THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Honorable Circuit Court Judge Edgar W. Dickson

Case 2014-CP-18-1349

Appellate Case No. 2019-001255

Wendy Reed, Appellant

vs.

County of Dorchester and Thomas Limehouse, Respondents.

RECEIVED
FEB 07 2020
SC Court of Appeals

RECORD ON APPEAL

Nancy Bloodgood
Bloodgood & Sanders, LLC
242 Mathis Ferry Road, Suite 201
Mt. Pleasant, SC 29464
Telephone: (843) 972-0313
Email: nbloodgood@bloodgoodsanders.com
Attorneys for the Appellant

Jonathan J. Anderson, Esquire
Anderson & Reynolds, LLC
37 Broad Street
Charleston, SC 29401
Telephone: (843) 723-0185
Email: janderson@arslawsc.com
Attorneys for Respondent County of Dorchester

Thomas Limehouse
125 Parsons Road
PO Box 2005
Summerville, SC 29484
Teephone: (843) 270-4443
Email: tom@woodlandsmansion.com
Pro Se Respondent

INDEX

ORDERS

1. July 31, 2014 Order of Dismissal Federal Court, Civil Action No. 2:14-CV-00076...1-3
2. March 10, 2015 Amended Order on Defendants' Motion to Dismiss State case.....4-6
3. January 4, 2016 Order moving State case to Non-Jury Roster.....7
4. May 5, 2017 Order Denying Plaintiff's Motion for Summary Judgment and Denying in Part and Granting in Part Defendant's Motion for Summary Judgment.....8-13
5. June 14, 2017 Order Denying Defendant's Motion to Alter or Amend Summary Judgment Order.....14
6. July 2, 2019 Final Order.....15-27

PLEADINGS

1. Complaint Federal Case Civil Action No. 2:14-CV-00076.....28-39
2. Amended Complaint Federal Case Civil Action No. 2:14-CV-00076.....40-51
3. State Complaint.....52-64
4. Answers.....65-83
5. Amended Complaint.....84-95
6. Answers to Amended Complaint.....96-113
7. Plaintiffs' Memorandum in Support of Summary Judgment.....114-194
8. Defendant's Motion and Memorandum in Support of Summary Judgment....195-233
9. Defendant's Supplemental Memorandum in Support of Summary Judgment..234-266
10. Defendant's Motion to Alter or Amend Order.....267
11. Plaintiff's Response to Motion to Alter or Amend.....273-276

PORTIONS OF THE TRANSCRIPT OF MARCH 9, 2018 HEARING (INCORRECTLY DATED MARCH 9, 2019) 277-279

Testimony of Wendy Reed

Direct 280-290

Cross 291-304

Testimony of Bonita Daniels

Direct 305-309

Cross 310-314

Testimony of Sidney Jones

Direct 315-320

Cross 321

Redirect 322-324

Testimony of Susanna Davis

Direct 325-326

Cross 327-332

Testimony of John Frampton

Cross by Ms. Bloodgood 333

Cross by Mr. Limehouse 334-335

OTHER MATERIALS

Plaintiffs' Trial Exhibit 3 336-339

Defendant's Trial Exhibit 2 340

Defendant's Trial Exhibit 3 341

October 29, 2014 Title to Real Estate Purchased at Tax Sale 342-346

Certificate of Appellant.....347

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

RECEIVED
CHARLESTON, SC
2014 JUL 31 P 2:26

Wendy Reed,	)	
	)	No. 2:14-cv-76-RMG
Plaintiff,	)	
	)	**ORDER**
vs.	)	
	)	
Dorchester County; Mary Pearson, *as Treasurer of Dorchester County*; Suzanna H. Davis, *as Delinquent Tax Collector for Dorchester County*; Thomas Limehouse,	)	
	)	
Defendants.	)	
	)	

This matter is before the Court on the Report and Recommendation (R & R) of the Magistrate Judge that this matter be dismissed for lack of subject matter jurisdiction. (Dkt. No. 42). For the reasons stated below, the Court ADOPTS the R & R as modified and DISMISSES this action.

I. Background

Plaintiff alleges that she resides at 817 W. Richardson Avenue in Summerville and that, until a recent delinquent property tax sale, she had a 1/75 interest in this property and an adjacent empty lot through intestate succession. (Dkt. No. 1 at 2). In 2012, both properties were sold at a delinquent tax sale. (*Id.* at 3). Plaintiff alleges that she attempted to redeem the properties four (4) times but the County refused to accept the funds or to allow her to redeem the property unless she could prove ownership. (*Id.* at 4). Plaintiff alleges, among other things, that the Defendants' actions violate the Fair Housing Act, Plaintiff's Due Process rights, and Plaintiff's Equal

Protection rights. (*Id.* at 6-9). Plaintiff seeks damages, declaratory relief, and injunctive relief. (*Id.* at 6-12).

The Magistrate Judge recommended dismissing this action for lack of subject matter jurisdiction pursuant to the Tax Injunction Act, 28 U.S.C. § 1341, which provides that "district courts shall not enjoin, suspend or restrain the assessment, levy or collection of any tax under State law where a plain, speedy and efficient remedy may be had in the courts of such State." (Dkt. No. 42). Plaintiff has not filed any objections to the R & R.

II. Legal Standard

The Magistrate Judge makes only a recommendation to this Court. The responsibility for making a final determination remains with this Court. *Matthews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the R & R to which specific objection is made. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting 28 U.S.C. § 636(b)(1)). Here, however, because no objection has been made, this Court "must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Id.* (quoting Fed. R. Civ. P 72 advisory committee note). Moreover, in the absence of specific objections to the R & R, the Court need not give any explanation for adopting the Magistrate Judge's analysis and recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983).

III. Discussion

The Court has carefully reviewed the pleadings, the parties' briefing, and the R & R, and concludes that the Magistrate Judge correctly applied the relevant law to the operative facts in this matter. The Court agrees that Plaintiff has a plain, speedy and efficient remedy in the state

court and that the Court lacks subject matter jurisdiction under the Tax Injunction Act. A dismissal for a lack of subject matter jurisdiction must be one without prejudice. *S. Walk at Broadlands Homeowner's Ass'n, Inc. v. OpenBand at Broadlands, LLC*, 713 F.3d 175, 185 (4th Cir. 2013). Therefore, the Court modifies the R & R to dismiss the action without prejudice, rather than with prejudice.

IV. Conclusion

For the reasons stated above, the Court **ADOPTS** the R & R as modified. Accordingly, Defendants' Motion to Dismiss (Dkt. No. 11) is **GRANTED** and this action is **DISMISSED WITHOUT PREJUDICE.**

AND IT IS SO ORDERED.

Richard M. Gergel
United States District Judge

July 31, 2014
Charleston, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	IN THE FIRST JUDICIAL CIRCUIT
Wendy Reed,	)	Case No.: 2014-CP-18-1349
Plaintiff,	)	
vs.	)	
Dorchester County; Mary Pearson in her official capacity as Treasurer of Dorchester County: the Delinquent Tax Collector for Dorchester County; and Thomas Limehouse.	)	AMENDED ORDER
Defendants.	)	

CERTIFIED COPY
2015 MAR 10 AM 8:58
CLERK OF COURT
DORCHESTER COUNTY

This matter originally came before me on November 19, 2014 at a hearing in the Dorchester County Courthouse on Defendants' Motion to Dismiss and Plaintiff's Motion for a Temporary Injunction. Present at the hearing were J.J. Anderson, attorney for Dorchester County, the Dorchester County Delinquent Tax Collector, and the Dorchester County Treasurer, (hereinafter "Dorchester County entities"); Thomas Limehouse, *pro se*; and Nancy Bloodgood, attorney for the Plaintiff, Wendy Reed. On December 19, 2014, this Court issued an order which I hereby rescind and replace with this Order.

In her lawsuit, the Plaintiff alleges she was wrongfully denied her right to redeem property sold at a delinquent tax sale pursuant to §12-51-90(A) S.C. Code Ann. which states in pertinent part:

> ". . . defaulting taxpayer, or any grantee from the owner, or any mortgagee or judgment creditor may within twelve months from the date of the delinquent tax sale redeem each item or real estate by paying to the person officially charged with the collection of delinquent taxes, assessments, penalties, as costs, together with interest as provided in subsection (B) of this section."

The County Defendants allege Plaintiff has failed to show that she is a member of the class of individuals that have the right to redeem the property. The statute grants the right to redeem to the following restricted class of people: defaulting taxpayer, grantees from the owner or any mortgagee or judgment creditor.

Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction against the *pro se* Defendant Limehouse requests Defendant Limehouse refrain from seeking to evict Plaintiff until the merits of the case are heard and decided.

In considering a motion to dismiss a complaint due to its "failure to state facts sufficient to constitute a cause of action," Rule 12(b)(6) SCRCP, a court must base its ruling solely on the allegations set forth in the complaint, and if the facts alleged and inferences reasonable deducible therefrom, viewed in the light most favorable to the plaintiff, would entitle the plaintiff to relief on any theory, dismissal is improper. *Doe v. Marion*, 373 S.C. 390, 645 S.E. 245, 247 (2007); *Carnival Corp. v. Historic Ansonborough Neighborhood Ass'n*, 407 S.C. 67, 753 S.E.2d 846 (2014).

For a plaintiff to possess standing three elements must be satisfied: first, the plaintiff must have suffered an injury-in-fact, which is concrete, particularized and actual or imminent invasion of a legally protected interest; second, a causal connection must exist between the injury and the challenged conduct; and third, it must be likely that favorable decision will redress the injury. *See South Carolina Wildlife Federation v. South Carolina Department of Transportation*, 485 F. Supp. 2d 661, (U. S. District Court of S. C. 2007) (citing *Friends of the Earth, Inc. v. Laidlaw Envtl. Servs* 528 U.S. 167, 180-181, 120 S. Ct. 693, 145 L. Ed.2d 610 (2000) and *Lujan v. Defenders of Wildlife*, 504 U. S. 555 112 S. Ct. 2130, 119 L. Ed.2d 351 (1992)). Although plaintiff bears the burden of proving standing requirements to the same extent as any other

element of their case, on a motion to dismiss the "general factual allegations of injury resulting from the defendant's conduct may suffice" to demonstrate standing. *Supra* at 668.

Plaintiff has alleged in the Complaint that Plaintiff is a grantee of the owner. A review of the allegations of the Plaintiff's Complaint when viewed in the light most favorable to the Plaintiff could entitle the Plaintiff to relief. Therefore, the County Defendants' Motion to Dismiss pursuant to Rule 12(b)(6) SCRCP is denied at this time.

The status of the person attempting to redeem real property from a delinquent tax sale is a specific requirement of §12-51-90(A) S.C. Code Ann. for the redemption of the real property. Therefore, the Plaintiff must provide to the County Defendants evidence that the Plaintiff is a member of a qualifying class ("defaulting taxpayer, or any grantee from the owner, or any mortgagee or judgment creditor") within 60 days of this Amended Order.

At that time, County Defendant's Motion to Dismiss will be revisited along with Plaintiff's Motion for Injunctive Relief.

IT IS SO ORDERED!

The Honorable Carmen T. Mullen
Presiding Circuit Court Judge

March 4, 2015
Beaufort, South Carolina

STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER WENDY REED, Plaintiff, V. COUNTY OF DORCHESTER, AND THOMAS LIMEHOUSE, Defendants.	)	IN THE COURT OF COMMON PLEAS FOR THE FIRST JUDICIAL CIRCUIT CASE NUMBER: 2014-CP-18-1349 ***AMENDED CONSENT SCHEDULING ORDER***

2015 JAN -6 PM 2:25
CLERK OF COURT
DORCHESTER COUNTY

Pursuant to the South Carolina Rules of Civil Procedure, the following schedule is established for this case:

1. **Transfer:** This case is hereby transferred to Dorchester County's Non-Jury Roster for Trial.

2. **Trial:** This case shall not be called for trial before March 1, 2016.

~~The Honorable~~ Edgar W. Dickson

Charleston, South Carolina
Dated this the 4th day of ~~December~~ January, 2016

WE CONSENT:

Lisa Reynolds
Anderson Reynolds and Stephens, LLC
JJ Anderson, Esquire
Lisa A. Reynolds, Esquire
P.O. Box 87
Charleston, SC 29401
Counsel for County of Dorchester

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER) FOR THE FIRST JUDICIAL CIRCUIT

FILED - RECORDED
2017 MAY 17 PM 4:42
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

Wendy Reed,

Plaintiff,

vs.

Dorchester County and Thomas Limehouse,

Defendants.

Case No.: 2014-CP-38-01349

ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND DENYING IN PART AND GRANTING IN PART DEFENDANT'S'MOTIONS FOR SUMMARY JUDGMENT

This matter came before the Court on Plaintiff Wendy Reed's ("Reed") Motion for Summary Judgment and Defendants Dorchester County ("County") and Thomas Limehouse ("Limehouse") (collectively "Defendants") Motions for Summary Judgment. A hearing was held on these motions on October 31, 2016 at the Dorchester County Courthouse. Present at the hearing were Nancy Bloodgood, Esq. on behalf of Reed, John G. Frampton, Esq. and Jonathan J. Anderson, Esq. on behalf of County, and Limehouse, who is proceeding pro se. After due deliberation, review of the motions and supporting documents, and hearing arguments from counsel, for the reasons stated below, this Court denies Reed's Motion for Summary Judgment, and denies in part and grants in part Defendants' Motions for Summary Judgment.

STANDARD OF REVIEW

Summary judgment is appropriate "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." Rule 56(c), SCRCP. Summary judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify the application of the law. Brockbank v. Best Capital Corp., 341 S.C. 372, 379 (2000). Summary judgment should not be granted even when there is no dispute as to

1/6

evidentiary facts if there is a disagreement concerning the conclusion to be drawn from those facts. Moriarty v. Garden Sanctuary Church of God, 341 S.C. 320, 327 (2000). "In determining whether any triable issue of fact exists, the evidence and all inferences which can be reasonably drawn therefrom must be viewed in the light most favorable to the nonmoving party." Quail Hill, LLC v. Cnty. of Richland, 387 S.C. 223, 253 (2010).

REED'S MOTION FOR SUMMARY JUDGMENT

This Court finds that there are genuine issues of material fact including, but not necessarily limited to, the following: (1) whether Reed attempted to redeem the subject property pursuant to S.C. Code Ann. § 12–51–90 four times within the allotted twelve-month redemption period between December 3, 2012 and December 4, 2013; and (2) whether Reed provided information necessary to show that she was a member of one of the four categories delineated in S.C. Code Ann. § 12–51–90(A) within the allotted twelve-month redemption period between December 3, 2012 and December 4, 2012. The Court finds the abovementioned issues of material fact and that further inquiry into the facts of this case is desirable to clarify application of the law, and, therefore, Reed's Motion for Summary Judgment is denied.

DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT

A. Fair Housing Act and Equal Protection Clause Violations

As to Reed's cause of action against County under the Fair Housing Act, see 42 U.S.C. § 3604(b), and the Equal Protection Clause of the South Carolina Constitution, see S.C. Const. Art. I, § 3, this court grants County's Motion for Summary Judgment. Specifically, 42 U.S.C. § 3604(b) makes it unlawful to "discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin." Id. Article I, §

2/68

3 of the South Carolina Constitution states, in pertinent part, that no person shall "be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws." Id. "[O]ne seeking to show discriminatory enforcement of the Equal Protection Clause must demonstrate arbitrary and purposeful discrimination in the administration of the law being enforced. State v. Solomon, 245 S.C. 550, 574 (1965); see also Harbit v. City of Charleston, 382 S.C. 383, 396 (Ct. App. 2009) ("Even assuming a governmental entity is not enforcing an ordinance equally, the fact that there is some unequal treatment does not necessarily rise to the level of a constitutional equal protection violation.") (internal citations omitted).

Even viewing the evidence and inferences in the light most favorable to Reed as the nonmoving party, the aforementioned causes of action do not apply to the facts of this case as presented or alleged by Reed. Other than the bare allegations of intentional racial discrimination in Reed's complaint, Reed has not presented sufficient evidence to withstand a motion for summary judgment as to these causes of action. Bare allegations in a complaint are not sufficient to withstand a motion for summary judgment. See Dorman v. Campbell, 331 S.C. 179, 183 (Ct. App. 1998).

Therefore, County's Motion for Summary Judgment as to these causes of action is granted.

B. Conspiracy

As to Reed's cause of action for Conspiracy under 42 U.S.C. § 1985(3) against County, this court grants County's Motion for Summary Judgment. The South Carolina Supreme Court has stated that "a civil conspiracy cannot exist when the alleged acts arise in the context of a principal-agent relationship because by virtue of the relationship such acts do not involve separate entities." McMillan v. Oconee Mem'l Hosp., 367 S.C. 559, 564 (2006); see also Cameron v. Church, 253 F. Supp.2d 611, 623 (S.D.N.Y. 2003) ("The intracorporate conspiracy doctrine provides that the

3/6

officers, agents, and employees of a single corporate or municipal entity, each acting within the scope of his or her employment, legally are incapable of conspiring together.").

County does not meet the requisite element of being "two or more people," and, therefore, County's Motion for Summary Judgment as to this cause of action is granted.

C. Equitable Estoppel

As to Reed's cause of action for Equitable Estoppel, County's Motion for Summary Judgment are denied. This Court finds that there are genuine issues of material fact including, but not necessarily limited to, the following: (1) whether County mailed tax notices to Reed and collected tax payments from her regarding the subject property for eight years; (2) whether County knew or should have known that Reed's father and grandparents were deceased when they continually accepted payments from Reed; (3) whether Reed reasonably relied upon County's actions when she allegedly attempted to redeem the subject property prior to December 4, 2013; and (4) whether Reed was improperly denied the opportunity to pay the taxes and redeem the subject property by County which resulted in the loss of the subject property.

Therefore, County's Motion for Summary Judgment as to this cause of action is denied.

