the Office of the Register of Mesne Conveyance for Charleston County, which speaks for itself.

6. Charleston County denies the allegations contained in Paragraph 5 and demands strict proof thereof.

7. The allegations contained in Paragraphs 6, 7, 8, 9, and 10 constitute conclusions of law requiring no answer. To the extent a response is required, Charleston County denies the allegations contained in the Paragraphs and demands strict proof thereof. Charleston County affirmatively alleges that it complied with the requirements of S.C. Code Ann. § 12-51-40 et seq.

8. Charleston County denies the allegations contained in Paragraph 11 and demands strict proof thereof.

9. The allegations contained in Paragraph 12 constitute conclusions of law requiring no answer. To the extent a response is required, Charleston County denies the allegations contained in the Paragraph and demands strict proof thereof.

BY WAY OF FURTHER ANSWER
AND AS AN AFFIRMATIVE DEFENSE

10. The Plaintiff fails to state facts sufficient to constitute a cause of action for which relief can be granted, and its Complaint should be dismissed in accordance with Rule 12(b)(6), S.C.R.C.P.

BY WAY OF FURTHER ANSWER
AND AS AN AFFIRMATIVE DEFENSE

11. Charleston County is a political subdivision of the State of South Carolina, a governmental entity, and as such is immune from liability for any and all losses allegedly resulting from actions taken in the assessment or collection of taxes and the other governmental functions in accordance with the South Carolina Tort Claims Act, S.C. Code. Ann. § 15-78-10 et seq.

BY WAY OF FURTHER ANSWER
AND AS AN AFFIRMATIVE DEFENSE

12. The Plaintiff lacks standing to complain of the allegations contained in the Complaint.

BY WAY OF FURTHER ANSWER
AND AS AN AFFIRMATIVE DEFENSE

13. The claims of the Plaintiff are barred by her failure to mitigate her damages.

BY WAY OF FURTHER ANSWER
AND AS AN AFFIRMATIVE DEFENSE

14. The claims of the Plaintiff are barred, in whole or in part, by the doctrines of collateral estoppel, equitable estoppel and judicial estoppel.

BY WAY OF FURTHER ANSWER
AND AS AN AFFIRMATIVE DEFENSE

15. The claims of the Plaintiff are barred by the doctrines of waiver, acquiescence, and mootness.

BY WAY OF FURTHER ANSWER
AND AS AN AFFIRMATIVE DEFENSE

16. The damages of the Plaintiff, if any, have or may have been caused, in whole or in part, by the acts or omissions of Plaintiff and other parties over whom Charleston County had no control and for whose acts it is not responsible.

BY WAY OF FURTHER ANSWER
AND AS AN AFFIRMATIVE DEFENSE

17. The claims of the Plaintiff are barred, in whole or in part, by her negligence.

BY WAY OF FURTHER ANSWER
AND AS AN AFFIRMATIVE DEFENSE

18. The claims of the Plaintiff are barred by the doctrine of laches.

BY WAY OF FURTHER ANSWER
AND AS AN AFFIRMATIVE DEFENSE

19. The claims of the Plaintiff are barred by the doctrine of unclean hands.

BY WAY OF FURTHER ANSWER
AND AS AN AFFIRMATIVE DEFENSE

20. The actions of Charleston County have at all times been conducted in accordance with all state and federal laws, regulations and constitutions.

WHEREFORE, the Defendant Charleston County having fully answered the Complaint of the Plaintiff Essie S. Bryan, prays that this Honorable Court inquire into the matters alleged herein and for such other and further relief as this Court deems just and proper.

CHARLESTON COUNTY


JOSEPH DAWSON, III, County Attorney

BERNARD E. FERRARA, JR., Deputy County Attorney

AUSTIN A. BRUNER, Assistant County Attorney

BRADLEY A. MITCHELL, Assistant County Attorney

JOHANNA S. GARDNER, Assistant County Attorney

CHARLESTON COUNTY ATTORNEY'S OFFICE

Lonnie Hamilton, III Public Services Building

4045 Bridge View Drive

North Charleston, South Carolina 29405

(843) 958-4010

ATTORNEYS FOR THE DEFENDANT

Charleston, South Carolina
September 7, 2012

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 2012-CP-10-5112

Essie B. Bryan,)
)
Plaintiff,)

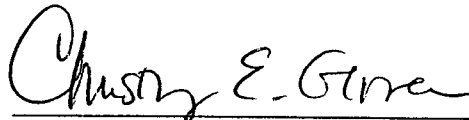
vs.)