D. Reed's Remaining Causes of Action

This Court denies Defendants' Motions for Summary Judgment with respect to Reed's remaining causes of action. South Carolina appellate courts have consistently held the enforcing agencies of government to strict compliance with all the legal requirements surrounding tax sales. See, e.g., Dibble v. Bryant, 274 S.C. 481, 483 (1980). "The sound view is that all requirements of law leading up to tax sales which are intended for the protection of the taxpayer against surprise or the sacrifice of his property are to be regarded as mandatory and are to be strictly enforced." Rives v. Bulsa, 325 S.C. 287, 292–93 (Ct. App. 1996); see also Clark v. S.C. Tax Comm'n, 259

4/15 Ed

S.C. 161, 169 (1972) ("Revenue laws are generally construed in favor of the taxpayer and against the taxing authority.").

S.C. Code Ann. §12–51–90(A) states the following:

> The defaulting taxpayer, any grantee from the owner, or any mortgage or judgment creditor may within twelve months from the date of the delinquent tax sale redeem each item of real estate by paying to the person officially charged with the collection of delinquent taxes, assessments, penalties, and costs, together with interest as provided in subsection (B) of this section.

Id. The South Carolina Court of Appeals in Taylor v. Aiken Cnty. Assessor, 402 S.C. 559, 563 (Ct. App. 2013), interpreted the definition of property taxpayer to include individuals fitting into two categories: (1) a person who is liable for any property tax imposed by this title; or (2) a person whose property or interest in property is subject to a property tax imposed by [Title 12 of the South Carolina Code of Laws].

Here, Reed alleges that she owns a 1/75th interest in the subject property, a fact that is apparently not in dispute. Therefore, Reed falls into the second category because her interest in the subject property was subjected to a tax imposed by Title 12 of the South Carolina Code of Laws. As Reed failed to pay the taxes on the subject property, she is a defaulting taxpayer. Additionally, Reed alleges that she is a grantee from the owner, a fact which also is apparently not in dispute. As Reed is considered as both a defaulting taxpayer and a grantee from the owner, she was entitled to redeem the property pursuant to S.C. Code Ann. § 12–51–90. Therefore, if Reed provided sufficient information to County to show that Reed was a member of one of the four classes—in this case, two of the four classes—delineated in S.C. Code Ann. § 12–51–90(A), the Reed should have been permitted to redeem the subject property.

5/6

Genuine issues of material fact remain, however, that prevent this Court from granting summary judgment. These facts include, but are not limited to, the following: (1) whether Reed attempted to redeem her property pursuant to S.C. Code Ann: § 12–51–90 four times within the allotted twelve-month redemption period between December 3, 2012 and December 4, 2013; and (2) whether Reed provided information necessary to show County that she was a member of one of the four categories delineated in S.C. Code Ann. § 12–51–90(A) within the allotted twelve-month redemption period. This Court finds that further inquiry into the facts of this case is desirable to clarify application of the law, and, therefore, Defendants' Motions for Summary Judgment as to Reed's remaining causes of action are denied. See Brockbank, 341 S.C. at 379 (stating that summary judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify application of the law.

CONCLUSION

Therefore, for the foregoing reasons, this Court finds that Reed's Motion for Summary Judgment should be, and hereby is, DENIED. In addition, for the foregoing reasons, this Court finds that County's Motion for Summary Judgment as to Reed's causes of action under the Fair Housing Act, the Equal Protection Clause, and for Conspiracy should be, and hereby is, GRANTED. Lastly, for the foregoing reasons, this Court finds that Defendants' Motions for Summary Judgment as to Reed's remaining causes of action should be, and hereby is, DENIED.

AND IT IS SO ORDERED!

Edgar W. Dickson
Presiding Judge, First Judicial Circuit

May 5, 2017
Orangeburg, South Carolina

6/6

STATE OF SOUTH CAROLINA) COUNTY OF DORCHESTER)	IN THE COURT OF COMMON PLEAS FOR THE FIRST JUDICIAL CIRCUIT
Wendy Reed, Plaintiff, vs. Dorchester County and Thomas Limehouse, Defendants.	Case No.: 2014-CP-18-01349 **ORDER DENYING DEFENDANT DORCHESTER COUNTY'S MOTION TO ALTER OR AMEND**

CERTIFIED COPY
2017 JUN 14 AM 10:39
CLERK OF COURT
DORCHESTER COUNTY

This matter comes before the Court on Defendant Dorchester County's ("County") Motion to Alter or Amend an Order of this Court pursuant to Rule 59(e), SCRCP, denying in part County's Motion for Summary Judgment. After due deliberation and review of law and the documents in support of and in opposition to County's Motion, this Court finds that there is nothing warranting reconsideration. Therefore, IT IS ORDERED that County's Motion to Alter or Amend is DENIED.

AND IT IS SO ORDERED.

Edgar W. Dickson
Presiding Judge, First Judicial Circuit

June 5, 2017
Orangeburg, South Carolina

ELECTRONICALLY FILED - 2019 Jul 02 12:04 PM - DORCHESTER - COMMON PLEAS - CASE#2014CP1801349

SOUTH OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER	)	FOR THE FIRST JUDICIAL CIRCUIT
WENDY REED,	)	CASE NUMBER: 2014-CP-18-1349
Plaintiff,	)	
vs.	)	FINAL ORDER
COUNTY OF DORCHESTER AND THOMAS LIMEHOUSE,	)	
Defendants	)	

This matter challenging the sale of property identified as TMS # 137-02-10-005 a/k/a TMS # 137-02-10-005.000 a/k/a TMS # 137-02-10-005.000C (hereinafter TMS # 137-02-10-005.000) and located at 817 West Richardson Avenue, Summerville, Dorchester County, South Carolina for delinquent taxes pursuant to S.C. Code Ann. 12-51 *et seq.* was brought by Wendy Reed (hereinafter "Plaintiff"). After careful consideration of the documentary evidence, pleadings and orders filed with the Court, testimony of the parties and other witnesses taken in open court, as well as the briefs and arguments of counsel, this Court finds in favor of Dorchester County and Thomas Limehouse based upon the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The property subject to this suit is identified as TMS # 137-02-10-005.000 and located at 817 West Richardson Avenue, Summerville, Dorchester County, South Carolina (hereinafter "the property"). (Trial testimony of Wendy Reed, Plaintiff; Sidney Jones, the Delinquent Tax Collector for Dorchester County (hereinafter "DTC"); Bonita Daniels, a clerk with the office of DTC; Suzanna Davis, former DTC; and Title to Real Estate by the Tax Collector issued on 29th day of October 2014 by Sidney Jones, DTC).

ELECTRONICALLY FILED - 2019 Jul 02 12:04 PM - DORCHESTER - COMMON PLEAS - CASE#2014CP1801349

2. In 2011, the sole owner of record for the property was Elizabeth Perry. (Trial testimony of Wendy Reed, Plaintiff; Sidney Jones, DTC; Bonita Daniels, a clerk with the office of DTC; Suzanna Davis, former DTC; John Frampton, Dorchester County Attorney; Title to Real Estate by the Tax Collector issued on 29th day of October 2014 by Sidney Jones, DTC; and other documentary evidence presented at trial).

3. The property taxes due for 2011 on the property were not paid and delinquent and Dorchester County provided all requisite notices required for the sale and redemption of the property for delinquent property taxes. (Trial testimony of Wendy Reed, Plaintiff; Sidney Jones, DTC; Bonita Daniels, a clerk with the office of DTC; and Amended Complaint, paragraphs 21, 22, and 23).

4. Due to the failure to pay the property taxes in 2011 the property was noticed, posted, and sold pursuant to S.C. Code Ann. §12-51-40, on December 3, 2012. (Trial testimony of Wendy Reed, Plaintiff; Sidney Jones, DTC; Bonita Daniels, a clerk with the office of DTC; Suzanna Davis, former DTC; and Amended Complaint, paragraphs 21, 22, and 23).

5. Pursuant to statute, the period for redemption of the property was 12 months beginning on December 3, 2012 with the sale of the property and the period ended on December 4, 2013. (Trial testimony of Wendy Reed, Plaintiff; Sidney Jones, DTC; and the Title to Real Estate by the Tax Collector issued on 29th day of October 2014 by Sidney Jones, DTC; and Letters from DTC advising parties with an interest in the property sold of the approaching end of the redemption period dated the 25th day of October 2013).

6. Plaintiff stipulated that all requisite notices and postings for the sale and redemption of the property for delinquent taxes was completed properly and in accordance with the statutory requirements. (Amended Complaint, paragraphs 21, 22, and 23).

ELECTRONICALLY FILED - 2019 Jul 02 12:04 PM - DORCHESTER - COMMON PLEAS - CASE#2014CP1801349

7. Plaintiff testified that she did not attempt to pay the delinquent taxes and redeem the property prior to the delinquent tax sale being held and the property purchased by Defendant Thomas Limehouse at the delinquent tax sale. (Trial testimony of Wendy Reed, Plaintiff; Sidney Jones, DTC; and Title to Real Estate by the Tax Collector issued on 29th day of October 2014 by Sidney Jones, DTC).

8. Plaintiff testified that she contacted the DTC regarding redeeming the property by calling the DTC twice on the telephone, by going to the DTC on Friday at closing time and returning the following Monday and meeting with Bonita Daniels at the DTC customer counter. (Trial testimony of Wendy Reed, Plaintiff; and Bonita Daniels, a clerk with the office of DTC).

9. The requirements for the redemption of property sold at a delinquent tax sale are contained in S.C. Code Ann. §12-51-90(A). (Trial testimony of Sidney Jones, DTC; and John Frampton, Dorchester County Attorney).

10. During the meeting with Bonita Daniels, Plaintiff offered payment to redeem the property. DTC requested Plaintiff show she had an ownership interest in the property as required by S.C. Code Ann. §12-51-90(A). As Plaintiff did not provide any information about ownership or her relation to the property, payment was not accepted by DTC. (Trial testimony of Wendy Reed, Plaintiff; Bonita Daniels, a clerk with the office of DTC; and Suzanna Davis, former DTC).

11. In the meeting with Bonita Daniels, Plaintiff was advised to seek assistance from the probate court in establishing Plaintiff's eligibility to redeem the property. (Trial testimony of Wendy Reed, Plaintiff; and Bonita Daniels, a clerk with the office of DTC).

ELECTRONICALLY FILED - 2019 Jul 02 12:04 PM - DORCHESTER - COMMON PLEAS - CASE#2014CP1801349

12. In addition, Bonita Daniels, in an attempt to assist the Plaintiff in establishing Plaintiff's potential eligibility to redeem the property and to have the property redeemed, provided the plaintiff with a list of individuals who were eligible to redeem the property per the County's records. (Trial testimony of Wendy Reed, Plaintiff; and Bonita Daniels, a clerk with the office of DTC).

13. Plaintiff had no further interaction with DTC and made no further attempts to redeem the property on her own. (Trial testimony of Wendy Reed, Plaintiff; and Bonita Daniels, a clerk with the office of DTC).

14. Plaintiff was not and never has been an owner of record. The title search on the property showed only Elizabeth Perry as the owner of record. (Trial testimony of Wendy Reed, Plaintiff; Bonita Daniels, a clerk with the office of DTC; Sidney Jones, DTC; and Devise/Descent of Real Estate and Description form).

15. Plaintiff, following the advice provided at DTC, went to probate court but did not provide probate court personnel with any information other than the year of her grandmother's and great-grandmother's death. She was told it was too long ago to now probate her grandmother's estate or her great grandmother's estate. She was given a form by probate court personnel and was advised to go to the Center for Heirs Property Preservation. (Trial testimony of Wendy Reed, Plaintiff).

16. Plaintiff went to the Center for Heirs Property Preservation and was advised to seek counsel with an attorney. That same day, Plaintiff contacted her current attorney and retained her. (Trial testimony of Wendy Reed, Plaintiff).

ELECTRONICALLY FILED - 2019 Jul 02 12:04 PM - DORCHESTER - COMMON PLEAS - CASE#2014CP1801349

17. On October 8, 2013, in response to a letter from Plaintiff's attorney and in a further effort to assist Plaintiff to establish her eligibility to redeem the property, John Frampton, Dorchester County Attorney, e-mailed Plaintiff's attorney a copy of the Devise/Descent of Real Estate and Description form for the property. The e-mail communication to Plaintiff's attorney was copied to DTC. The e-mail stated:

> "I do not know the relationship of your client, Wendy Reed, to any of the devisees but as far as the County is concerned any of the named devisees listed on the Devise/Descent of Real Estate and Description form would be eligible to redeem the properties. Give me a call if you would like to discuss this further."

(Trial testimony of John Frampton, Dorchester County Attorney; and e-mail and attachment submitted as evidence).

18. No response was received from Plaintiff or Plaintiff's attorney to the e-mail from John Frampton, Dorchester County Attorney. (Trial testimony of John Frampton, Dorchester County Attorney; and e-mail and attachment Devise/Descent).

19. Despite these repeated attempts to aid the Plaintiff, Plaintiff never advised the DTC who Plaintiff was, did not advise Plaintiff was related to anyone who had an ownership interest in the property, or show how or if Plaintiff was related to anyone who had an ownership interest in the property. (Trial testimony of Wendy Reed, Plaintiff; Bonita Daniels, a clerk with the office of DTC; Sidney Jones, DTC; and John Frampton, Dorchester County Attorney).

20. The inability to know the relationship of Plaintiff to any known owner continued with Plaintiff's failure to include that information in the Complaint or Amended Complaint in this matter. Dorchester County moved to dismiss the action filed by Plaintiff as Plaintiff

ELECTRONICALLY FILED - 2019 Jul 02 12:04 PM - DORCHESTER - COMMON PLEAS - CASE#2014CP1801349

lacked standing as Plaintiff did not provide information upon which a determination of Plaintiff's status under S.C. Code Ann. §12-51-90(A) could be made. (Plaintiff's Complaint and first Amended Complaint; Defendant County of Dorchester's Motion to Dismiss for lack of standing filed September 23, 2014 and October 21, 2014; Order denying Defendant's Motion to Dismiss, Permitting Amendment of Complaint and Deferring Plaintiff's Motion for Temporary Injunction filed December 30, 2014 and Amended Order filed March 10, 2015).

21. Plaintiff did not disclose her identity and relationship to the property until required by the Court through the order of The Honorable Carmen T. Mullen which was filed on December 30, 2014 and amended on March 10, 2015[1] stated:

> "2. The status of the person attempting to redeem real property from a delinquent tax sale is a specific requirement of §12-51-90(A) S.C. Code Ann. for the redemption of the real property, the Plaintiff must provide the County evidence that the Plaintiff is a member of a qualifying class ("defaulting taxpayer or any grantee from the owner, or any mortgagee or judgment creditor") within 60 days of this Order."

(Order denying Defendant's Motion to Dismiss, Permitting Amendment of Complaint and Deferring Plaintiff's Motion for Temporary Injunction filed December 30, 2014 and Amended Order filed March 10, 2015).

22. In January 2015, pursuant to Judge Mullen's Order, Plaintiff finally informed Dorchester County that her father was John Gregg, a grandson of Elizabeth Perry the deceased owner of record for the property. John Gregg was on the Devise/Descent of Real Estate and Description form that was provided by DTC, and John Frampton to Plaintiff on two (2)

[1] The December 30, 2014 order was rescinded and replaced by the March 10, 2015 order. The December 2014 order is mentioned to provide a basis for the January 2015 disclosures by Plaintiff.

ELECTRONICALLY FILED - 2019 Jul 02 12:04 PM - DORCHESTER - COMMON PLEAS - CASE#2014CP1801349

separate occasions prior to the expiration of the redemption period. (Trial testimony of Wendy Reed, Plaintiff; Bonita Daniels, a clerk with the office of DTC; John Frampton, Dorchester County Attorney; Plaintiff's Amended Complaint filed January 8, 2015; e-mail with the attached Devise/Descent of Real Estate and Description form; and birth certificate of Wendy Reed, Plaintiff).

23. The Devise/Descent of Real Estate and Description form was obtained by DTC from a title search of a separate piece of property owned by Lucille B. Gregg's property that was sold for delinquent taxes. Lucille Gregg died in an automobile accident and her estate was probated in 1984 but it appears no deeds were issued for the separate pieces of property in the estate. The DTC office discovered within the inventory of real estate a reference to the property and added the devise/descent form of Lucille Gregg's estate to the Elizabeth Perry file. The title search of the property only revealed Elizabeth Perry as the owner of record as no deed of distribution has ever been recorded. (Trial testimony of Sidney Jones, DTC; and Devise/Descent of Real Estate and Description form).

24. On the Devise/Descent of Real Estate and Description form were the following names: The estate of Plaintiff's alleged grandmother, Lucille B. Gregg, was probated in 1984, and the properties were devised to Walter Sr. with a 1/3 interest and Leon C. Gregg, Walter L. Gregg, Jr., James A. Gregg, Orin S. Gregg, John L. Gregg, Kenneth Gregg, Angie E. Gregg, Cornelius Gregg, Annette Gregg, and Jeannette Gregg each receiving a 1/15 interest. Elizabeth Perry was the mother of Lucille B. Gregg. Lucille B. Gregg received the property as an intestate heir of Elizabeth Perry upon Elizabeth's death in 1983. Elizabeth Perry remains the owner of record in the Dorchester County Registry of Deeds as no deed of distribution has ever been recorded. Each person on the list would have been

ELECTRONICALLY FILED - 2019 Jul 02 12:04 PM - DORCHESTER - COMMON PLEAS - CASE#2014CP1801349

allowed by Dorchester County to redeem the property. No estate for John Gregg has ever been filed in the Dorchester County Probate Court nor has anyone filed a Petition for Determination of Heirs for John Gregg in the Dorchester County Probate Court. (Trial testimony of Wendy Reed, Plaintiff; John Frampton, Dorchester County Attorney; Sidney Jones, DTC; and Devise/Descent of Real Estate and Description form).

25. Each of the people on the Devise/Descent of Real Estate and Description form are the aunts and uncles of Plaintiff. Two of the individuals listed are deceased. The remaining individuals live in South Carolina. The Plaintiff did not inform any person with whom she dealt at Dorchester County including DTC of her relationship until ordered to do so by the court in December 2014. (Trial testimony of Wendy Reed, Plaintiff).