CERTIFICATE OF SERVICE

Charleston County and C.A. Roberds,)
)
Defendants.)
_____)

I certify that I served the **Answer of Defendant Charleston County** on all counsel of record by depositing a copy of the same in the United States Mail, postage prepaid, on September 7, 2012, addressed as follows:

Robert L. Gailliard, Esquire
1072 E King Street
Charleston, South Carolina 29403
Attorney for the Plaintiff



CHRISTY E. GLOVER, Legal Assistant
CHARLESTON COUNTY ATTORNEY'S OFFICE

IN THE COURT OF COMMON PLEAS
CASE NO.: 2012-CP-10-5112

CASE NO.: 2012-CP-10-5112

**PLAINTIFF'S ANSWERS TO FIRST
SET OF INTERROGATORIES OF
CHARLESTON COUNTY**

**PLAINTIFF'S ANSWERS TO FIRST
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CHARLESTON COUNTY**

- PLAINTIFF'S ANSWERS TO FIRST
SET OF INTERROGATORIES OF
CHARLESTON COUNTY**

**PLAINTIFF'S ANSWERS TO FIRST
SET OF INTERROGATORIES OF
CHARLESTON COUNTY**

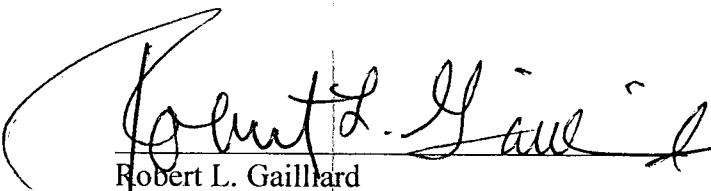
**PLAINTIFF'S ANSWERS TO FIRST
SET OF INTERROGATORIES OF
CHARLESTON COUNTY**

**PLAINTIFF'S ANSWERS TO FIRST
SET OF INTERROGATORIES OF
CHARLESTON COUNTY**

**PLAINTIFF'S ANSWERS TO FIRST
SET OF INTERROGATORIES OF
CHARLESTON COUNTY**

2. Plaintiff has no photographs, plats, sketches or other prepared documents that relate to the claim in this case.
3. Plaintiff has no expert witness at this time but reserves the right to call one upon reasonable Notice to Defendants.
4. Each of Plaintiff's witness will testify that they go into 64 Spring Street each business day and that they know that **NO NOTICE WAS EVER POSTED** on the property from Charleston County.
5. Plaintiff was damaged by having to hire an attorney to re-acquire property that rightfully belongs to her, Plaintiff had to expend time, money, and energy on this lawsuit and has not been able to put figure on the amount of damages that she sustained.
6. Plaintiff's contention is that conveyance is unlawful because Charleston County did NOT post NOTICE on the subject property, 64 Spring Street, Charleston, SC 29403 as is required by the statute noted in the Complaint. The witness listed in Answer No.1 will testify that the Notice was not posted.
7. See answer #6.
8. See answer #6.
9. See answer #6.
10. See answer #6.
11. See answer #6.
12. See answer #6.
13. See the Complaint all statues are listed there.

JUNE 25, 2013
Charleston, South Carolina


Robert L. Gaillard
Attorney for Plaintiff
1072 King Street, Suite E
Charleston, SC 29403
Telephone: (843)577-5250
Fax: (843)577-9933
Email: rlgailliardlaw@aol.com

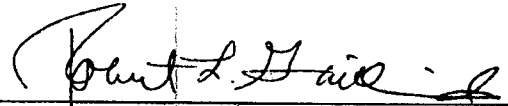
STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	CASE NO.: 2012-CP-10-5112
COUNTY OF CHARLESTON	)	
	)	
ESSIE B. BRYAN,	)	
	)	
Plaintiff,	)	REQUEST FOR PRODUCTION OF
	)	DOCUMENTS OF
vs.	)	CHARLESTON COUNTY
	)	
CHARLESTON COUNTY and	)	
C.A. ROBERDS,	)	
	)	
Defendants.	)	
_____	)	

TO: CHARLESTON COUNTY and C.A. ROBERDS

Now comes, the Plaintiff, Essie B. Bryan, responding to Charleston County's and C.A. Roberd's

First Set of Interrogatories by alleging and saying the following:

1. NONE
2. NONE
3. NONE
4. NONE
5. NONE
6. NONE
7. NONE
8. NONE
9. NONE
10. NONE



Robert L. Gailliard
Attorney for Plaintiff
1072 King Street, Suite E
Charleston, SC 29403
Telephone: (843)577-5250
Fax: (843)577-9933
Email: rlgailliardlaw@aol.com

June 25, 2013
Charleston, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 2012-CP-10-5112

Essie B. Bryan,)
)
Plaintiff,)

vs.)

Charleston County and C.A. Roberds,)
)
Defendants.)

**NOTICE OF MOTION AND MOTION
OF DEFENDANT CHARLESTON
COUNTY TO DECLARE REQUESTS
FOR ADMISSION DEEMED ADMITTED
AND MOTION FOR SUMMARY
JUDGMENT**

TO: PLAINTIFF ESSIE B. BRYAN AND ROBERT L. GAILLIARD, ESQUIRE,
ATTORNEY FOR PLAINTIFF

PLEASE TAKE NOTICE that Defendant Charleston County will move this Court for an order declaring the requests for admission deemed admitted pursuant to Rule 36 of the South Carolina Rules of Civil Procedure on the grounds that Plaintiff failed to serve upon Defendant Charleston County a written answer or objection within 30 days after service of the requests, and granting it summary judgment pursuant to Rule 56 of the South Carolina Rules of Civil Procedure on the grounds that Charleston County complied with the Alternate Procedure for Collection of Property Taxes, S.C. Code Ann. Section 12-51-40, *et eq.*, Code of Laws of South Carolina, 1976, as amended.

In support of the motion to declare requests for admission deemed admitted, counsel would respectfully show that the following facts are undisputed, and moreover are sufficient to rebut and disprove Plaintiff's claims against Defendant.

1. On September 28, 2012, Defendant Charleston County Delinquent served its Requests for Admissions of Charleston County to Plaintiff upon Plaintiffs' counsel of record by depositing a copy of the same in the United States mail, postage prepaid or hand-delivery in the manner

prescribed by the applicable South Carolina Rules of Civil Procedure. *See Affidavit of Bernard E. Ferrara, Jr. See also Request for Admissions of Charleston County to Plaintiff, attached hereto.*

2. As of the date of this motion, Plaintiff has not responded to the Requests for Admissions of Charleston County to Plaintiff Requests for Admissions to Plaintiff, nor contacted Defendant's counsel to discuss, or seek an extension of time which to respond to the same.

3. Accordingly, each and every matter set forth in Defendant's Requests for Admissions of Charleston County to Plaintiff is deemed admitted. Rule 36 of the South Carolina Rules of Civil Procedure unambiguously states that "[t]he matter is admitted unless, within 30 days after service of the request, or within such shorter time as the court may allow or as stipulated in writing by the parties pursuant to Rules 29 and 6(b), the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter. . . ." Plaintiff has failed to file a written answer or objection addressed to the matters in Requests for Admissions of Charleston County to Plaintiff. The Rule further provides that "[a]ny matter admitted under this rule is conclusively established unless the court on motion permits withdrawal or amendment of the admission." *See* Rule 36, S.C.R.C.P.

4. Rule 36 gives this Court discretion to determine whether to grant a party relief. Assuming Plaintiff seeks relief in response to this motion, this Court should deny Plaintiff's request because they are not deserving of dispensation. Plaintiff is represented by counsel who presumably has knowledge of and understands the South Carolina Rules of Civil Procedure and Plaintiff has willfully ignored the South Carolina Rules of Civil Procedure.

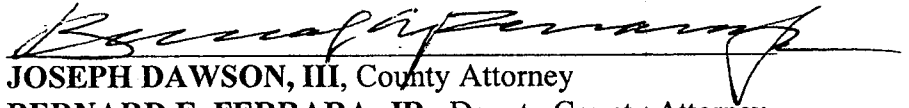
In support of the motion for summary judgment, counsel would respectfully show that there is no genuine issue of material fact that Charleston County complied with the applicable

statutes for the collection of delinquent taxes and that Defendant C.A. Roberds is the owner of real property identified as tax map parcel number 460-08-02-036.