26. Prior to the expiration of the redemption period, Plaintiff was approached by Leon C. Gregg and his wife concerning the sale and redemption of the property. Leon C. Gregg was eligible to redeem the property and offered to help Plaintiff, but the Plaintiff never responded to the offer of help. (Trial testimony of Wendy Reed, Plaintiff).

CONCLUSION OF LAW

A. The court has jurisdiction over the parties and the subject matter of this matter. (Findings of fact 1, 2, 3).

B. The collection of property taxes by payment or by forfeiture and sale of the property by DTC and the redemption of property sold is governed by statute. See S.C. Code Ann. 12-51 *et seq.* (Findings of fact 4, 9).

C. As admitted by Plaintiff in her Complaint and Amended Complaint, the taxes due in 2011 and 2012 on the property were not paid, delinquent, and Dorchester County properly

ELECTRONICALLY FILED - 2019 Jul 02 12:04 PM - DORCHESTER - COMMON PLEAS - CASE#2014CP1801349

provided all requisite notices required for the sale and redemption of the property. (Findings of fact 1, 2, 3, 4, 5).

D. Dorchester County properly advertised and sold the property in the name of Elizabeth Perry who died intestate in 1983. (See S.C. Code Ann. § 12-51-40(f) which states:

> "For the purpose of enforcing payment and collection of property taxes when the true owner is unknown because of the death of the owner of record and the absence of probate administration of the decedent's estate, the property must be advertised and sold in the name of the deceased owner of record."

(Findings of fact 6, 14, 24).

E. On December 3, 2012, the property located at 817 West Richardson Avenue, Summerville, Dorchester County, South Carolina (TMS # 137-02-10-005.000) was properly sold for delinquent taxes pursuant to S.C. Code Ann. §12-51-40. The ultimate purchaser was Thomas Limehouse. (Findings of fact 1, 2, 3, 4, 5, 6, 7, 14).

F. Pursuant to S.C. Code Ann. § 12-51-90(A), a 12 month period in which to redeem the property which was the period between December 3, 2012 and December 4, 2013. (Findings of fact 4, 5, 7).

G. S.C. Code Ann. §12-51-90(A) requires the person redeeming the property be a member of one of the following four categories: defaulting taxpayer, any grantee from the owner, or any mortgage or judgment creditor. The Plaintiff claims the status of a grantee from the owner, and a defaulting taxpayer. (Findings of fact 14, 22).

H. During the period of redemption, Plaintiff failed to provide the necessary information to Dorchester County that would allow the DTC to fulfill its statutory duties of insuring that

ELECTRONICALLY FILED - 2019 Jul 02 12:04 PM - DORCHESTER - COMMON PLEAS - CASE#2014CP1801349

the redeemer of the property was eligible to redeem the property. (Findings of fact 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20).

I. Plaintiff did not disclose her identity and relationship to the property until required by the Court through the order of The Honorable Carmen T. Mullen which was filed on December 30, 2014 and amended on March 10, 2015. (Findings of fact 21, 22).

J. In January 2015, Plaintiff provided information essential to a determination that she may be eligible to redeem the property under S.C. Code Ann. § 12-51-90(A) as the "defaulting taxpayer" (*Taylor v. Aiken County Assessor*, 402 S.C. 559, 563 (2013) or as "any grantee from the owner." (Findings of fact 22).

K. Prior to the end of the redemption period Dorchester County on two separate occasions provided Plaintiff with a list of individuals who were eligible to redeem the property (Devise/Descent of Real Estate and Description form) but there was no response from Plaintiff or indication of Plaintiff's relationship to any person on the list. (Findings of fact 19, 20, 21, 22).

L. The information necessary to identify Plaintiff as a person potentially eligible to redeem the property was withheld from Dorchester County until 25 months beyond the sale of the property and 13 months beyond the final date of redemption. (Findings of fact 22).

M. Prior to Plaintiff filing her Complaint no action was taken by Plaintiff or counsel beyond the one substantive visit to DTC, the single inquiry to the probate court, and the letter from Plaintiff's attorney to the DTC and Dorchester County Treasurer. The response of John Frampton, Dorchester County Attorney, specifically referencing the persons eligible to redeem the property (Devise/Descent of Real Estate and Description form) and advising

ELECTRONICALLY FILED - 2019 Jul 02 12:04 PM - DORCHESTER - COMMON PLEAS - CASE#2014CP1801349

that Plaintiff's relationship to those individuals or the property were not known, did not receive a response. (Findings of fact 17,18, 19).

N. As a matter of law, without the information that Plaintiff was the daughter of John Gregg and he died intestate, Dorchester County could do nothing under S.C. Code Ann.§12-51-90(A) more to assist Plaintiff to redeem the property. (Findings of fact 9, 21, 22).

O. It was Plaintiff that failed to pay taxes, failed to respond to the certified notices, failed to probate her father's estate, failed to have the Probate Court make a Determination of Heirs and failed to respond with any other information necessary to determine her eligibility to redeem. (Findings of fact 3, 4, 6, 7, 17, 18, 19, 20, 21).

P. The right of redemption was not exercised by any eligible person within the statutory time limit. Specifically, Plaintiff failed to provide the information that would make her eligible to exercise a right of redemption within the statutory time limit of one year from the sale on December 3, 2012 and December 4, 2013. (Findings of fact 5, 10, 18, 19, 22).

Q. As a matter of law, there is nothing contained in the evidence Plaintiff presented that would require voiding of the sale to Thomas Limehouse or that would entitle Plaintiff to monetary relief. (Findings of fact 1 – 26).

R. As a matter of law, Dorchester County fulfilled all of its statutory duties in the noticing, posting, and sale of the property and in the notice of the approach of the end of the redemption period. (Findings of fact 5, 6).

THEREFORE IT IS ORDERED THAT

Dorchester County properly fulfilled all of its statutory duties and legal obligations in the sale of the property identified as TMS # 137-02-10-005.000 and located at 817 West Richardson Avenue

Summerville, Dorchester County, South Carolina for unpaid and delinquent taxes as set forth above in the Findings of Fact and Conclusion of Law.

Plaintiff failed to prove that there exist any grounds upon which to void the sale of the property or grant monetary relief to the Plaintiff as set forth above in the Findings of Fact and Conclusions of Law.

This matter is concluded in favor of Dorchester County and Thomas Limehouse.

AND IT IS SO ORDERED

The Honorable Edgar W. Dickson
South Carolina First Judicial Circuit

_____, 2019
Charleston, South Carolina

ELECTRONICALLY FILED - 2019 Jul 02 12:04 PM - DORCHESTER - COMMON PLEAS - CASE#2014CP1801349

ELECTRONICALLY FILED - 2019 Jul 02 12:04 PM - DORCHESTER - COMMON PLEAS - CASE#2014CP1801349

Dorchester Common Pleas

Case Caption:	Wendy Reed VS Dorchester County , defendant, et al
Case Number:	2014CP1801349
Type:	Order/Other

So Ordered

s/ Edgar W. Dickson #2153

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Wendy Reed, PLAINTIFF, vs. Dorchester County; C.S. Carter, Jr.; Mary Pearson in her capacity as Treasurer of Dorchester County: and Suzanna H. Davis in her capacity as Delinquent Tax Collector for Dorchester County, DEFENDANTS.	Case No.: 2:14-cv-76-RMG **COMPLAINT** **(JURY TRIAL REQUESTED)**

The Plaintiff, complaining of the above-named Defendants, would respectfully show this Court:

JURISDICTION AND VENUE

1. This action arises under the United States Constitution, 42 U.S.C. § 3604 (b) *et seq.*, 42 U.S.C. § 1983, 42 U.S.C. § 1985 (3), and 42 U.S.C. § 1988 (b) for violation of Plaintiff's civil rights. This court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343 as set forth herein.

2. Venue is proper in the Charleston Division, District of South Carolina, pursuant to 28 U.S.C. § 1391.

PARTIES

3. Plaintiff is a resident of Dorchester County, South Carolina.

4. Defendant Dorchester County is a political subdivision of the State of South Carolina and is authorized to collect taxes in Dorchester County, notify taxpayers of delinquent taxes, hold delinquent tax sales, sell property at tax sales, and accept funds from a taxpayer to

redeem property that was sold at a delinquent tax sale, all pursuant to state law.

5. Upon information and belief, C.S. Carter, Jr. is a resident of Dorchester County. C.S. Carter, Jr. purchased 817 and 819 W. Richardson Avenue in Summerville, S.C. at a Dorchester County tax sale in December of 2012.

6. Mary Pearson (hereafter "Treasurer") is the elected Treasurer of Dorchester County charged with the collection of, executions of levies by distress, and selling property to satisfy delinquent taxes.

7. Mary Pearson is not a Dorchester County employee.

8. Suzanna H. Davis (hereafter "Delinquent Tax Collector") is the Dorchester County Delinquent Tax Collector charged with the collection of delinquent taxes for Dorchester County.

FACTS

9. Plaintiff Wendy Reed is an African American heirs' property owner. Until recently, she owned a percentage interest in real property located at 817 and 819 W. Richardson Avenue in Summerville, South Carolina (hereafter "Property").

10. Plaintiff has a 1/75 interest in this Property through intestate succession and she resides on part of it at 817 W. Richardson Avenue. 819 W. Richardson Avenue is an adjacent empty lot to her residence.

11. Heirs' property owners do not have deeds to their property as their property is passed down to family members without a will.

12. Heirs' property is held by the family descendants as "tenants in common" regardless of where the family members live.

13. The Center for Heirs' Property Preservation is a non-profit organization that

attempts to protect and preserve heirs' property.

14. The Center for Heirs' Property Preservation has done a study and created a map indicating there are approximately 5,323 tracts of heirs' property in Dorchester County. This map also has a census-based African American and poverty overlay indicating that a disproportionate amount of these heirs' property tracts are owned by low income African Americans.

15. The fact that most heirs' property owners in Dorchester County are African Americans is a fact that is, or should be, well known to Defendant Dorchester County.

16. After Plaintiff's father died, Plaintiff remitted to Defendant Treasurer payment for all of the property taxes assessed against her Property for eight (8) years.

17. Plaintiff received all of the property tax notices from Defendants Treasurer and then the Delinquent Tax Collector that related to this Property for nine (9) years.

18. The fact that Plaintiff was an heirs' property owner was totally irrelevant to Defendants Dorchester County and Treasurer while Plaintiff was timely paying the taxes on the Property for eight (8) years.

19. S.C. Code § 12-60-30 (29) defines a taxpayer as the person responsible for remitting the tax payment.

20. Plaintiff was the family member responsible for paying the taxes for this Property.

21. Per S.C. Code § 12-51-(A) any "grantee from the owner" can redeem property.

22. Plaintiff is a grantee from the owner of this Property.

23. In 2012, Plaintiff was unable to pay the property taxes, and in late 2012 Plaintiff's Property was sold at a delinquent tax sale to Defendant C.S. Carter, Jr.

24. Prior to Plaintiff's Property being sold at the delinquent tax sale, Defendants

Dorchester County, Treasurer and Delinquent Tax Collector sent Plaintiff all of the statutorily required notices regarding the delinquent tax sale.

25. After the delinquent tax sale, Defendants Dorchester County, Treasurer and Delinquent Tax Collector also sent all of the requisite notices regarding the redemption period to Plaintiff.

26. Plaintiff had twelve (12) months after the delinquent tax sale to redeem her Property pursuant to state law.

27. Plaintiff attempted four (4) times without success to redeem her Property within the twelve (12) month redemption period.

28. Plaintiff first attempted to pay the delinquent property taxes and penalties by phone and was refused by Defendant Delinquent Tax Collector. Plaintiff then tried to pay the delinquent taxes in person three (3) times. On all four (4) occasions, Defendant Delinquent Tax Collector refused to accept Plaintiff's funds and refused to allow Plaintiff to redeem her Property before December 4, 2013 when the twelve (12) month redemption period expired.

29. These Defendants repeatedly told Plaintiff when she tried to pay her taxes and redeem her Property that unless she could prove she was an heir and/or probate the estate, they would not accept her money.

30. Defendant Dorchester County's Attorney stated to Plaintiff's counsel it was a policy of Dorchester County to require proof of ownership before accepting tax payments.

31. Defendant Dorchester County's Attorney told Plaintiff she had to probate her grandmother's estate.

32. Plaintiff's grandmother died more than thirty (30) years ago.

33. In South Carolina, an estate cannot be probated after ten (10) years.

34. Defendant's County Attorney then told Plaintiff only a devisee of her grandmother who was named on a probate court "Devise/Descent" form dated in 1984 could pay the taxes and redeem the Property.

35. Plaintiff's father is listed on the "Devise/Descent" form but Plaintiff's father died in 2004.

36. Defendant Delinquent Tax Collector told Plaintiff to get help from the Center for Heirs' Property Preservation but Plaintiff did not qualify financially for help from this organization.

37. As a practical matter, even if Plaintiff had qualified, she could not have filed a suit and obtained a Court Order establishing her percentage of ownership before the redemption period ran on December 4, 2012.

38. Plaintiff incurred additional monetary penalties during the time Defendants Dorchester County Treasurer and Delinquent Tax Collector refused to accept her tax payment and before the redemption period ran due to Defendants' actions.

39. Upon information and belief, Dorchester County does not require non-heirs' property owners attempting to redeem property to provide proof of ownership.

40. There is no South Carolina state law requiring property owners to provide proof of ownership before property can be redeemed.

41. On information and belief, Dorchester County does not require non-heirs' property owners to establish their percentage ownership before redeeming property.

42. There is no South Carolina state law requiring proof of percentage of ownership before property can be redeemed.

43. On information and belief, Dorchester County does not require non-heirs'

property intestate property owners to probate estates before redeeming property.

44. There is no South Carolina state law stating that a property owner who acquired their property intestate cannot redeem property.

45. Upon information and belief, Dorchester County is the only county in South Carolina that treats heirs' property owners differently than other real property owners.

46. If Plaintiff was not an heirs' property owner, she could have timely redeemed her Property.

47. Upon information and belief, Defendant C.S. Carter, Jr. has purchased more than a hundred properties in rural Dorchester County at Defendant's delinquent tax sales in the last few years and most of these properties are heirs' property owned by low income African Americans.

48. Defendants Dorchester County's. Treasurer's and Delinquent Tax Collector's actions and lack of action has caused the loss of a significant amount of African American owned property in rural Dorchester County, and has resulted in the wrongful loss of Plaintiff's Property.

49. Defendants Dorchester County, Treasurer and Delinquent Tax Collector were asked by Plaintiff to end their practice and policy of treating heirs' property owners differently from other real property owners and refused.

FIRST CAUSE OF ACTION
(TITLE VIII, Violation of the Fair Housing Act, 42 U.S.C. § 3604(b))

50. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

51. 42 U.S.C.S. § 3604 (b) prohibits discrimination in the sale of a dwelling or in the provision of services in connection with a sale of a dwelling.

52. Defendants Dorchester County's, Treasurer's and Delinquent Tax Collector's refusal to permit heirs' property owners to redeem property because they cannot prove ownership is motivated by a discriminatory intent.

53. Defendants Dorchester County's, Treasurer's and Delinquent Tax Collector's refusal to permit heirs' property owners including Plaintiff to redeem property because they cannot prove ownership has a discriminatory impact by causing African American's to lose their property at a much higher rate than white real property owners as most heirs' property owners are African American.

54. Defendants Dorchester County's, Treasurer's and Delinquent Tax Collector's policy of treating heirs' property owners trying to redeem their property after a tax sale differently than white property owners trying to redeem their property after a tax sale discriminates against African American heirs' property owners.

55. On information and belief, Defendants Dorchester County, Treasurer, and Delinquent Tax Collector have been adhering to this discriminatory policy for several years.

56. Defendants Dorchester County, Treasurer, and Delinquent Tax Collector repeatedly directed its staff to refuse to permit Plaintiff to redeem her Property.

57. Defendants Dorchester County, Treasurer, and Delinquent Tax Collector discriminated against Plaintiff based on her race when it sold her dwelling at a tax sale and then wrongfully refused her to redeem it.

58. Plaintiff seeks equitable relief and monetary damages caused by the discriminatory acts of Defendants Dorchester County, Treasurer, and Delinquent Tax Collector in the sale of Plaintiff's Property, as well as attorney fees and costs.

SECOND CAUSE OF ACTION
(Conspiracy, 42 U.S.C. § 1985 (3))

59. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

60. Defendants Dorchester County and Delinquent Tax Collector conspired with the Treasurer and the County Attorney to deprive Plaintiff of her Property.

61. Defendants Dorchester County, Treasurer, and Delinquent Tax Collector caused harm to Plaintiff by refusing to accept her tax payment and allowing her property to be sold to Defendant C.S. Carter, Jr.

62. Plaintiff has suffered special damages including humiliation and emotional distress due to the loss of her family property and seeks monetary compensation for these emotional distress damages and attorney fees and costs.

THIRD CAUSE OF ACTION
(Violation of Plaintiff's Due Process Rights)

63. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

64. Plaintiff should have the same right to redeem property as any other property owner in Dorchester County.

65. Plaintiff has the right to have state law regarding the redemption of real property sold at delinquent tax sales applied to her in the same manner as all other property owners in Dorchester County.

66. Specifically, Plaintiff has the right under S.C. law to pay any delinquent taxes, plus penalties, within twelve (12) months of a delinquent tax sale in order to redeem her Property.

67. Defendants Dorchester County, Treasurer, and Delinquent Tax Collector wrongfully deprived Plaintiff of this right based on the fact that she owns heirs' property and on its policy and practice of requiring proof of ownership before allowing heirs' property to be redeemed.

68. Defendants Dorchester County, Treasurer, and Delinquent Tax Collector had no procedure available to Plaintiff that would allow her to challenge their interpretation of the law or force them to accept her tax payment.

69. As Plaintiff cannot, as a matter of law, probate an estate that is more than thirty (30) years old, the request that she do so by Dorchester County's County Attorney and Defendants Dorchester County, Treasurer, and Delinquent Tax Collector was unreasonable.

70. Plaintiff seeks compensatory damages attributable to the loss of her property and attorney fees and costs.

FOURTH CAUSE OF ACTION
(Denial of Equal Protection)

71. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

72. Plaintiff, as an heirs' property owner, has been singled out for different treatment than other real property owners in Dorchester County and because of her race.

73. Plaintiff's treatment, specifically Defendant's failure to permit Plaintiff to redeem her Property, is the result of intentional race discrimination.

74. Defendant's treatment of Plaintiff is not permitted by state law and not related to any legitimate County interest.

75. Plaintiff has been damaged by the action and inaction of Defendants Dorchester County, Treasurer, and Delinquent Tax Collector and seeks equitable and monetary damages, attorney fees and costs,

FIFTH CAUSE OF ACTION
(Declaratory Judgment)

76. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

77. Plaintiff seeks a declaratory judgment from this court that the language in S.C. § 12-51-90 which allows "any grantee from the owner" to redeem property includes heirs' property owners.

SIXTH CAUSE OF ACTION
(Injunctive and Equitable Relief)

78. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

79. Plaintiff respectfully requests this Court:

a. enjoin Defendants Dorchester County, Treasurer, and Delinquent Tax Collector from prohibiting heirs' property owners from redeeming property sold at a tax sale;

b. declare the sale of Plaintiff's Property to Defendant C.S. Carter, Jr. null and void and require Dorchester County to accept Plaintiff's payment of delinquent taxes, less any penalties caused by these Defendants' refusal to previously accept her tax payment;

c. require Defendants Dorchester County, Treasurer, and Delinquent Tax Collector to identify those heirs' property owners who have been wrongfully deprived of their property in the same fashion as Plaintiff has in the past five (5) years; and require

Defendants Dorchester County, Treasurer, and Delinquent Tax Collector to either void those tax sales and require purchasers of such property, including Defendant C.S. Carter, Jr., to re-convey the Property to Plaintiff and other heirs property owners identified by Dorchester County as harmed by Dorchester County's policy, or pay those heirs' property taxpayers monetary damages for their property losses in an amount to be determined by this Court.

SEVENTH CAUSE OF ACTION
(Failure to allow Redemption)

80. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

81. Under South Carolina law title to property transfers upon death of a decedent to the decedent's heirs in the absence of testamentary disposition.

82. State law permits a grantee of a property owner to redeem property.

83. Due to Defendants Dorchester County, Treasurer's and Delinquent Tax Collector's refusal to accept payment for taxes from Plaintiff and allow her to redeem her Property, Plaintiff lost her Property.

84. Defendants Dorchester County, Treasurer and Delinquent Tax Collector's failure to comply with the tax statutes invalidates this sale and Plaintiff requests this Court rule accordingly and order Defendant C.S. Carter, Jr. to re-convey the Property to Plaintiff.

EIGHTH CAUSE OF ACTION
(Equitable Estoppel)

85. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

86. Defendants Dorchester County, Treasurer and Delinquent Tax Collector mailed

tax notices to Plaintiff and collected tax payments from her for eight (8) years.

87. These Defendants should have known that Plaintiff's father and grandparents were deceased when they continually accepted payment of taxes from Plaintiff.

88. Plaintiff reasonably relied upon these Defendants' actions when she tried to redeem her property prior to December 4, 2013.

89. Plaintiff was improperly denied the opportunity to pay her taxes and redeem her property by these Defendants which resulted in the loss of her property.

90. These Defendants should be equitably estopped from refusing to accept payment for taxes from Plaintiff as they previously accepted her payment of taxes for eight (8) years.

WHEREFORE, having fully stated her claims against Defendants, Plaintiff prays for actual damages, emotional distress damages, attorney fees and costs, judgment interest and such other and further legal and equitable relief as this Court deems just and proper.

FOSTER LAW FIRM, L.L.C.

s/Nancy Bloodgood
Nancy Bloodgood, Federal Bar No. 5208
Lucy C. Sanders, Federal Bar No. 10834
895 Island Park Drive, Suite 202
Charleston, SC 29492
Telephone: (843) 972-0313
Facsimile: (888) 519-0934
Email: nbloodood@fosterfoster.com
lsanders@fosterfoster.com

Attorneys for Plaintiff

Charleston, South Carolina

Date: January 9, 2014

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Wendy Reed, PLAINTIFF, vs. Dorchester County; James Judy; Thomas Limehouse; Mary Pearson in her capacity as Treasurer of Dorchester County: and Suzanna H. Davis in her capacity as Delinquent Tax Collector for Dorchester County, DEFENDANTS.	Case No.: 2:14-cv-76-RMG **AMENDED COMPLAINT (JURY TRIAL REQUESTED)**

The Plaintiff, complaining of the above-named Defendants, would respectfully show this Court:

JURISDICTION AND VENUE

1. This action arises under the United States Constitution, 42 U.S.C. § 3604 (b) *et seq.*, 42 U.S.C. § 1983, 42 U.S.C. § 1985 (3), and 42 U.S.C. § 1988 (b) for violation of Plaintiff's civil rights. This court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343 as set forth herein.

2. Venue is proper in the Charleston Division, District of South Carolina, pursuant to 28 U.S.C. § 1391.

PARTIES

3. Plaintiff is a resident of Dorchester County, South Carolina.

4. Defendant Dorchester County is a political subdivision of the State of South Carolina and is authorized to collect taxes in Dorchester County, notify taxpayers of delinquent

taxes, hold delinquent tax sales, sell property at tax sales, and accept funds from a taxpayer to redeem property that was sold at a delinquent tax sale, all pursuant to state law.

5. Upon information and belief, James Judy and Thomas Limehouse are residents of Dorchester County. James Judy purchased 819 W. Richardson Avenue in Summerville, S.C. after a Dorchester County tax sale in December of 2012. Thomas Limehouse purchased 817 W. Richardson Avenue in Summerville, S.C. at a Dorchester County tax sale in December of 2012.

6. Mary Pearson (hereafter "Treasurer") is the elected Treasurer of Dorchester County charged with the collection of, executions of levies by distress, and selling property to satisfy delinquent taxes.

7. Mary Pearson is not a Dorchester County employee.

8. Suzanna H. Davis (hereafter "Delinquent Tax Collector") is the Dorchester County Delinquent Tax Collector charged with the collection of delinquent taxes for Dorchester County.

FACTS

9. Plaintiff Wendy Reed is an African American heirs' property owner. Until recently, she owned a percentage interest in real property located at 817 and 819 W. Richardson Avenue in Summerville, South Carolina (hereafter "Property").

10. Plaintiff has a 1/75 interest in this Property through intestate succession and she resides on part of it at 817 W. Richardson Avenue. 819 W. Richardson Avenue is an adjacent empty lot to her residence.

11. Heirs' property owners do not have deeds to their property as their property is passed down to family members without a will.

12. Heirs' property is held by the family descendants as "tenants in common"

regardless of where the family members live.

13. The Center for Heirs' Property Preservation is a non-profit organization that attempts to protect and preserve heirs' property.

14. The Center for Heirs' Property Preservation has done a study and created a map indicating there are approximately 5,323 tracts of heirs' property in Dorchester County. This map also has a census-based African American and poverty overlay indicating that a disproportionate amount of these heirs' property tracts are owned by low income African Americans.

15. The fact that most heirs' property owners in Dorchester County are African Americans is a fact that is, or should be, well known to Defendant Dorchester County.

16. After Plaintiff's father died, Plaintiff remitted to Defendant Treasurer payment for all of the property taxes assessed against her Property for eight (8) years.

17. Plaintiff received all of the property tax notices from Defendants Treasurer and then the Delinquent Tax Collector that related to this Property for nine (9) years.

18. The fact that Plaintiff was an heirs' property owner was totally irrelevant to Defendants Dorchester County and Treasurer while Plaintiff was timely paying the taxes on the Property for eight (8) years.

19. S.C. Code § 12-60-30 (29) defines a taxpayer as the person responsible for remitting the tax payment.

20. Plaintiff was the family member responsible for paying the taxes for this Property.

21. Per S.C. Code § 12-51-(A) any "grantee from the owner" can redeem property.

22. Plaintiff is a grantee from the owner of this Property.

23. In 2012, Plaintiff was unable to pay the property taxes, and in late 2012 Plaintiff's

Property was sold at a delinquent tax sale to Defendants James Judy and Thomas Limehouse.

24. Prior to Plaintiff's Property being sold at the delinquent tax sale, Defendants Dorchester County, Treasurer and Delinquent Tax Collector sent Plaintiff all of the statutorily required notices regarding the delinquent tax sale.

25. After the delinquent tax sale, Defendants Dorchester County, Treasurer and Delinquent Tax Collector also sent all of the requisite notices regarding the redemption period to Plaintiff.

26. Plaintiff had twelve (12) months after the delinquent tax sale to redeem her Property pursuant to state law.

27. Plaintiff attempted four (4) times without success to redeem her Property within the twelve (12) month redemption period.

28. Plaintiff first attempted to pay the delinquent property taxes and penalties by phone and was refused by Defendant Delinquent Tax Collector. Plaintiff then tried to pay the delinquent taxes in person three (3) times. On all four (4) occasions, Defendant Delinquent Tax Collector refused to accept Plaintiff's funds and refused to allow Plaintiff to redeem her Property before December 4, 2013 when the twelve (12) month redemption period expired.

29. These Defendants repeatedly told Plaintiff when she tried to pay her taxes and redeem her Property that unless she could prove she was an heir and/or probate the estate, they would not accept her money.

30. Defendant Dorchester County's Attorney stated to Plaintiff's counsel it was a policy of Dorchester County to require proof of ownership before accepting tax payments.

31. Defendant Dorchester County's Attorney told Plaintiff she had to probate her grandmother's estate.

32. Plaintiff's grandmother died more than thirty (30) years ago.

33. In South Carolina, an estate cannot be probated after ten (10) years.

34. Defendant's County Attorney then told Plaintiff only a devisee of her grandmother who was named on a probate court "Devise/Descent" form dated in 1984 could pay the taxes and redeem the Property.

35. Plaintiff's father is listed on the "Devise/Descent" form but Plaintiff's father died in 2004.

36. Defendant Delinquent Tax Collector told Plaintiff to get help from the Center for Heirs' Property Preservation but Plaintiff did not qualify financially for help from this organization.

37. As a practical matter, even if Plaintiff had qualified, she could not have filed a suit and obtained a Court Order establishing her percentage of ownership before the redemption period ran on December 4, 2012.

38. Plaintiff incurred additional monetary penalties during the time Defendants Dorchester County Treasurer and Delinquent Tax Collector refused to accept her tax payment and before the redemption period ran due to Defendants' actions.

39. Upon information and belief, Dorchester County does not require non-heirs' property owners attempting to redeem property to provide proof of ownership.

40. There is no South Carolina state law requiring property owners to provide proof of ownership before property can be redeemed.

41. On information and belief, Dorchester County does not require non-heirs' property owners to establish their percentage ownership before redeeming property.

42. There is no South Carolina state law requiring proof of percentage of ownership

before property can be redeemed.

43. On information and belief, Dorchester County does not require non-heirs' property intestate property owners to probate estates before redeeming property.

44. There is no South Carolina state law stating that a property owner who acquired their property intestate cannot redeem property.

45. Upon information and belief, Dorchester County is the only county in South Carolina that treats heirs' property owners differently than other real property owners.

46. If Plaintiff was not an heirs' property owner, she could have timely redeemed her Property.

47. Upon information and belief, hundreds of African American properties in rural Dorchester County have been sold at Defendant's delinquent tax sales in the last few years.

48. Defendants Dorchester County's, the Treasurer's and the Delinquent Tax Collector's actions and lack of action has caused the loss of a significant amount of African American owned property in rural Dorchester County, and has resulted in the wrongful loss of Plaintiff's Property.

49. Defendants Dorchester County, Treasurer and Delinquent Tax Collector were asked by Plaintiff to end their practice and policy of treating heirs' property owners differently from other real property owners and refused.

FIRST CAUSE OF ACTION
(TITLE VIII, Violation of the Fair Housing Act, 42 U.S.C. § 3604(b))

50. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

51. 42 U.S.C.S. § 3604 (b) prohibits discrimination in the sale of a dwelling or in the provision of services in connection with a sale of a dwelling.

52. Defendants Dorchester County's, Treasurer's and Delinquent Tax Collector's refusal to permit heirs' property owners to redeem property because they cannot prove ownership is motivated by a discriminatory intent.

53. Defendants Dorchester County's, Treasurer's and Delinquent Tax Collector's refusal to permit heirs' property owners including Plaintiff to redeem property because they cannot prove ownership has a discriminatory impact by causing African American's to lose their property at a much higher rate than white real property owners as most heirs' property owners are African American.

54. Defendants Dorchester County's, Treasurer's and Delinquent Tax Collector's policy of treating heirs' property owners trying to redeem their property after a tax sale differently than white property owners trying to redeem their property after a tax sale discriminates against African American heirs' property owners.

55. On information and belief, Defendants Dorchester County, Treasurer, and Delinquent Tax Collector have been adhering to this discriminatory policy for several years.

56. Defendants Dorchester County, Treasurer, and Delinquent Tax Collector repeatedly directed its staff to refuse to permit Plaintiff to redeem her Property.

57. Defendants Dorchester County, Treasurer, and Delinquent Tax Collector discriminated against Plaintiff based on her race when it sold her dwelling at a tax sale and then wrongfully refused her to redeem it.

58. Plaintiff seeks equitable relief and monetary damages caused by the discriminatory acts of Defendants Dorchester County, Treasurer, and Delinquent Tax Collector in the sale of Plaintiff's Property, as well as attorney fees and costs.

SECOND CAUSE OF ACTION
(Conspiracy, 42 U.S.C. § 1985 (3))

59. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

60. Defendants Dorchester County and Delinquent Tax Collector conspired with the Treasurer and the County Attorney to deprive Plaintiff of her Property.

61. Defendants Dorchester County, Treasurer, and Delinquent Tax Collector caused harm to Plaintiff by refusing to accept her tax payment and allowing her property to be sold to Defendants James Judy and Thomas Limehouse.

62. Plaintiff has suffered special damages including humiliation and emotional distress due to the loss of her family property and seeks monetary compensation for these emotional distress damages and attorney fees and costs.

THIRD CAUSE OF ACTION
(Violation of Plaintiff's Due Process Rights)

63. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

64. Plaintiff should have the same right to redeem property as any other property owner in Dorchester County.

65. Plaintiff has the right to have state law regarding the redemption of real property sold at delinquent tax sales applied to her in the same manner as all other property owners in Dorchester County.

66. Specifically, Plaintiff has the right under S.C. law to pay any delinquent taxes, plus penalties, within twelve (12) months of a delinquent tax sale in order to redeem her Property.

67. Defendants Dorchester County, Treasurer, and Delinquent Tax Collector wrongfully deprived Plaintiff of this right based on the fact that she owns heirs' property and on its policy and practice of requiring proof of ownership before allowing heirs' property to be redeemed.

68. Defendants Dorchester County, Treasurer, and Delinquent Tax Collector had no procedure available to Plaintiff that would allow her to challenge their interpretation of the law or force them to accept her tax payment.

69. As Plaintiff cannot, as a matter of law, probate an estate that is more than thirty (30) years old, the request that she do so by Dorchester County's County Attorney and Defendants Dorchester County, Treasurer, and Delinquent Tax Collector was unreasonable.

70. Plaintiff seeks compensatory damages attributable to the loss of her property and attorney fees and costs.

FOURTH CAUSE OF ACTION
(Denial of Equal Protection)

71. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

72. Plaintiff, as an heirs' property owner, has been singled out for different treatment than other real property owners in Dorchester County and because of her race.

73. Plaintiff's treatment, specifically Defendant's failure to permit Plaintiff to redeem her Property, is the result of intentional race discrimination.

74. Defendant's treatment of Plaintiff is not permitted by state law and not related to any legitimate County interest.

75. Plaintiff has been damaged by the action and inaction of Defendants Dorchester County, Treasurer, and Delinquent Tax Collector and seeks equitable and monetary damages,

attorney fees and costs,

FIFTH CAUSE OF ACTION
(Declaratory Judgment)

76. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

77. Plaintiff seeks a declaratory judgment from this court that the language in S.C. § 12-51-90 which allows "any grantee from the owner" to redeem property includes heirs' property owners.

SIXTH CAUSE OF ACTION
(Injunctive and Equitable Relief)

78. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

79. Plaintiff respectfully requests this Court:

a. enjoin Defendants Dorchester County, Treasurer, and Delinquent Tax Collector from prohibiting heirs' property owners from redeeming property sold at a tax sale;

b. declare the sale of Plaintiff's Property to Defendants James Judy and Thomas Limehouse null and void and require Dorchester County to accept Plaintiff's payment of delinquent taxes, less any penalties caused by these Defendants' refusal to previously accept her tax payment;

c. require Defendants Dorchester County, Treasurer, and Delinquent Tax Collector to identify those heirs' property owners who have been wrongfully deprived of their property in the same fashion as Plaintiff has in the past five (5) years; and require Defendants Dorchester County, Treasurer, and Delinquent Tax Collector to either void those tax sales and require purchasers of such property, including Defendants James Judy

and Thomas Limehouse, to re-convey the Property to Plaintiff and other heirs property owners identified by Dorchester County as harmed by Dorchester County's policy, or pay those heirs' property taxpayers monetary damages for their property losses in an amount to be determined by this Court.

SEVENTH CAUSE OF ACTION
(Failure to allow Redemption)

80. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

81. Under South Carolina law title to property transfers upon death of a decedent to the decedent's heirs in the absence of testamentary disposition.

82. State law permits a grantee of a property owner to redeem property.

83. Due to Defendants Dorchester County, Treasurer's and Delinquent Tax Collector's refusal to accept payment for taxes from Plaintiff and allow her to redeem her Property, Plaintiff lost her Property.

84. Defendants Dorchester County, Treasurer and Delinquent Tax Collector's failure to comply with the tax statutes invalidates this sale and Plaintiff requests this Court rule accordingly and order Defendants James Judy and Thomas Limehouse to re-convey the Property to Plaintiff.

EIGHTH CAUSE OF ACTION
(Equitable Estoppel)

85. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

86. Defendants Dorchester County, Treasurer and Delinquent Tax Collector mailed tax notices to Plaintiff and collected tax payments from her for eight (8) years.