These motions are based upon Rule 56 of the South Carolina Rules of Civil Procedure, the pleadings and discovery in this case, and such other matters as may be considered by this Honorable Court at the hearing herein.

WHEREFORE, having fully set forth its motions, Defendant Charleston County seeks an order declaring that Defendant's Requests for Admissions of Charleston County to Plaintiff deemed admitted; that the admissions established by the motion, the Requests for Admissions of Charleston County to Plaintiff, and Affidavit of Bernard E. Ferrara, Jr., be applied in furtherance of Defendant's motion for summary judgment; and that Charleston County be granted summary judgment and such other and further relief as the Court may deem just and proper.

CHARLESTON COUNTY



JOSEPH DAWSON, III, County Attorney

BERNARD E. FERRARA, JR., Deputy County Attorney

AUSTIN BRUNER, Assistant County Attorney

BRADLEY A. MITCHELL, Assistant County Attorney

JOHANNA S. GARDNER, Assistant County Attorney

CHARLESTON COUNTY ATTORNEY'S OFFICE

Lonnie Hamilton, III Public Services Building

4045 Bridge View Drive

North Charleston, South Carolina 29405

(843) 958-4010

ATTORNEYS FOR DEFENDANT

Charleston, South Carolina
August 9, 2013

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
CASE #: 2012-CP-10-5112

ESSIE B. BRYAN,

Plaintiff,

v.

CHARLESTON COUNTY AND
C.A. ROBERDS,

Defendants,

C.A. ROBERDS,

Third Party Plaintiff,

v.

ERNEST KINLOCH d/b/a
ERNIE'S RESTAURANT,

Third Party Defendant,

*MOTION FOR SUMMARY JUDGMENT
ON COUNTERCLAIM OF C.A. ROBERDS
AGAINST ESSIE B. BRYAN*

2013 AUG - 1 AM 11:43
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

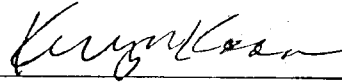
FILED

TO THE PLAINTIFF ABOVE NAMED:

PLEASE TAKE NOTICE that Defendant Roberds intends to move before the Honorable Mikell R. Scarborough, Master in Equity for Charleston County on the 19th day of August, 2013, at 11:00 a.m. for an Order granting Summary Judgment on the Defendant Roberd's Counterclaim against the Plaintiff to quiet title in his name, on the ground that there is no genuine issue of either fact or law.

This motion is grounded upon the affidavit served herewith and Requests for Admissions served by the Defendant County of Charleston on September 28, 2012, and an identical Request for Admissions served on Plaintiff by Defendant Roberds on October 8, 2012.

PLEASE BE PRESENT TO DEFEND IF SO MINDED!



KERRY W. KOON

147 Wappoo Creek Drive, Ste 203

Charleston, SC 29412

(843) 795-7000

ATTORNEY FOR DEFENDANT ROBERDS

At Charleston, South Carolina

This 31st day of July, 2013.

AFFIDAVIT

Personally appeared before me, Ernie Kinloch, who first being duly sworn deposes and says the following:

FIRST: That he formerly owned Ernie's Restaurant.

SECOND: That he goes by the restaurant and 64 Spring Street daily

THIRD: That Charleston County did **NOT** post a notice on 64 Spring Street, regarding a tax sale of 64 Spring Street, Charleston, South Carolina

FURTHER AFFIANT SAYETH NOT

Sworn to before me this

16th day August, 2013

Pearl Wilder Hall
Notary Public

Ernie Kinloch
Ernie Kinloch

My Commission Expires:

January 9, 2022

2012 - CP-10-5112

AFFIDAVIT

Personally appeared before me, Antuan Kinloch, who first being duly sworn deposes and says the following:

FIRST: That he is related to Essie B. Bryan who owns Ernie's Restaurant.