87. These Defendants should have known that Plaintiff's father and grandparents were deceased when they continually accepted payment of taxes from Plaintiff.

88. Plaintiff reasonably relied upon these Defendants' actions when she tried to redeem her property prior to December 4, 2013.

89. Plaintiff was improperly denied the opportunity to pay her taxes and redeem her property by these Defendants which resulted in the loss of her property.

90. These Defendants should be equitably estopped from refusing to accept payment for taxes from Plaintiff as they previously accepted her payment of taxes for eight (8) years.

WHEREFORE, having fully stated her claims against Defendants, Plaintiff prays for actual damages, emotional distress damages, attorney fees and costs, judgment interest and such other and further legal and equitable relief as this Court deems just and proper.

FOSTER LAW FIRM, L.L.C.

s/Nancy Bloodgood
Nancy Bloodgood, Federal Bar No. 5208
Lucy C. Sanders, Federal Bar No. 10834
895 Island Park Drive, Suite 202
Charleston, SC 29492
Telephone: (843) 972-0313
Facsimile: (888) 519-0934
Email: nbloodood@fosterfoster.com
lsanders@fosterfoster.com

Attorneys for Plaintiff

Charleston, South Carolina

Date: January 27, 2014

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER	IN THE FIRST JUDICIAL CIRCUIT
Wendy Reed,	Case No.: 2014-CP-18-1349
Plaintiff,	
vs.	COMPLAINT (JURY TRIAL REQUESTED)
Dorchester County; Mary Pearson in her official capacity as Treasurer of Dorchester County; the Delinquent Tax Collector for Dorchester County; and Thomas Limehouse.	
Defendants.	

FILED - PEGGY PEAGLER
2014 JUL 11 P 3:50
CLERK OF COURT
DORCHESTER CO.

The Plaintiff, complaining of the above-named Defendants, would respectfully show this Court:

JURISDICTION AND VENUE

1. This action arises in part under the United States Constitution, 42 U.S.C. § 3604 (b) *et seq.*, 42 U.S.C. § 1983, 42 U.S.C. § 1985 (3), and 42 U.S.C. § 1988 (b) for violation of Plaintiff's civil rights. This court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343 as set forth herein and of the state tort claims.

2. Venue is proper in this Court as all of the events occurred in Dorchester County and the parties reside in Dorchester County.

PARTIES

3. Plaintiff is a resident of Dorchester County, South Carolina.

4. Defendant Dorchester County is a political subdivision of the State of South Carolina and is authorized to collect taxes in Dorchester County, notify taxpayers

of delinquent taxes, hold delinquent tax sales, sell property at tax sales, and accept funds from a taxpayer to redeem property that was sold at a delinquent tax sale, all pursuant to state law.

5. Upon information and belief, Thomas Limehouse is a resident of Dorchester County and purchased 819 W. Richardson Avenue in Summerville, S.C. after a Dorchester County tax sale in December of 2012. Additionally, Thomas Limehouse purchased 817 W. Richardson Avenue in Summerville, S.C. at a Dorchester County tax sale in December of 2012.

6. Mary Pearson (hereafter "Treasurer") is the elected Treasurer of Dorchester County charged with the collection of, exceptions of levies by distress, and selling property to satisfy delinquent taxes.

7. Mary Pearson is not a Dorchester County employee.

8. The Dorchester County Delinquent Tax Collector (hereafter "Delinquent Tax Collector") is charged with the collection of delinquent taxes for Dorchester County.

FACTS

9. Plaintiff Wendy Reed is an African American heirs' property owner. Until recently, she owned a percentage interest in real property located at 817 and 819 W. Richardson Avenue in Summerville, South Carolina (hereafter "Property").

10. Plaintiff has a 1/75 interest in this Property through intestate succession and she resides on part of it at 817 W. Richardson Avenue. 819 W. Richardson Avenue is an adjacent empty lot to her residence.

11. Heirs' property owners do not have deeds to their property as their property is passed down to family members without a will.

12. Heirs' property is held by the family descendants as "tenants in common" regardless of where the family members live.

13. The Center for Heirs' Property Preservation is a non-profit organization that attempts to protect and preserve heirs' property.

14. The Center for Heirs' Property Preservation has done a study and created a map indicating there are approximately 5,323 tracts of heirs' property in Dorchester County. This map also has a census-based African American and poverty overlay indicating that a disproportionate amount of these heirs' property tracts are owned by low income African Americans.

15. The fact that most heirs' property owners in Dorchester County are African Americans is a fact that is, or should be, well known to Defendant Dorchester County.

16. After Plaintiff's father died, Plaintiff remitted to Defendant Treasurer payment for all of the property taxes assessed against her Property for eight (8) years.

17. Plaintiff received all of the property tax notices from Defendants Treasurer and then the Delinquent Tax Collector that related to this Property for nine (9) years.

18. The fact that Plaintiff was an heirs' property owner was totally irrelevant to Defendants Dorchester County and Treasurer while Plaintiff was timely paying the taxes on the Property for eight (8) years.

19. S.C. Code § 12-60-30 (29) defines a taxpayer as the person responsible for remitting the tax payment.

20. Plaintiff was the family member responsible for paying the taxes for this Property.

21. Per S.C. Code § 12-51-(A) any "grantee from the owner" can redeem property.

22. Plaintiff is a grantee from the owner of this Property.

23. In 2012, Plaintiff was unable to pay the property taxes, and in late 2012 Plaintiff's Property was sold at and after a delinquent tax sale to Defendant Thomas Limehouse.

24. Prior to Plaintiff's Property being sold at the delinquent tax sale, Defendants Dorchester County, Treasurer and Delinquent Tax Collector sent Plaintiff all of the statutorily required notices regarding the delinquent tax sale.

25. After the delinquent tax sale, Defendants Dorchester County, Treasurer and Delinquent Tax Collector also sent all of the requisite notices regarding the redemption period to Plaintiff.

26. Plaintiff had twelve (12) months after the delinquent tax sale to redeem her Property pursuant to state law.

27. Plaintiff attempted four (4) times without success to redeem her Property within the twelve (12) month redemption period.

28. Plaintiff first attempted to pay the delinquent property taxes and penalties by phone and was refused by Defendant Delinquent Tax Collector. Plaintiff then tried to pay the delinquent taxes in person three (3) times. On all four (4) occasions, Defendant Delinquent Tax Collector refused to accept Plaintiff's funds and refused to allow Plaintiff to redeem her Property before December 4, 2013 when the twelve (12) month redemption period expired.

29. These Defendants repeatedly told Plaintiff when she tried to pay her taxes

and redeem her Property that unless she could prove she was an heir and/or probate the estate, they would not accept her money.

30. Defendant Dorchester County's Attorney stated to Plaintiff's counsel it was a policy of Dorchester County to require proof of ownership before accepting tax payments.

31. Defendant Dorchester County's Attorney told Plaintiff she had to probate her grandmother's estate.

32. Plaintiff's grandmother died more than thirty (30) years ago.

33. In South Carolina, an estate cannot be probated after ten (10) years.

34. Defendant's County Attorney then told Plaintiff only a devisee of her grandmother who was named on a probate court "Devise/Descent" form dated in 1984 could pay the taxes and redeem the Property.

35. Plaintiff's father is listed on the "Devise/Descent" form but Plaintiff's father died in 2004.

36. Defendant Delinquent Tax Collector told Plaintiff to get help from the Center for Heirs' Property Preservation but Plaintiff did not qualify financially for help from this organization.

37. As a practical matter, even if Plaintiff had qualified, she could not have filed a suit and obtained a Court Order establishing her percentage of ownership before the redemption period ran on December 4, 2012.

38. Plaintiff incurred additional monetary penalties during the time Defendants Dorchester County Treasurer and Delinquent Tax Collector refused to accept her tax payment and before the redemption period ran due to Defendants' actions.

39. Upon information and belief, Dorchester County does not require non-heirs' property owners attempting to redeem property to provide proof of ownership.

40. There is no South Carolina state law requiring property owners to provide proof of ownership before property can be redeemed.

41. On information and belief, Dorchester County does not require non-heirs' property owners to establish their percentage ownership before redeeming property.

42. There is no South Carolina state law requiring proof of percentage of ownership before property can be redeemed.

43. On information and belief, Dorchester County does not require non-heirs' property intestate property owners to probate estates before redeeming property.

44. There is no South Carolina state law stating that a property owner who acquired their property intestate cannot redeem property.

45. Upon information and belief, Dorchester County is the only county in South Carolina that treats heirs' property owners differently than other real property owners.

46. If Plaintiff was not an heirs' property owner, she could have timely redeemed her Property.

47. Upon information and belief, hundreds of African American properties in rural Dorchester County have been sold at Defendant's delinquent tax sales in the last few years.

48. Defendants Dorchester County's, the Treasurer's and the Delinquent Tax Collector's actions and lack of action has caused the loss of a significant amount of African American owned property in rural Dorchester County, and has resulted in the

wrongful loss of Plaintiff's Property.

49. Defendants Dorchester County, Treasurer and Delinquent Tax Collector were asked by Plaintiff to end their practice and policy of treating heirs' property owners differently from other real property owners and refused.

FIRST CAUSE OF ACTION
(TITLE VIII, Violation of the Fair Housing Act, 42 U.S.C. § 3604(b))

50. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

51. 42 U.S.C.S. § 3604 (b) prohibits discrimination in the sale of a dwelling or in the provision of services in connection with a sale of a dwelling.

52. Defendants Dorchester County's, Treasurer's and Delinquent Tax Collector's refusal to permit heirs' property owners to redeem property because they cannot prove ownership is motivated by a discriminatory intent.

53. Defendants Dorchester County's, Treasurer's and Delinquent Tax Collector's refusal to permit heirs' property owners including Plaintiff to redeem property because they cannot prove ownership has a discriminatory impact by causing African American's to lose their property at a much higher rate than white real property owners as most heirs' property owners are African American.

54. Defendants Dorchester County's, Treasurer's and Delinquent Tax Collector's policy of treating heirs' property owners trying to redeem their property after a tax sale differently than white property owners trying to redeem their property after a tax sale discriminates against African American heirs' property owners.

55. On information and belief, Defendants Dorchester County, Treasurer, and Delinquent Tax Collector have been adhering to this discriminatory policy for several

years.

56. Defendants Dorchester County, Treasurer, and Delinquent Tax Collector repeatedly directed its staff to refuse to permit Plaintiff to redeem her Property.

57. Defendants Dorchester County, Treasurer, and Delinquent Tax Collector discriminated against Plaintiff based on her race when it sold her dwelling at a tax sale and then wrongfully refused her to redeem it.

58. Plaintiff seeks equitable relief and monetary damages caused by the discriminatory acts of Defendants Dorchester County, Treasurer, and Delinquent Tax Collector in the sale of Plaintiff's Property, as well as attorney fees and costs.

SECOND CAUSE OF ACTION
(Conspiracy, 42 U.S.C. § 1985 (3))

59. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

60. Defendants Dorchester County and Delinquent Tax Collector conspired with the Treasurer and the County Attorney to deprive Plaintiff of her Property.

61. Defendants Dorchester County, Treasurer, and Delinquent Tax Collector caused harm to Plaintiff by refusing to accept her tax payment and allowing her property to be sold to Defendant Thomas Limehouse.

62. Plaintiff has suffered special damages including humiliation and emotional distress due to the loss of her family property and seeks monetary compensation for these emotional distress damages and attorney fees and costs.

THIRD CAUSE OF ACTION
(Violation of Plaintiff's Due Process Rights under the South Carolina State Constitution)

63. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

64. Plaintiff should have the same right to redeem property as any other property owner in Dorchester County.

65. Plaintiff has the right to have state law regarding the redemption of real property sold at delinquent tax sales applied to her in the same manner as all other property owners in Dorchester County.

66. Specifically, Plaintiff has the right under S.C. law to pay any delinquent taxes, plus penalties, within twelve (12) months of a delinquent tax sale in order to redeem her Property.

67. Defendants Dorchester County, Treasurer, and Delinquent Tax Collector wrongfully deprived Plaintiff of this right based on the fact that she owns heirs' property and on its policy and practice of requiring proof of ownership before allowing heirs' property to be redeemed.

68. Defendants Dorchester County, Treasurer, and Delinquent Tax Collector had no procedure available to Plaintiff that would allow her to challenge their interpretation of the law or force them to accept her tax payment.

69. As Plaintiff cannot, as a matter of law, probate an estate that is more than thirty (30) years old, the request that she do so by Dorchester County's County Attorney and Defendants Dorchester County, Treasurer, and Delinquent Tax Collector was unreasonable.

70. Plaintiff seeks compensatory damages attributable to the loss of her property and attorney fees and costs.

FOURTH CAUSE OF ACTION
(Denial of Equal Protection under the South Carolina State Constitution)

71. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

72. Plaintiff, as an heirs' property owner, has been singled out for different treatment than other real property owners in Dorchester County and because of her race.

73. Plaintiff's treatment, specifically Defendant's failure to permit Plaintiff to redeem her Property, is the result of intentional race discrimination.

74. Defendant's treatment of Plaintiff is not permitted by state law and not related to any legitimate County interest.

75. Plaintiff has been damaged by the action and inaction of Defendants Dorchester County, Treasurer, and Delinquent Tax Collector and seeks equitable and monetary damages, attorney fees and costs.

FIFTH CAUSE OF ACTION
(Declaratory Judgment)

76. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

77. Plaintiff seeks a declaratory judgment from this court that the language in S.C. § 12-51-90 which allows "any grantee from the owner" to redeem property includes heirs' property owners.

SIXTH CAUSE OF ACTION
(Injunctive and Equitable Relief)

78. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

79. Plaintiff respectfully requests this Court:

a. enjoin Defendants Dorchester County, Treasurer, and Delinquent Tax Collector from prohibiting heirs' property owners from redeeming property sold at a tax sale;

b. declare the sale of Plaintiff's Property to Defendant Thomas Limehouse null and void and require Dorchester County to accept Plaintiff's payment of delinquent taxes, less any penalties caused by these Defendants' refusal to previously accept her tax payment;

c. require Defendants Dorchester County, Treasurer, and Delinquent Tax Collector to identify those heirs' property owners who have been wrongfully deprived of their property in the same fashion as Plaintiff has in the past five (5) years; and require Defendants Dorchester County, Treasurer, and Delinquent Tax Collector to either void those tax sales and require purchasers of such property, including Defendant Thomas Limehouse, to re-convey the Property to Plaintiff and other heirs property owners identified by Dorchester County as harmed by Dorchester County's policy, or pay those heirs' property taxpayers monetary damages for their property losses in an amount to be determined by this Court.

SEVENTH CAUSE OF ACTION
(Failure to allow Redemption)

80. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

81. Under South Carolina law title to property transfers upon death of a decedent to the decedent's heirs in the absence of testamentary disposition.

82. State law permits a grantee of a property owner to redeem property.

83. Due to Defendants Dorchester County, Treasurer's and Delinquent Tax

Collector's refusal to accept payment for taxes from Plaintiff and allow her to redeem her Property, Plaintiff lost her Property.

84. Defendants Dorchester County, Treasurer and Delinquent Tax Collector's failure to comply with the tax statutes invalidates this sale and Plaintiff requests this Court rule accordingly and order Defendant Thomas Limehouse to re-convey the Property to Plaintiff.

EIGHTH CAUSE OF ACTION
(Equitable Estoppel)

85. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

86. Defendants Dorchester County, Treasurer and Delinquent Tax Collector mailed tax notices to Plaintiff and collected tax payments from her for eight (8) years.

87. These Defendants should have known that Plaintiff's father and grandparents were deceased when they continually accepted payment of taxes from Plaintiff.

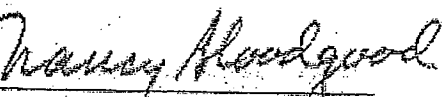
88. Plaintiff reasonably relied upon these Defendants' actions when she tried to redeem her property prior to December 4, 2013.

89. Plaintiff was improperly denied the opportunity to pay her taxes and redeem her property by these Defendants which resulted in the loss of her property.

90. These Defendants should be equitably estopped from refusing to accept payment for taxes from Plaintiff as they previously accepted her payment of taxes for eight (8) years.

WHEREFORE, having fully stated her claims against Defendants, Plaintiff prays for actual damages, emotional distress damages, attorney fees and costs, judgment interest and such other and further legal and equitable relief as this Court deems just and proper.

FOSTER LAW FIRM, L.L.C.



Nancy Bloodgood, SC Bar No.: 6459
Lucy C. Sanders, SC Bar No.: 78169
895 Island Park Drive, Suite 202
Daniel Island, SC 29492
Telephone: (843) 972-0313
Facsimile: (888) 519-0934
Email: nbloodgood@fosterfoster.com
lsanders@fosterfoster.com

Attorneys for Plaintiff

Charleston, South Carolina

Date: July 9, 2014

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER) FOR THE FIRST JUDICIAL CIRCUIT

CASE # 2014-CP-18-1349

WENDY REED,

Plaintiff,

vs.

DORCHESTER COUNTY, MARY PEARSON in her official capacity as Treasurer of Dorchester County, the Delinquent Tax Collector for Dorchester County, and THOMAS LIMEHOUSE,

Defendants.

ANSWER OF DEFENDANT THOMAS LIMEHOUSE

The Defendant, Thomas Limehouse, answering the Complaint of the Plaintiff alleges and says as follows:

1. Defendant denies each and every allegation of the Complaint not hereinafter specifically admitted, qualified or explained.

2. With respect to Paragraphs One, Two, Eleven, Twelve, Nineteen, Twenty-one, Twenty-six, Thirty-three, Forty, Forty-two, Forty-four, Fifty-one, Sixty-four, Sixty-five, Sixty-six, Seventy-four, Seventy-seven, Eighty-one, Eighty-two, the same constitute statements of and conclusions of law requiring no response, but, to the extent required, the allegations are denied and strict proof thereof demanded.

3. Defendant lacks sufficient information to form a belief as to the allegations contained in Paragraphs Three, Seven, Nine, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, Eighteen, Twenty, Twenty-two, Twenty-three, Twenty-four, Twenty-five, Twenty-seven, Twenty-eight, Twenty-nine, Thirty, Thirty-one, Thirty-two, Thirty-four, Thirty-five, Thirty-six, Thirty-seven, Thirty-eight, Thirty-nine, Forty-one, Forty-three, Forty-five, Forty-six, Forty-seven, Forty-eight,

Forty-nine, Fifty-two, Fifty-three, Fifty-four, Fifty-five, Fifty-six, Fifty-seven, Fifty-eight, Sixty, Sixty-one, Sixty-two, Sixty-seven, Sixty-eight, Sixty-nine, Seventy, Seventy-two, Seventy-three, Seventy-five, Seventy-nine, Eighty-three, Eighty-four, Eighty-six, Eighty-seven, Eighty-eight, Eighty-nine, Ninety and therefore denies the same and demands strict proof thereof.

4. Defendant denies so much of Paragraph Ten as alleges that 819 W. Richardson Avenue is an empty lot but lacks sufficient information to form a belief as to the remaining allegations contained therein and therefore denies the same.

5. Defendant admits so much of Paragraph Six as alleges that Defendant Mary Pearson is the elected Dorchester County Treasurer but lacks sufficient information to form a belief as to the remaining allegations contained therein and therefore denies the same.

6. Defendant admits Paragraphs Four, Five and Eight of the Complaint.

7. With respect to Paragraphs Fifty, Fifty-nine, Sixty-three, Seventy-one, Seventy-six, Seventy-eight, Eighty, Eighty-five, each and every allegation set forth above is reiterated and repeated as if set out herein verbatim.

WHEREFORE, having fully answered the Complaint, Defendant prays that the Complaint be dismissed with prejudice and for such other and further relief as this Court may deem just and proper.

Thomas Limehouse
Pro Se
Post Office Box 2005
Summerville, SC 29484
(843) 270-4443

Summerville, SC
August 12, 2014

STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER WENDY REED, Plaintiff, VS. COUNTY OF DORCHESTER, MARY PEARSON, IN HER OFFICIAL CAPACITY AS TREASURER OF DORCHESTER COUNTY, THE DELINQUENT TAX COLLECTOR FOR DORCHESTER COUNTY AND THOMAS LIMEHOUSE, Defendants.	IN THE COURT OF COMMON PLEAS FOR THE FIRST JUDICIAL CIRCUIT CASE NUMBER: 2014-CP-18-1349 **DEFENDANTS COUNTY OF DORCHESTER, MARY PEARSON, IN HER CAPACITY AS TREASURER OF DORCHESTER COUNTY, AND THE DELINQUENT TAX COLLECTOR FOR DORCHESTER COUNTY'S ANSWER, AFFIRMATIVE DEFENSES AND MOTIONS TO PLAINTIFF'S COMPLAINT** *(Jury Trial Demanded)*

FILED
2014 SEP 24 PM 12:04
CHARLESTER COUNTY, S.C.
CLERK OF COURT

Defendants Dorchester County, Mary Pearson in her capacity as Treasurer of Dorchester County and The Delinquent Tax Collector for Dorchester County (collectively "Defendants" herein), by and through its undersigned counsel, in the alternative to Defendants' Motion to Dismiss contemporaneously filed pursuant to the South Carolina Rules of Civil Procedure, answers Plaintiff's Complaint as follows:

FOR A FIRST DEFENSE
(12(b)(2) and 12 (b)(6) SCRCP, and U.S.C.A. Const. Art. 3, § 2, cl. 1.)

1. Defendants move for a dismissal of this action in its entirety pursuant to Rule 12(b)(2) and 12(b)(6) of the South Carolina Rules of Civil Procedure as the Plaintiff lacks standing to bring this lawsuit pursuant to U.S.C.A. Const. Art. 3, § 2, cl. 1.

FOR A SECOND DEFENSE
(S.C. Code Ann. § 15-78-70 and U.S.C.A. Const. Amend. 11.)

2. Defendants Dorchester County, Mary Pearson in her capacity as Treasurer of

Dorchester County and The Delinquent Tax Collector for Dorchester County, move to dismiss Plaintiff's Complaint and Plaintiff's Complaint as they are immune from suit pursuant to S.C. Code Ann. § 15-78-70 and U.S.C.A. Const. Amend. 11.

FOR A THIRD DEFENSE
(Dismiss 42 U.S.C. § 3604(b))

3. Defendants move for the dismissal of Plaintiff's First Cause of Action as 42 U.S.C. § 3604(b) does not apply to the facts of this case as alleged by the Plaintiff and the Defendants are immune from suit under this Act pursuant to U.S.C.A. Const. Amend. 11.

FOR A FOURTH DEFENSE
(Dismiss 42 U.S.C. § 1985(3))

4. Defendants move for the dismissal of the Plaintiff's Second Cause of Action for Conspiracy, 42 U.S.C. § 1985(3) on the grounds that 42 U.S.C. § 1985(3) does not create a substantive right for the Plaintiff, and on the grounds that the Defendants cannot conspire with themselves pursuant to the intracorporate conspiracy doctrine and therefore does not meet the requisite element of two or more people under the Statute.

FOR A FIFTH DEFENSE
(General Denial)

5. Defendants repeat and reallege each and every preceding paragraph as if fully set forth herein verbatim.

6. Each and every allegation not specifically admitted is denied and strict proof is demanded thereof.

7. Defendants deny the allegations contained in paragraph 1 of the Plaintiff's Complaint and strict proof is demanded thereof.

8. Paragraph 2 of the Plaintiff's Complaint calls for a legal conclusion and

therefore no response is required from these Defendants. To the extent a response is required, the same are denied and strict proof is demanded thereof.

9. Defendants are without sufficient information with which to admit or deny the allegations contained in paragraph 3 of the Plaintiff's Complaint and therefore the same are denied and strict proof is demanded thereof.

10. In response to paragraph 4 of the Plaintiff's Complaint, Defendants affirmatively assert that Dorchester County is a governmental entity as defined in S.C. Code Ann. § 15-78-30; and any and all actions alleged against this Defendant are controlled by the South Carolina Tort Claims Act, including but not limited to any and all limitations to liability contained therein. The rest and remainder of the allegations contained in paragraph 4 of the Plaintiff's Complaint call for a legal conclusion and therefore no response is required from these Defendants. To the extent a response is required, Defendants would refer to the statute governing same as a whole and would deny any allegation that is contrary thereto.

11. Paragraph 5 of the Plaintiff's Complaint are directed at other parties to this action and therefore no response is required from these Defendants.

12. In response to paragraph 6 of the Plaintiff's Complaint, Defendants affirmatively assert that Mary Pearson is the elected Treasurer for Dorchester County. The rest and remainder of the allegations contained in paragraph 6 call for a legal conclusion and therefore no response is required from this Defendant. To the extent a response is required, Defendants would refer to the statute governing same as a whole and would deny any allegation that is contrary thereto.

13. Paragraph 7 of the Plaintiff's Complaint calls for a legal conclusion and therefore no

response is required from this Defendant. To the extent a response is required, the same are denied and strict proof is demanded thereof.

14. Paragraph 8 calls for a legal conclusion and therefore no response is required from this Defendant. To the extent a response is required, Defendants would refer to the statute governing same as a whole and would deny any allegation that is contrary thereto.

15. Defendants are without sufficient information with which to admit or deny the allegations contained in paragraph 9 of the Plaintiff's Complaint and therefore the same are denied and strict proof is demanded thereof.

16. Defendants are without sufficient information with which to admit or deny the allegations contained in paragraph 10 of the Plaintiff's Complaint and therefore the same are denied and strict proof is demanded thereof.

17. Defendants are without sufficient information with which to admit or deny the allegations contained in paragraph 11 of the Plaintiff's Complaint and therefore the same are denied and strict proof is demanded thereof.

18. Paragraph 12 calls for a legal conclusion and therefore no response is required from this Defendant. To the extent a response is required, the same are denied and strict proof is demanded thereof.

19. Defendants are without sufficient information with which to admit or deny the allegations contained in paragraph 13 of the Plaintiff's Complaint and therefore the same are denied and strict proof is demanded thereof.

20. Defendants are without sufficient information with which to admit or deny the allegations contained in paragraph 14 of the Plaintiff's Complaint and therefore the same are denied and strict proof is demanded thereof.

21. Defendants deny the allegations contained in paragraph 15 of the Plaintiff's Complaint and strict proof is demanded thereof.

22. Defendants are without sufficient information with which to admit or deny the allegations contained in paragraph 16 of the Plaintiff's Complaint and therefore the same are denied and strict proof is demanded thereof.

23. Defendants are without sufficient information with which to admit or deny the allegations contained in paragraph 17 of the Plaintiff's Complaint and therefore the same are denied and strict proof is demanded thereof.

24. Defendants are without sufficient information with which to admit or deny the allegations contained in paragraph 18 of the Plaintiff's Complaint and therefore the same are denied and strict proof is demanded thereof.

25. Paragraph 19 calls for a legal conclusion and therefore no response is required from these Defendants. To the extent a response is required, Defendants would refer to the statute as a whole and would deny any allegation that is contrary thereto.

26. Defendants are without sufficient information with which to admit or deny the allegations contained in paragraph 20 of the Plaintiff's Complaint and therefore the same are denied and strict proof is demanded thereof.

27. Paragraph 21 calls for a legal conclusion and therefore no response is required from these Defendants. To the extent a response is required, Defendants would refer to statute S.C. Code Ann. § 12-51-90(A), incorrectly identified by the Plaintiff as S.C. Code Ann. § 12-51-(A), as a whole and would deny any allegation that is contrary thereto.

28. Defendants are without sufficient information with which to admit or deny the

allegations contained in paragraph 22 of the Plaintiff's Complaint and therefore the same are denied and strict proof is demanded thereof.

29. In response to paragraph 23 of the Plaintiff's Complaint, Defendants admit as much of the allegations contained therein as alleges that the property taxes for 817 and 819 W. Richardson Avenue, Dorchester County, South Carolina went unpaid and these properties were ultimately sold at a tax. To the extent a further response is required from these Defendants and to the extent they are read to contradict the above, the same are denied and strict proof is demanded thereof.

30. Defendants admit so much of the allegations contained in paragraph 24 of the Plaintiff's Complaint as allege that these Defendants sent all of the statutorily required notices regarding the delinquent tax sale. The rest and remainder of the allegations contained in paragraph 24 are denied and strict proof is demanded thereof.

31. Defendants admit so much of the allegations contained in paragraph 25 of the Plaintiff's Complaint as allege that these Defendants sent all of the requisite notices regarding the redemption period. The rest and remainder of the allegations contained in paragraph 25 are denied and strict proof is demanded thereof.

32. In response to paragraph 26 of the Plaintiff's Complaint, Defendants admit that the defaulting taxpayer, grantee from the owner or mortgage or judgment creditor has twelve (12) months from the date of the delinquent tax sale to redeem the property pursuant to S.C. Code Ann. 12-51-90. The rest and remainder of the allegations contained in paragraph 26 of the Plaintiff's Complaint are denied and strict proof is demanded thereof.

33. In response to paragraph 27 of the Plaintiff's Complaint, Defendants admit so much of

the allegations contained therein as allege that the Plaintiff attempted to redeem the subject properties prior to December 3, 2013. Defendants are without sufficient information with which to admit or deny the remaining allegations contained in paragraph 27 of the Plaintiff's Complaint and therefore the same are denied and strict proof is demanded thereof.

34. In response to paragraph 28 of the Plaintiff's Complaint, Defendants admit so much of the allegations contained therein as allege that the Plaintiff attempted to redeem the subject properties prior to December 3, 2013. Defendants are without sufficient information with which to admit or deny the remaining allegations contained in paragraph 28 of the Plaintiff's Complaint and therefore the same are denied and strict proof is demanded thereof.

35. In response to paragraph 29 of the Plaintiff's Complaint, Defendants admit so much of the allegations contained therein as alleges that the Plaintiff was advised that the County follows the statute (SC Code Ann. 12-51-90) as far as who can redeem - the defaulting taxpayer, grantee from owner, or mortgage or judgment creditor. The rest and remainder of the allegations contained in paragraph 29 are denied and strict proof is demanded thereof.

36. In response to paragraph 30 of the Plaintiff's Complaint, Defendants admit so much of the allegations contained therein as alleges that the County Attorney for Dorchester County advised Plaintiff's counsel that the County follows the statute (SC Code Ann. 12-51-90) as far as who can redeem - the defaulting taxpayer, grantee from owner, or mortgage or judgment creditor. The rest and remainder of the allegations contained in paragraph 30 are denied and strict proof is demanded thereof.

37. Defendants deny the allegations contained in paragraph 31 of the Plaintiff's Complaint and strict proof is demanded thereof.

38. Defendants are without sufficient information with which to admit or deny the

allegations contained in paragraph 32 of the Plaintiff's Complaint and therefore strict proof is demanded thereof.

39. Paragraph 33 of the Plaintiff's Complaint calls for a legal conclusion and therefore no response is required from these Defendants.

40. Defendants deny the allegations contained in paragraph 34 of the Plaintiff's Complaint and strict proof is demanded thereof.

41. Defendants are without sufficient information with which to admit or deny the allegations contained in paragraph 35 of the Plaintiff's Complaint and therefore strict proof is demanded thereof.

42. Defendants are without sufficient information with which to admit or deny the allegations contained in paragraph 36 of the Plaintiff's Complaint and therefore strict proof is demanded thereof.

43. Defendants are without sufficient information with which to admit or deny the allegations contained in paragraph 37 of the Plaintiff's Complaint and therefore strict proof is demanded thereof.

44. Defendants are without sufficient information with which to admit or deny the allegations contained in paragraph 38 of the Plaintiff's Complaint and therefore strict proof is demanded thereof.

45. Defendants deny the allegations contained in paragraph 39 of the Plaintiff's Complaint and strict proof is demanded thereof.

46. Defendants deny the allegations contained in paragraph 40 of the Plaintiff's Complaint and strict proof is demanded thereof.

47. In response to paragraph 41 of the Plaintiff's Complaint, Defendants affirmatively

assert that property owners attempting to redeem property pursuant to statute are not required to provide proof of percentage of ownership before redeeming property. Defendants deny the rest and remainder of the allegations contained in paragraph 41 and strict proof is demanded thereof.

48. Defendants are without sufficient information with which to admit or deny the allegations contained in paragraph 42 of the Plaintiff's Complaint and therefore the same are denied and strict proof is demanded thereof.

49. In response to paragraph 43 of the Plaintiff's Complaint Defendants deny that any property owner is required to probate estates before redeeming property. To the extent the allegations in paragraph 43 are read to contradict same, they are denied and strict proof is demanded thereof.

50. Upon information and belief, Defendants admit the allegations contained in paragraph 44 of the Plaintiff's Complaint.

51. In response to paragraph 45 of the Plaintiff's Complaint, Defendants deny that any property owner in Dorchester County is treated any differently than any other property owners in Dorchester County in regards to redemption of property following a tax sale. Upon information and belief, all counties in South Carolina follow SC Code Ann 12-51-90(A) regarding redemption of property following a tax sale. To the extent the allegations contained in paragraph 45 of the Plaintiff's Complaint are read to contradict same, they are denied and strict proof is demanded thereof.

52. Defendants deny the allegations contained in paragraph 46 of the Plaintiff's Complaint and strict proof is demanded thereof.

53. Defendants are without sufficient information with which to admit or deny the

allegations contained in paragraph 47 of the Plaintiff's Complaint and therefore the same are denied and strict proof is demanded thereof.

54. Defendants deny the allegations contained in paragraph 48 of the Plaintiff's Complaint and strict proof is demanded thereof.

55. Defendants deny the allegations contained in paragraph 49 of the Plaintiff's Complaint and strict proof is demanded thereof.

56. In response to paragraph 50 of the Plaintiff's Complaint, Defendants repeat and reallege each and every preceding paragraph as if fully set forth herein verbatim.

57. Paragraph 51 of the Plaintiff's Complaint calls for a legal conclusion and therefore no response is required from these Defendants. To the extent a response is required, Defendants would refer to the Act in its entirety and would deny any allegations contained herein that contradicts the same.

58. Defendants deny the allegations contained in paragraph 52 of the Plaintiff's Complaint and strict proof is demanded thereof.

59. Defendants deny the allegations contained in paragraph 53 of the Plaintiff's Complaint and strict proof is demanded thereof.

60. Defendants deny the allegations contained in paragraph 54 of the Plaintiff's Complaint and strict proof is demanded thereof.

61. Defendants deny the allegations contained in paragraph 55 of the Plaintiff's Complaint and strict proof is demanded thereof.

62. Defendants deny the allegations contained in paragraph 56 of the Plaintiff's Complaint and strict proof is demanded thereof.

63. Defendants deny the allegations contained in paragraph 57 of the Plaintiff's

Complaint and strict proof is demanded thereof.

64. Defendants deny the allegations contained in paragraph 58 of the Plaintiff's Complaint and strict proof is demanded thereof.

65. In response to paragraph 59 of the Plaintiff's Complaint, Defendants repeat and reallege each and every preceding paragraph as if fully set forth herein verbatim.

66. Defendants deny the allegations contained in paragraph 60 of the Plaintiff's Complaint and strict proof is demanded thereof.

67. Defendants deny the allegations contained in paragraph 61 of the Plaintiff's Complaint and strict proof is demanded thereof.

68. Defendants deny the allegations contained in paragraph 62 of the Plaintiff's Complaint and strict proof is demanded thereof.

69. In response to paragraph 63 of the Plaintiff's Complaint, Defendants repeat and reallege each and every preceding paragraph as if fully set forth herein verbatim.

70. Defendants are without sufficient information with which to admit or deny the allegations contained in paragraph 64 and therefore the same are denied strict proof is demanded thereof.

71. Defendants are without sufficient information with which to admit or deny the allegations contained in paragraph 65 and therefore the same are denied strict proof is demanded thereof.

72. Defendants are without sufficient information with which to admit or deny the allegations contained in paragraph 66 and therefore the same are denied strict proof is demanded thereof.

73. Defendants deny the allegations contained in paragraph 67 of the Plaintiff's

Complaint and strict proof is demanded thereof.

74. Defendants deny the allegations contained in paragraph 68 of the Plaintiff's Complaint and strict proof is demanded thereof.