SECOND: That he is employed at Ernie's Restaurant as the assistant manager

THIRD: That his duties require him to report work at the restaurant daily

FOURTH: That Charleston County did **NOT** post a notice on 64 Spring Street, Charleston, South Carolina regarding a tax sale of 64 Spring Street, Charleston, South Carolina

FURTHER AFFIANT SAYETH NOT

Sworn to before me this

16th day August, 2013

Pearl Wilder-Hall
Notary Public

Antuan Kinloch
Antuan Kinloch

My Commission Expires:

January 9, 2022

2013 AUG 20 PM 3:29
CLERK OF COURT

2012-CP-10-5112

AFFIDAVIT

Personally appeared before me, Essie B. Bryan, who first being duly sworn, deposes and says the following.

FIRST: That she is the Plaintiff in the matter, Bryan v. Charleston County and C.A. Roberts, 2012-CP-10-5112 and the owner of Ernie's restaurant at 64 Spring Street, Charleston, South Carolina.

SECOND: That she did not receive any certified mail from Charleston County about past due taxes on 64 Spring Street.

THIRD: That she did NOT sign for any certified mail sent from Charleston County about 64 Spring Street.

FOURTH: That she does not know Linda Brown and that Linda Brown did not have the authority to sign for her (Essie Bryan) on anything.

FIFTH: That she went into 64 Spring Street daily during the time period in question and knows for certain that NOT sign was posted on 64 Spring Street regarding a tax sale of the property.

FURTHER AFFIANT SAYETH NOT.

FILED
2013 AUG 20 PM 3:29
JULIA A. BRYAN
CLERK OF COURT

Sworn to before me this

16th day August, 2013

Paul Elder Hall
Notary Public

Essie B. Bryan
Essie B. Bryan

My Commission Expires:

January 9, 2022

AFFIDAVIT

Personally appeared before me, Norman Kinloch, who first being duly sworn deposes and says the following:

FIRST: That he is the brother of Essie B. Bryan who owns Ernie's Restaurant.

SECOND: That he goes by the restaurant at 64 Spring Street daily.

THIRD: That Charleston County did **NOT** post a notice on 64 Spring Street, regarding a tax sale of 64 Spring Street, Charleston, South Carolina

FURTHER AFFIANT SAYETH NOT

Sworn to before me this

16th day August, 2013

Earl Elden Hall
Notary Public

Norman Kinloch
Norman Kinloch

My Commission Expires:

January 9, 2022

AFFIDAVIT

Personally appeared before me, Henrietta Kinloch, who first being duly sworn deposes and says the following:

FIRST: That she is the sister of Essie B. Bryan who owns Ernie's Restaurant.

SECOND: That she works as the manager of Ernie's Restaurant.

THIRD: That her duties require her to report to work daily.

FOURTH: That Charleston County did **NOT** post a notice on 64 Spring Street, regarding a tax sale of 64 Spring Street, Charleston, South Carolina

FURTHER AFFIANT SAYETH NOT

Sworn to before me this

16th day August, 2013

Pearl Rilder-Hall
Notary Public

Henrietta Kinloch
Henrietta Kinloch

My Commission Expires:

January 9 2022

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 2012-CP-10-5112

Essie B. Bryan,)
)
Plaintiff,)

vs.)

Charleston County and C.A. Roberds,)
)
Defendants.)
_____)

**AFFIDAVIT OF
BERNARD E. FERRARA, JR.**

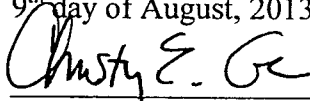
PERSONALLY APPEARED before me, Bernard E. Ferrara, Jr., who, being first duly sworn, deposes and says:

1. I am the Chief Deputy County Attorney for Charleston County and counsel of record in the above-captioned action.
2. As part of the discovery in this case, on September 28, 2012, I served the First Set of Interrogatories of Charleston County to Plaintiff, Requests for Production of Documents of Charleston County to Plaintiff, and Requests for Admissions of Charleston County to Plaintiff, the copy of the Requests for Admissions of Charleston County to Plaintiff which is attached hereto as Exhibit A,.
3. On April 22, 2013, Johanna S. Gardner, Assistant County Attorney, in my office sent a letter reminding Plaintiff of the overdue responses to the discovery requests, a copy of which is attached hereto as Exhibit B,
4. To date, Charleston County has not received any responses to its discovery requests from Plaintiff.
5. Charleston County deems the Requests for Admissions of Charleston County to Plaintiff admitted in accordance with Rule 36 Requests for Admission: "[t]he matter is admitted, unless,

within 30 days after service of the request . . . the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by his attorney."


BERNARD E. FERRARA, JR.

SWORN TO BEFORE ME THIS
9th day of August, 2013.



Notary Public for South Carolina

My Commission Expires: 8-1-22

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

ESSIE B. BRYAN,)

Plaintiff,)

v.)

CHARLESTON COUNTY AND)
C.A. ROBERDS,)

Defendants,)

C.A. ROBERDS,)

Third Party Plaintiff,)

v.)

ERNEST KINLOCH d/b/a)
ERNIE'S RESTAURANT,)

Third Party Defendant,)
_____)

IN THE COURT OF COMMON PLEAS
CASE #: 2012-CP-10-5112

*AFFIDAVIT OF KERRY W. KOON,
ATTORNEY FOR DEFENDANT ROBERDS*

2013 AUG - 1 AM 11:43
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

FILED

This is an action commenced by the Plaintiff challenging the propriety of the sale of property known as 64 Spring Street at the November 1, 2010, Charleston County Tax Sale. Defendant counterclaims against Plaintiff to confirm the tax sale and quiet title in his name.

On or about September 28, 2012, Defendant County of Charleston served upon Plaintiff *Requests for Admissions of Charleston County to Plaintiff*, a copy of which is attached hereto as Exhibit "A." On or about October 8, 2012, Defendant Roberds served upon the Plaintiff an identical copy of *Requests for Admissions* (Exhibit "B") and notified Plaintiff's counsel that a copy of the responses to the Defendant County's requests would be a sufficient response to the identical Request for Admissions served by Defendant Roberds.

That as of the date hereof, the Plaintiff has served upon the Defendant Roberds neither a

copy of the response to the Request for Admissions served by Defendant County or to the identical request served by Defendant Roberds, such that the requests are deemed admitted pursuant to Rule 36 S.C.R.C.P.

In addition to the authenticity of certain documents, the following essential facts concerning the sale of 64 Spring Street at the November 1, 2010, Charleston County Tax Sale, are therefore deemed admitted:

- A) That Essie B. Bryan receive the execution notice dated April 2, 2010 (Request #2);
- B) That an Official Notice of Levy was sent by certified mail to Essie B. Bryan by U.S. Mail which was addressed to her at 64 Spring Street, Charleston, South Carolina 29403 (Request #s 3, 4 and 5);
- C) That a signed certified mail receipt for the Official Notice of Levy was returned to the Charleston County Delinquent Tax Collector (Request #6);
- D) That Defendant Charleston County posted a Delinquent Tax Sale Notice on August 4, 2010, on the house located on tax map parcel ID # 460-08-02-036, which is 64 Spring Street (Request #s 9, 10, 11 and 12);
- E) That a final notice of redemption for tax map parcel ID # 460-08-02-036, being 64 Spring Street, dated September 30, 2011, was mailed by certified mail to Essie B. Bryan at 64 Spring Street, Charleston, South Carolina 29403 and also to her at 1540 Staffordshire Drive, Charleston, South Carolina 29407 (Request #s 13 and 14);
- F) That the deed of the subject property into Essie B. Bryan notified that County of Charleston that the grantee's address was 64 Spring Street, Charleston, South Carolina 29403 (Request #s 15, 16 and 17);
- G) That neither Essie B. Bryan or anyone on her behalf sent Charleston County a corrected or forwarding address changing her address from 64 Spring Street, Charleston, South Carolina 29403 (Request # 19);
- H) That the property was not redeemed within the redemption period (Request # 20);

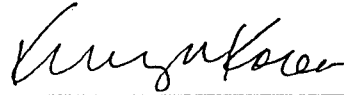
In addition, your deponent, pursuant to a Freedom of Information Act request directed to

the Charleston County Delinquent Tax Collector, obtained a true and accurate copy of the affidavit of publication of properties to be sold at the November 1, 2010 Charleston County Tax Sale, indicating publication in the Charleston Post & Courier on October 8, 2010, October 15, 2010 and October 22, 2010. Copies of the affidavits of publication and the page of each advertisement in which the subject property is listed are attached hereto as Exhibit "C".