75. Defendants deny the allegations contained in paragraph 69 of the Plaintiff's Complaint and strict proof is demanded thereof.

76. Defendant denies the allegations contained in paragraph 70 of the Plaintiff's Complaint and strict proof is demanded thereof.

77. In response to paragraph 71 of the Plaintiff's Complaint, Defendants repeat and reallege each and every preceding paragraph as if fully set forth herein verbatim.

78. Defendants deny the allegations contained in paragraph 72 of the Plaintiff's Complaint and strict proof is demanded thereof.

79. Defendants deny the allegations contained in paragraph 73 of the Plaintiff's Complaint and strict proof is demanded thereof.

80. Defendants deny the allegations contained in paragraph 74 of the Plaintiff's Complaint and strict proof is demanded thereof.

81. Defendants deny the allegations contained in paragraph 75 of the Plaintiff's Complaint and strict proof is demanded thereof.

82. In response to paragraph 76 of the Plaintiff's Complaint, Defendants repeat and reallege each and every preceding paragraph as if fully set forth herein verbatim.

83. Defendants deny the allegations contained in paragraph 77 of the Plaintiff's Complaint and strict proof is demanded thereof.

84. In response to paragraph 78 of the Plaintiff's Complaint, Defendants repeat and reallege each and every preceding paragraph as if fully set forth herein verbatim.

85. Defendants deny the allegations contained in paragraph 79 of the Plaintiff's Complaint and strict proof is demanded thereof.

86. In response to paragraph 80 of the Plaintiff's Complaint, Defendants repeat and reallege each and every preceding paragraph as if fully set forth herein verbatim.

87. Paragraph 81 calls for a legal conclusion and therefore no response is required from this Defendant.

88. Paragraph 82 calls for a legal conclusion and therefore no response is required from this Defendant.

89. Defendants deny the allegations contained in paragraph 83 of the Plaintiff's Complaint and strict proof is demanded thereof.

90. Defendants deny the allegations contained in paragraph 84 of the Plaintiff's Complaint and strict proof is demanded thereof.

91. In response to paragraph 85 of the Plaintiff's Complaint, Defendants repeat and reallege each and every preceding paragraph as if fully set forth herein verbatim.

92. Defendants deny the allegations contained in paragraph 86 of the Plaintiff's Complaint and strict proof is demanded thereof.

93. Defendants deny the allegations contained in paragraph 87 of the Plaintiff's Complaint and strict proof is demanded thereof.

94. Defendants deny the allegations contained in paragraph 88 of the Plaintiff's Complaint and strict proof is demanded thereof.

95. Defendants deny the allegations contained in paragraph 89 of the Plaintiff's Complaint and strict proof is demanded thereof.

96. Defendants deny the allegations contained in paragraph 90 of the Plaintiff's

Complaint and strict proof is demanded thereof.

97. Defendants deny the allegations contained in the "Wherefore" paragraph of the Complaint and strict proof is demanded thereof.

FOR A SIXTH DEFENSE
(12(b)(6) S.C.R.C.P.)

98. Defendants repeat and reallege each and every preceding paragraph as if fully set forth herein verbatim.

99. Plaintiff fails to state facts sufficient to constitute a cause of action against Defendants Dorchester County, Mary Pearson, Treasurer of Dorchester County and the Delinquent Tax Collector for Dorchester County and any claims against these Defendants should be dismissed pursuant to Rule 12(b)(6) South Carolina Rules of Civil Procedure.

FOR A SEVENTH DEFENSE
(Sovereign Immunity)

100. Defendants repeat and reallege each and every preceding paragraph as if fully set forth herein verbatim.

101. Defendants allege that the Plaintiff's Complaint is barred or otherwise limited by U.S.C.A. Const. Amend. 11 sovereign immunity.

FOR A EIGHTH DEFENSE
(Sovereign Immunity-Tort Claims Act)

102. Defendants repeat and reallege each and every preceding paragraph as if fully set forth herein verbatim.

103. South Carolina Tort Claims Act, and, specifically but not limited to, Section 15-78-60 (1), (2), (3), (4), (5), (11), and (23) of the Act.

FOR A NINTH DEFENSE
(Comparative/Contributory Negligence)

104. Defendants repeat and reallege each and every preceding paragraph as if fully set forth herein verbatim.

105. Defendants allege that any injuries or damages alleged by the Plaintiff, if any, which the Defendants expressly deny, were due to and caused by the contributory and comparative negligence, carelessness, wilfulness, wantonness and recklessness of Plaintiff in an amount exceeding fifty percent 50% of the total causal negligence, if any, so as to bar Plaintiff's claims as to Defendants. In the alternative Defendants allege that the injuries and damages alleged by the Plaintiff, if any, which the Defendants expressly deny, were due to and caused by the comparative negligence, carelessness, wilfulness, wantonness and recklessness of the Plaintiff in an amount to be determined by the trier of fact, so as to reduce Plaintiff's claims proportionally, pursuant to South Carolina Law.

FOR A TENTH DEFENSE
(Sole, Intervening and Superseding Negligence of Plaintiff)

106. Defendants repeat and reallege each and every preceding paragraph as if fully set forth herein verbatim.

107. Defendants allege that any injuries and damages alleged by the Plaintiff, if any, which the Defendants expressly deny, were due to and caused by the intervening and superseding negligence of the Plaintiff, over whom Defendants have no control, so as to bar the claims of the Plaintiff as to Defendants.

108. Defendants allege that the injuries and damages alleged by the Plaintiff, if any, which the Defendants expressly deny, were due to and caused by the negligence of the Plaintiff, which alone or concurring, supervening and/or intervening with the negligence, if any, of other persons,

unknown third parties, so as to be the sole proximate cause of Plaintiff's alleged injuries and damages, if any, so as to bar Plaintiff's claims as to Defendants.

FOR AN ELEVENTH DEFENSE
(Limitation of Remedies)

109. Defendants repeat and reallege each and every preceding paragraph as if fully set forth herein verbatim.

110. Any recovery by Plaintiff must be limited to the remedies allowed under the South Carolina Tort Claims Act, including but not limited to S.C. Code Ann. § 15-78-120(a)(1) and (2) and S.C. Code Ann. § 15-78-120(b).

FOR A TWELFTH DEFENSE
(Public Duty Rule)

111. Defendants repeat and reallege each and every preceding paragraph as if fully set forth herein verbatim.

112. The Plaintiff's Complaint fails to state a claim against Defendants in that as a matter of law the Defendant violated no duty which it owed to the Plaintiff for which the Plaintiff is entitled to relief in the form of damages.

FOR A THIRTEENTH DEFENSE
(Reservation of Additional and Further Defenses)

113. Defendants repeat and reallege each and every preceding paragraph as if fully set forth herein verbatim.

114. Defendants reserve any additional and further defenses as may be revealed by additional information through the course of discovery and investigation in a manner that is consistent with the South Carolina Rules of Civil Procedure.

WHEREFORE, Defendants pray as follows:

a. That this action against them be dismissed with prejudice;

b. That the Plaintiff's claim for any damages not allowed or in excess of that provided by the South Carolina Tort Claims Act be stricken;

c. That this matter be tried by jury on all issues so triable;

d. That the cost of this action be taxed to parties other than Defendants;

e. That Defendants be awarded their costs and expenses of this action; and

f. That Defendants be granted such other and further relief as this court deems just and proper.

ANDERSON REYNOLDS & STEPHENS, LLC

Lisa A. Reynolds

J. J. Anderson, Esq.
Lisa A. Reynolds
37 ½ Broad Street
Charleston, SC 29401
843-723-0185 telephone
843-723-0977 facsimile
janderson@arslawsc.com
lreynolds@arslawsc.com
Attorneys for Defendants Dorchester County, Mary Pearson in her capacity as Treasurer of Dorchester County and the Delinquent Tax Collector for Dorchester County

September 22, 2014
Charleston, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	IN THE FIRST JUDICIAL CIRCUIT
Wendy Reed,	)	Case No.: 2014-CP-18-1349
Plaintiff,	)	
vs.	)	**AMENDED COMPLAINT (JURY TRIAL REQUESTED)**
Dorchester County and Thomas Limehouse,	)	
Defendants.	)	

The Plaintiff, complaining of the above-named Defendants, would respectfully show this Court:

JURISDICTION AND VENUE

1. This action arises in part under the United States Constitution, 42 U.S.C. § 3604 (b) *et seq.*, 42 U.S.C. § 1983, 42 U.S.C. § 1985 (3), and 42 U.S.C. § 1988 (b) for violation of Plaintiff's civil rights. This court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343 as set forth herein and of the state tort claims.

2. Venue is proper in this Court as all of the events occurred in Dorchester County and the parties reside in Dorchester County.

PARTIES

3. Plaintiff is a resident of Dorchester County, South Carolina.

4. Defendant Dorchester County is a political subdivision of the State of South Carolina and is authorized to collect taxes in Dorchester County, notify taxpayers of delinquent taxes, hold delinquent tax sales, sell property at tax sales, and accept funds from a taxpayer to redeem property that was sold at a delinquent tax sale, all pursuant to state law.

5. Upon information and belief, Thomas Limehouse is a resident of Dorchester County and purchased 819 W. Richardson Avenue in Summerville, S.C. after a Dorchester County tax sale in December of 2012. Additionally, Thomas Limehouse purchased 817 W. Richardson Avenue in Summerville, S.C. at a Dorchester County tax sale in December of 2012.

FACTS

6. Plaintiff Wendy Reed is an African American heirs' property owner. Until recently, she owned a percentage interest in real property located at 817 and 819 W. Richardson Avenue in Summerville, South Carolina (hereafter "Property").

7. Plaintiff has a 1/75 interest in this Property through intestate succession and she resides on part of it at 817 W. Richardson Avenue. 819 W. Richardson Avenue is an adjacent empty lot to her residence.

8. Heirs' property owners do not have deeds to their property as their property is passed down to family members without a will.

9. Heirs' property is held by the family descendants as "tenants in common" regardless of where the family members live.

10. The Center for Heirs' Property Preservation is a non-profit organization that attempts to protect and preserve heirs' property.

11. The Center for Heirs' Property Preservation has done a study and created a map indicating there are approximately 5,323 tracts of heirs' property in Dorchester County. This map also has a census-based African American and poverty overlay indicating that a disproportionate amount of these heirs' property tracts are owned by low income African Americans.

12. The fact that most heirs' property owners in Dorchester County are African Americans is a fact that is, or should be, well known to Defendant Dorchester County.

13. After Plaintiff's father died, Plaintiff remitted to the Dorchester County Treasurer payment for all of the property taxes assessed against her Property for eight (8) years.

14. Plaintiff received all of the property tax notices from the Dorchester County Treasurer and the Delinquent Tax Collector that related to this Property for nine (9) years.

15. The fact that Plaintiff was an heirs' property owner was totally irrelevant to Defendant Dorchester County while Plaintiff was timely paying the taxes on the Property for eight (8) years.

16. S.C. Code § 12-60-30 (29) defines a taxpayer as the person responsible for remitting the tax payment.

17. Plaintiff was the family member responsible for paying the taxes for this Property.

18. Per S.C. Code § 12-51-(A) any "grantee from the owner" can redeem property.

19. Plaintiff is a grantee from the owner of this Property.

20. In 2012, Plaintiff was unable to pay the property taxes, and in late 2012 Plaintiff's Property was sold at and after a delinquent tax sale to Defendant Thomas Limehouse.

21. Prior to Plaintiff's Property being sold at the delinquent tax sale, Defendant Dorchester County sent Plaintiff all of the statutorily required notices regarding the delinquent tax sale.

22. After the delinquent tax sale, Defendant Dorchester County also sent all of the requisite notices regarding the redemption period to Plaintiff.

23. Plaintiff had twelve (12) months after the delinquent tax sale to redeem her Property pursuant to state law.

24. Plaintiff attempted four (4) times without success to redeem her Property within the twelve (12) month redemption period.

25. Plaintiff first attempted to pay the delinquent property taxes and penalties by phone and was refused by the Delinquent Tax Collector. Plaintiff then tried to pay the delinquent taxes in person three (3) times. On all four (4) occasions, the Delinquent Tax Collector refused to accept Plaintiff's funds and refused to allow Plaintiff to redeem her Property before December 4, 2013 when the twelve (12) month redemption period expired.

26. Defendant Dorchester County repeatedly told Plaintiff when she tried to pay her taxes and redeem her Property that unless she could prove she was an heir and/or probate the estate, they would not accept her money.

27. Defendant Dorchester County's Attorney stated to Plaintiff's counsel it was a policy of Dorchester County to require proof of ownership before accepting tax payments.

28. Defendant Dorchester County's Attorney told Plaintiff she had to probate her grandmother's estate.

29. Plaintiff's grandmother died more than thirty (30) years ago.

30. In South Carolina, an estate cannot be probated after ten (10) years.

31. Defendant's County Attorney then told Plaintiff only a devisee of her grandmother who was named on a probate court "Devise/Descent" form dated in 1984 could pay the taxes and redeem the Property.

32. Plaintiff's father is listed on the "Devise/Descent" form but Plaintiff's father died in 2004.

33. The Dorchester County Delinquent Tax Collector told Plaintiff to get help from the Center for Heirs' Property Preservation but Plaintiff did not qualify financially for help from this organization.

34. As a practical matter, even if Plaintiff had qualified, she could not have filed a suit and obtained a Court Order establishing her percentage of ownership before the redemption period ran on December 4, 2012.

35. Plaintiff incurred additional monetary penalties during the time Defendant Dorchester County Treasurer refused to accept her tax payment and before the redemption period ran due to Defendant Dorchester County's actions.

36. Upon information and belief, Defendant Dorchester County does not require non-heirs' property owners attempting to redeem property to provide proof of ownership.

37. There is no South Carolina state law requiring property owners to provide proof of ownership before property can be redeemed.

38. On information and belief, Defendant Dorchester County does not require non-heirs' property owners to establish their percentage ownership before redeeming property.

39. There is no South Carolina state law requiring proof of percentage of ownership before property can be redeemed.

40. On information and belief, Defendant Dorchester County does not require non-heirs' property intestate property owners to probate estates before redeeming property.

41. There is no South Carolina state law stating that a property owner who acquired their property intestate cannot redeem property.

42. Upon information and belief, Defendant Dorchester County is the only county in South Carolina that treats heirs' property owners differently than other real property owners.

43. If Plaintiff was not an heirs' property owner, she could have timely redeemed her Property.

44. Upon information and belief, hundreds of African American properties in rural Dorchester County have been sold at Defendant Dorchester County's delinquent tax sales in the last few years.

45. Defendant Dorchester County's actions and lack of action has caused the loss of a significant amount of African American owned property in rural Dorchester County, and has resulted in the wrongful loss of Plaintiff's Property.

46. Defendant Dorchester County were asked by Plaintiff to end their practice and policy of treating heirs' property owners differently from other real property owners and refused.

FIRST CAUSE OF ACTION
(TITLE VIII, Violation of the Fair Housing Act, 42 U.S.C. § 3604(b))

47. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

48. 42 U.S.C.S. § 3604 (b) prohibits discrimination in the sale of a dwelling or in the provision of services in connection with a sale of a dwelling.

49. Defendant Dorchester County's refusal to permit heirs' property owners to redeem property because they cannot prove ownership is motivated by a discriminatory intent.

50. Defendant Dorchester County's refusal to permit heirs' property owners including Plaintiff to redeem property because they cannot prove ownership has a discriminatory impact by causing African American's to lose their property at a much higher rate than white real property owners as most heirs' property owners are African American.

51. Defendant Dorchester County's policy of treating heirs' property owners trying to redeem their property after a tax sale differently than white property owners trying to redeem their property after a tax sale discriminates against African American heirs' property owners.

52. On information and belief, Defendant Dorchester County have been adhering to this discriminatory policy for several years.

53. Defendant Dorchester County repeatedly directed its staff to refuse to permit Plaintiff to redeem her Property.

54. Defendant Dorchester County discriminated against Plaintiff based on her race when it sold her dwelling at a tax sale and then wrongfully refused her to redeem it.

55. Plaintiff seeks equitable relief and monetary damages caused by the discriminatory acts of Defendant Dorchester County in the sale of Plaintiff's Property, as well as attorney fees and costs.

SECOND CAUSE OF ACTION
(Conspiracy, 42 U.S.C. § 1985 (3))

56. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

57. Defendant Dorchester County conspired with the Treasurer and the County Attorney to deprive Plaintiff of her Property.

58. Defendant Dorchester County, its Treasurer, and Delinquent Tax Collector caused harm to Plaintiff by refusing to accept her tax payment and allowing her property to be sold to Defendant Thomas Limehouse.

59. Plaintiff has suffered special damages including humiliation and emotional distress due to the loss of her family property and seeks monetary compensation for those emotional distress damages and attorney fees and costs.

THIRD CAUSE OF ACTION
(Violation of Plaintiff's Due Process Rights under the South Carolina State Constitution)

60. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

61. Plaintiff should have the same right to redeem property as any other property owner in Dorchester County.

62. Plaintiff has the right to have state law regarding the redemption of real property sold at delinquent tax sales applied to her in the same manner as all other property owners in Dorchester County.

63. Specifically, Plaintiff has the right under S.C. law to pay any delinquent taxes, plus penalties, within twelve (12) months of a delinquent tax sale in order to redeem her Property.

64. Defendant Dorchester County wrongfully deprived Plaintiff of this right based on the fact that she owns heirs' property and on its policy and practice of requiring proof of ownership before allowing heirs' property to be redeemed.

65. Defendant Dorchester County had no procedure available to Plaintiff that would allow her to challenge its interpretation of the law or force it to accept her tax payment.

66. As Plaintiff cannot, as a matter of law, probate an estate that is more than thirty (30) years old, the request that she do so by Dorchester County's County Attorney and Defendant Dorchester County was unreasonable.

67. Plaintiff seeks compensatory damages attributable to the loss of her property and attorney fees and costs.

FOURTH CAUSE OF ACTION
(Denial of Equal Protection under the South Carolina State Constitution)

68. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

69. Plaintiff, as an heirs' property owner, has been singled out for different treatment than other real property owners in Dorchester County and because of her race.