That in addition and also in response to a FOIA request to the Charleston County Delinquent Tax Collector, your deponent obtained:

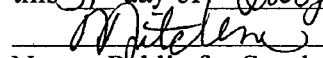
- 1.) A copy of a letter to the Delinquent Tax Collector written by attorney Robert L. Gailliard on behalf of Essie B. Bryan requesting return to Ms. Bryan of any overage collected as a result of the delinquent tax sale (Exhibit "D"),
- 2.) Claim by Defaulting Taxpayer for Overage with a copy attached of the deed from Ernest Kinloch, Jr. a/k/a Ernest Kinlock to Essie B. Bryan recorded in the Office of the RMC for Charleston County in Book D-323, Page 370 (Exhibit "E"); and
- 3.) A copy of a check drawn on the account on the Charleston County Delinquent Tax Collector, Balance in Trust Account, in the sum \$23,483.92 made payable to Essie B. Bryan (Exhibit "F").

Also attached is a copy of the Tax Deed from the Charleston County Delinquent Tax Collector to C.A. Roberds which is recorded in the RMC Office for Charleston County in Book 0240, Page 726 (Exhibit "G".)



Kerry W. Koon

SWORN to and subscribed before me
this 31 day of July, 2013.


Notary Public for South Carolina

My Commission Expires: 5/22/2019

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

ESSIE B. BRYAN,

Plaintiff,

v.

CHARLESTON COUNTY AND
C.A. ROBERDS,

Defendants,

C.A. ROBERDS,

Third Party Plaintiff,

v.

ERNEST KINLOCH d/b/a
ERNIE'S RESTAURANT,

Third Party Defendant,

IN THE COURT OF COMMON PLEAS

CASE #: 2012-CP-10-5112

MOTION INFORMATION FORM AND COVERSHEET

Plaintiff's Attorney:
ROBERT GAILLIARD, ESQ.
Address:
1072 E. King Street
Charleston, SC 29403
phone: fax:
e-mail:

Defendant's Attorney:
KERRY W. KOON, ESQ.
Address:
147 WAPPOO CREEK DR., STE 203
CHARLESTON, SC 29412
phone: (843) 795-7000 Fax: (843) 762-5276
e-mail:

☒ **X MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)**
☐ **FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)**

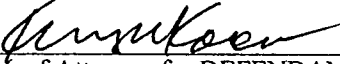
SECTION I: Hearing Information

Nature of Motion: MOTION FOR SUMMARY JUDGMENT
Estimated Time Needed: 15 mins Court Reporter Needed: ☒ YES / ☐ NO

SECTION II: Motion Type

- ☒ Written motion attached
☐ Form Motion --

I hereby move for relief or action by the court as set forth in the attached proposed order.


Signature of Attorney for DEFENDANT

8/1/13
Date submitted

SECTION III: Motion Fee

x 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, SCRPC)
☐ Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter:
☐ Other:

JUDGE'S SECTION

- ☐ Motion Fee to be paid upon filing of the attached order.
☐ Other:

JUDGE

CODE: _____ Date: _____

CLERK'S VERIFICATION

Date Filed:

Collected by: _____

- ☐ MOTION FEE COLLECTED: _____
☐ CONTESTED - AMOUNT DUE: _____

*Respond to these set up
calendar for Dec*



CHARLESTON COUNTY ATTORNEY'S OFFICE
Lonnie Hamilton, III Public Services Building
4045 Bridge View Drive
North Charleston, South Carolina 29405
843.958.4073
Fax: 843.958.4017
jgardner@charlestoncounty.org

JOHANNA S. GARDNER
ASSISTANT COUNTY ATTORNEY

April 22, 2013

Robert L. Gailliard, Esquire
1072 E King Street
Charleston, South Carolina 29403
Attorney for the Plaintiff

Re: Essie B. Bryan v. Charleston County and C.A. Roberds
Case No. 2012-CP-10-5112

Dear Robert:

Please be advised that as of the date of this letter, I have not received your responses to the Requests for Admissions of Charleston County to Plaintiff, which were previously served on you on September 28, 2012, in the above-referenced matter. Therefore, Charleston County deems these requests admitted in accordance with Rule 36 Request for Admission: "[t]he matter is admitted unless, within 30 days after service of the request . . . the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by his attorney."

I have also not received your responses to the First Set of Interrogatories of Charleston County to Plaintiff and Requests for Production of Documents of Charleston County to Plaintiff. Kindly send me your responses within two weeks from the date of this letter to avoid me filing a Motion to Compel.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

CHARLESTON COUNTY ATTORNEY'S OFFICE

Johanna S. Gardner

JSG/

Enclosures

cc: Kerry W. Koon, Esquire

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

ESSIE B. BRYAN,)

Plaintiff,)

vs.)

CHARLESTON COUNTY and)
C.A. ROBERDS,)

Defendants.)

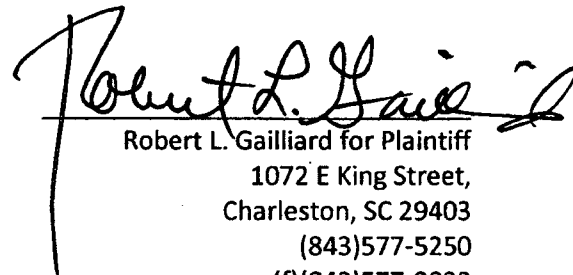
IN THE COURT OF COMMON PLEAS
CASE NO.: 2012-CP-10-5112

NOTICE OF APPEAL

2013 SEP -3 PM 4:27
FILED
JULIE J. ARMSTRONG
CLERK OF COURT

The Plaintiff appeals the Order of the Honorable Mikell R. Scarborough, Master-in- Equity for Charleston County dated August 21, 2013 which granted Defendant's MOTION for Summary Judgment in the within matter.

September 3, 2013
Charleston, South Carolina


Robert L. Gailliard for Plaintiff

1072 E King Street,
Charleston, SC 29403

(843)577-5250

(f)(843)577-9933

rlgailliardlaw@aol.com

Other Counsel of Record:

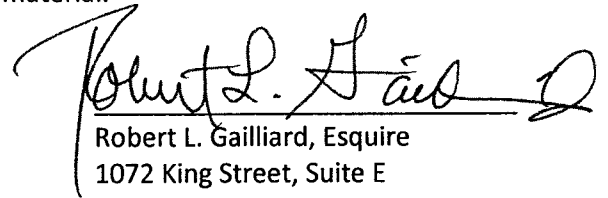
Joseph Dawson, III
Attorney for Charleston County
4045 Bridge View Drive
N. Charleston, SC
(843) 958-4010
jdawson@charlestoncounty.org

Kerry Koon
Wapoo Center
147 Wapoo Creek Drive, Suite 203
Charleston, SC 29412
(843)795-7000
KerryKoon@hotmail.com

Certificate of Counsel

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

August 7, 2014

A handwritten signature in black ink, appearing to read "Robert L. Gailliard", with a stylized flourish at the end.

Robert L. Gailliard, Esquire
1072 King Street, Suite E
Charleston, SC 29403
(843) 577-5250
Attorney for Appellant

The South Carolina Court of Appeals

Essie B. Bryan, Appellant,

v.

Charleston County and C.A. Roberds, Respondents,

v.

C.A. Roberds, Respondent,

v.

Ernest Kinloch d/b/a Ernie's Restaurant, Third Party Defendant.

Appellate Case No. 2013-002108

The Honorable Mikell R. Scarborough
Charleston County
Trial Court Case No. 2012CP1005112

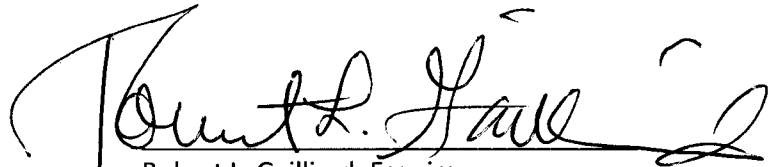
RECEIVED

AUG 11 2014

SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the Record on Appeal on Charleston County and C.A. Roberds by depositing a copy of it in the United States Mail, postage prepaid, on August 8, 2014, addressed to their attorneys of record, Joseph Dawson, III, Lonnie Hamilton, III Public Services Building, 4045 Bridge View Drive, North Charleston, SC 29405 and Kerry W. Koon, Wappoo Center, 147 Wappoo Creek Drive, Suite 203, Charleston, SC 29412.



Robert L. Gailliard, Esquire
SC Bar #2284
1072 King Street, Suite E
Charleston, SC 29403
(843) 577-5250 (office)
(843) 577-9933 (fax)
rlgailliardlaw@aol.com