70. Plaintiff's treatment, specifically Defendant Dorchester County's, failure to permit Plaintiff to redeem her Property, is the result of intentional race discrimination.

71. Defendant Dorchester County's treatment of Plaintiff is not permitted by state law and not related to any legitimate County interest.

72. Plaintiff has been damaged by the action and inaction of Defendant Dorchester County and seeks equitable and monetary damages, attorney fees and costs.

FIFTH CAUSE OF ACTION
(Declaratory Judgment)

73. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

74. Plaintiff seeks a declaratory judgment from this court that the language in S.C. § 12-51-90 which allows "any grantee from the owner" to redeem property includes heirs' property owners.

SIXTH CAUSE OF ACTION
(Injunctive and Equitable Relief)

75. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

76. Plaintiff respectfully requests this Court:

a. enjoin Defendant Dorchester County from prohibiting heirs' property owners from redeeming property sold at a tax sale;

b. declare the sale of Plaintiff's Property to Defendant Thomas Limehouse null and void and require Defendant Dorchester County to accept Plaintiff's payment of delinquent taxes, less any penalties caused by these Defendants' refusal to previously accept her tax payment;

c. require Defendant Dorchester County to identify those heirs' property owners who have been wrongfully deprived of their property in the same fashion as Plaintiff has in the past five (5) years; and require Defendant Dorchester County to either void those tax sales and require purchasers of such property, including Defendant Thomas Limehouse, to re-convey the Property to Plaintiff and other heirs property owners identified by Dorchester County as harmed by Dorchester County's policy, or pay those heirs' property taxpayers monetary damages for their property losses in an amount to be determined by this Court.

SEVENTH CAUSE OF ACTION
(Failure to allow Redemption)

77. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

78. Under South Carolina law title to property transfers upon death of a decedent to the decedent's heirs in the absence of testamentary disposition.

79. State law permits a grantee of a property owner to redeem property.

80. Due to Defendant Dorchester County's refusal to accept payment for taxes from Plaintiff and allow her to redeem her Property, Plaintiff lost her Property.

81. Defendant Dorchester County's failure to comply with the tax statutes invalidates this sale and Plaintiff requests this Court rule accordingly and order Defendant Thomas Limehouse to re-convey the Property to Plaintiff.

EIGHTH CAUSE OF ACTION
(Equitable Estoppel)

82. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

83. Defendant Dorchester County mailed tax notices to Plaintiff and collected tax payments from her for eight (8) years.

84. Defendant Dorchester County should have known that Plaintiff's father and grandparents were deceased when they continually accepted payment of taxes from Plaintiff.

85. Plaintiff reasonably relied upon Defendant Dorchester County's actions when she tried to redeem her property prior to December 4, 2013.

86. Plaintiff was improperly denied the opportunity to pay her taxes and redeem her property by Defendant Dorchester County which resulted in the loss of her property.

87. Defendant Dorchester County should be equitably estopped from refusing to accept payment for taxes from Plaintiff as it previously accepted her payment of taxes for eight (8) years.

WHEREFORE, having fully stated her claims against Defendants, Plaintiff prays for actual damages, emotional distress damages, attorney fees and costs, judgment interest and such other and further legal and equitable relief as this Court deems just and proper.

SIGNATURE BLOCK ON FOLLOWING PAGE

FOSTER LAW FIRM, L.L.C.

Nancy Bloodgood

Nancy Bloodgood, SC Bar No.: 6459
Lucy C. Sanders, SC Bar No.: 78169
895 Island Park Drive, Suite 202
Daniel Island, SC 29492
Telephone: (843) 972-0313
Facsimile: (888) 519-0934
Email: nbloodgood@fosterfoster.com
lsanders@fosterfoster.com

Attorneys for Plaintiff

Charleston, South Carolina

Date: January 6, 2015

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER) FOR THE FIRST JUDICIAL CIRCUIT

CASE # 2014-CP-18-1349

WENDY REED, Plaintiff,	)	
vs.	)	**ANSWER OF DEFENDANT THOMAS LIMEHOUSE**
DORCHESTER COUNTY and THOMAS LIMEHOUSE, Defendants.	)	

The Defendant, Thomas Limehouse, answering the Amended Complaint of the Plaintiff alleges and says as follows:

1. Defendant denies each and every allegation of the Complaint not hereinafter specifically admitted, qualified or explained.

2. With respect to Paragraphs 1, 2, 8, 9, 16, 18, 23, 30, 37, 39, 41, 48, 61, 62, 63, 71, 74, 78, and 79, the same constitute statements of and conclusions of law requiring no response, but, to the extent required, the allegations are denied and strict proof thereof demanded.

3. Defendant lacks sufficient information to form a belief as to the allegations contained in Paragraphs 3, 10, 11, 12, 13, 14, 15, 17, 18, 19, 21, 22, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 38, 40, 42, 43, 44, 45, 46, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, 64, 65, 66, 67, 69, 70, 72, 76, 80, 81, 83, 84, 85, 86, and 87 and therefore denies the same and demands strict proof thereof.

4. Defendant admits Paragraph 4 and 5 of the Complaint.

5. With respect to Paragraph 6, Plaintiff admits that Plaintiff is African American but lacks sufficient information to form a belief as to the remaining allegations contained therein and therefore denies the same and demands strict proof thereof.

6. With respect to Paragraph 7, Plaintiff denies that 819 W. Richardson is an empty lot but lacks sufficient information to form a belief as to the remaining allegations contained therein and therefore denies the same and demands strict proof thereof.

5. With respect to Paragraph 20, Plaintiff admits that he did purchaseat and after the 2012 delinquent tax sale but lacks sufficient information to form a belief as to the remaining allegations contained therein and therefore denies the same and demands strict proof thereof.

7. With respect to Paragraphs 47, 56, 60, 68, 73, 75, 77 and 82 each and every allegation and answer set forth above is reiterated and repeated as if set out herein verbatim.

WHEREFORE, having fully answered the Complaint, Defendant prays that the Complaint be dismissed with prejudice and for such other and further relief as this Court may deem just and proper.

Thomas Ashley Limehouse
Pro Se
Post Office Box 2005
Summerville, SC 29484
(843) 270-4443

Summerville, SC
February 8, 2015

2/11/2

STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER	)	IN THE COURT OF COMMON PLEAS FOR THE FIRST JUDICIAL CIRCUIT CASE NUMBER: 2014-CP-18-1349
WENDY REED, Plaintiff,	)	
VS. COUNTY OF DORCHESTER AND THOMAS LIMEHOUSE, Defendants.	)	**DEFENDANT COUNTY OF DORCHESTER'S ANSWER, AFFIRMATIVE DEFENSES AND MOTIONS TO PLAINTIFF'S AMENDED COMPLAINT** ***(Jury Trial Demanded)***

Defendant Dorchester County (hereinafter Defendant), by and through its undersigned counsel, answers Plaintiff's Amended Complaint as follows:

FOR A FIRST DEFENSE
(Improper Party)

1. Defendant alleges that the Plaintiff's Amended Complaint is barred as to this Defendant and that this Defendant is an improper party to this action and moves to dismiss pursuant to Rules 21, 12(b)(6) and 12(b)(7) of the South Carolina Rules of Civil Procedure.

FOR A SECOND DEFENSE
(General Denial)

2. Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

3. Each and every allegation not specifically admitted is denied and strict proof is demanded thereof.

4. Paragraphs 1 and 2 of the Plaintiff's Amended Complaint call for a legal conclusion and therefore no response is required from this Defendant. To the extent a response is required, the same are denied and strict proof is demanded thereof.

5. Defendant is without sufficient information with which to admit or deny the

allegations of paragraph 3 and therefore the same are denied and strict proof is demanded thereof.

6. In response to paragraph 4 of the Plaintiff's Amended Complaint, Defendant affirmatively asserts that Dorchester County is a governmental entity as defined in S.C. Code Ann. § 15-78-30, and any and all actions alleged against this Defendant are controlled by the South Carolina Tort Claims Act, including but not limited to any and all limitations to liability contained therein. The rest and remainder of the allegations contained in paragraph 4 call for a legal conclusion and therefore no response is required from this Defendant. To the extent a response is required, Defendant would refer to the statutes governing same as a whole and would deny any allegation that is contrary thereto.

7. Paragraph 5 of the Plaintiff's Amended Complaint are directed at other parties to this action and therefore no response is required from this Defendant.

8. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 6 of Plaintiff's Amended Complaint and therefore the same are denied and strict proof is demanded thereof.

9. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 7 of Plaintiff's Amended Complaint and therefore the same are denied and strict proof is demanded thereof.

10. Paragraph 8 of the Plaintiff's Amended Complaint calls for a legal conclusion and therefore no response is required from this Defendant. To the extent a response is required, the same are denied and strict proof is demanded thereof.

11. Paragraph 9 calls for a legal conclusion and therefore no response is required

from this Defendant. To the extent a response is required, the same are denied and strict proof is demanded thereof.

12. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 10 and therefore the same are denied and strict proof is demanded thereof.

13. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 11 and therefore the same are denied and strict proof is demanded thereof.

14. Defendant denies the allegations contained in paragraph 12 and strict proof is demanded thereof.

15. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 13 of the Plaintiff's Amended Complaint and therefore the same are denied and strict proof is demanded thereof.

16. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 14 of the Plaintiff's Amended Complaint and therefore the same are denied and strict proof is demanded thereof.

17. To the extent paragraph 15 calls for a legal conclusion no response is required from this Defendant. To the extent a response is required, and to the rest and remainder of the allegations contained in paragraph 15, Defendant is without sufficient information with which to admit or deny the allegations and therefore the same are denied and strict proof is demanded thereof.

18. Paragraph 16 calls for a legal conclusion and therefore no response is required

from this Defendant. To the extent a response is required, Defendant would refer to the statute as a whole and would deny any allegation that is contrary thereto.

19. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 17 of the Plaintiff's Amended Complaint and therefore the same are denied and strict proof is demanded thereof.

20. Paragraph 18 calls for a legal conclusion and therefore no response is required from this Defendant. To the extent a response is required, Defendant would refer to statute S.C. Code Ann. § 12-51-90(A), incorrectly identified by the Plaintiff as S.C. Code Ann. § 12-51-(A), as a whole and would deny any allegation that is contrary thereto.

21. Paragraph 19 calls for a legal conclusion and therefore no response is required therefrom. To the extent a response is required, the same are denied and strict proof is demanded thereof.

22. In response to paragraph 20 of the Plaintiff's Amended Complaint, Defendant admits so much of the allegations contained therein as alleges that the property taxes for 817 and 819 W. Richardson Avenue, Dorchester County, South Carolina went unpaid and these properties were ultimately sold at a tax and at the time of this Amended Complaint both properties are held by Thomas Limehouse. To the extent a further response is required from this Defendant and to the extent they are read to contradict the above, the same are denied and strict proof is demanded thereof.

23. Defendant admits so much of the allegations contained in paragraph 21 of the Plaintiff's Amended Complaint as allege that all of the statutory required notices regarding the delinquent tax sale were completed. The rest and remainder of the allegations contained in paragraph 21 are denied and strict proof is demanded thereof.

24. Defendant admits so much of the allegations contained in paragraph 22 of the Plaintiff's Amended Complaint as allege that all of the requisite notices regarding the redemption period were completed. The rest and remainder of the allegations contained in paragraph 25 are denied and strict proof is demanded thereof.

25. In response to paragraph 23 of the Plaintiff's Amended Complaint, Defendant admits that the defaulting taxpayer, grantee from the owner or mortgage or judgment creditor has twelve (12) months from the date of the delinquent tax sale to redeem the property pursuant to S.C. Code Ann. 12-51-90. The rest and remainder of the allegations contained in paragraph 23 of the Plaintiff's Amended Complaint are denied and strict proof is demanded thereof.

26. In response to paragraph 24 of the Plaintiff's Amended Complaint, Defendant admits so much of the allegations contained therein as allege that the Plaintiff attempted to redeem the subject properties prior to December 3, 2013. Defendant is without sufficient information with which to admit or deny the remaining allegations contained in paragraph 24 and therefore the same are denied and strict proof is demanded thereof.

27. In response to paragraph 25 of the Plaintiff's Amended Complaint, Defendant admits so much of the allegations contained therein as allege that the Plaintiff attempted to redeem the subject properties prior to December 3, 2013. Defendant is without sufficient information with which to admit or deny the remaining allegations contained in paragraph 25 and therefore the same are denied and strict proof is demanded thereof.

28. In response to paragraph 26 of the Plaintiff's Amended Complaint, Defendant admits so much of the allegations contained therein as alleges that the Plaintiff was advised that of the statute (SC Code Ann. 12-51-90) as far as who can redeem - the defaulting taxpayer, grantee

from owner, or mortgage or judgment creditor. The rest and remainder of the allegations contained in paragraph 26 are denied and strict proof is demanded thereof.

29. In response to paragraph 27 of the Plaintiff's Amended Complaint, Defendant admits so much of the allegations contained therein as alleges that the County Attorney for Dorchester County advised Plaintiff's counsel of adherence to the statute (SC Code Ann. 12-51-90) as far as who can redeem - the defaulting taxpayer, grantee from owner, or mortgage or judgment creditor. The rest and remainder of the allegations contained in paragraph 27 are denied and strict proof is demanded thereof.

30. Defendant denies the allegations contained in paragraph 28 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

31. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 29 and therefore strict proof is demanded thereof.

32. Paragraph 30 of the Plaintiff's Amended Complaint calls for a legal conclusion and therefore no response is required from this Defendant. To the extent a response is required, the same are denied and strict proof is demanded thereof.

33. Defendant denies the allegations contained in paragraph 31 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

34. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 32 of the Plaintiff's Amended Complaint and therefore strict proof is demanded thereof.

35. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 33 of the Plaintiff's Amended Complaint and therefore strict proof is demanded thereof.

36. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 34 of the Plaintiff's Amended Complaint and therefore strict proof is demanded thereof.

37. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 35 of the Plaintiff's Amended Complaint and therefore strict proof is demanded thereof.

38. Defendant denies the allegations contained in paragraph 36 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

39. Defendant denies the allegations contained in paragraph 37 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

40. In response to paragraph 38 of the Plaintiff's Amended Complaint, Defendant Affirmatively asserts that property owners attempting to redeem property pursuant to statute are not required to provide proof of percentage of ownership before redeeming property. Defendant denies the rest and remainder of the allegations contained in paragraph 38 and strict proof is demanded thereof.

41. In response to paragraph 39 of the Plaintiff's Amended Complaint, Defendant Affirmatively asserts that property owners attempting to redeem property pursuant to statute are not required to provide proof of percentage of ownership before redeeming property. Defendant denies the rest and remainder of the allegations contained in paragraph 39 and strict proof is demanded thereof.

42. Defendant is unable to admit or deny the allegations contained in paragraph 40 of the Plaintiff's Amended Complaint as heirs property owners are intestate property owners and therefore "non-heirs property intestate property owners" do not exist.

43. Defendant admits the allegations contained in paragraph 41 of the Plaintiff's Amended Complaint.

44. In response to paragraph 42 of the Plaintiff's Amended Complaint, Defendant denies that any property owner in Dorchester County is treated any differently than any other property owners in Dorchester County in regards to redemption of property following a tax sale. Upon information and belief, all counties in South Carolina follow SC Code Ann 12-51-90(A) regarding redemption of property following a tax sale. To the extent the allegations contained in paragraph 42 are read to contradict same, they are denied and strict proof is demanded thereof.

45. Defendant denies the allegations contained in paragraph 43 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

46. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 44 of the Plaintiff's Amended Complaint and therefore the same are denied and strict proof is demanded thereof.

47. Defendant denies the allegations contained in paragraph 45 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

48. Defendant denies the allegations contained in paragraph 46 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

49. In response to paragraph 47 of the Plaintiff's Amended Complaint, Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

50. Paragraph 48 of the Plaintiff's Amended Complaint calls for a legal conclusion and therefore no response is required from this Defendant. To the extent a response is required, Defendant would refer to the Act in its entirety and would deny any allegations contained herein that contradicts the same.

51. Defendant denies the allegations contained in paragraph 49 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

52. Defendant denies the allegations contained in paragraph 50 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

53. Defendant denies the allegations contained in paragraph 51 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

54. Defendant denies the allegations contained in paragraph 52 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

55. Defendant denies the allegations contained in paragraph 53 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

56. Defendant denies the allegations contained in paragraph 54 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

57. Defendant denies the allegations contained in paragraph 55 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

58. In response to paragraph 56 of the Plaintiff's Amended Complaint, Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

59. Defendant denies the allegations contained in paragraph 57 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

60. Defendant denies the allegations contained in paragraph 58 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

61. Defendant denies the allegations contained in paragraph 59 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

62. In response to paragraph 60 of the Plaintiff's Amended Complaint, Defendant

repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

63. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 61 and therefore the same are denied strict proof is demanded thereof.

64. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 62 and therefore the same are denied strict proof is demanded thereof.

65. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 63 and therefore the same are denied strict proof is demanded thereof.

66. Defendant denies the allegations contained in paragraph 64 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

67. Defendant denies the allegations contained in paragraph 65 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

68. Defendant denies the allegations contained in paragraph 66 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

69. Defendant denies the allegations contained in paragraph 67 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

70. In response to paragraph 68 of the Plaintiff's Amended Complaint, Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

71. Defendant denies the allegations contained in paragraph 69 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

72. Defendant denies the allegations contained in paragraph 70 of the Plaintiff's

Amended Complaint and strict proof is demanded thereof.

73. Defendant denies the allegations contained in paragraph 71 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

74. Defendant denies the allegations contained in paragraph 72 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

75. In response to paragraph 73 of the Plaintiff's Amended Complaint, Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

76. Defendant denies the allegations contained in paragraph 74 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

77. In response to paragraph 75 of the Plaintiff's Amended Complaint, Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

78. Defendant denies the allegations contained in paragraph 76 and all subparts thereto of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

79. In response to paragraph 77 of the Plaintiff's Amended Complaint, Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

80. Paragraph 78 calls for a legal conclusion and therefore no response is required from this Defendant.

81. Paragraph 79 calls for a legal conclusion and therefore no response is required from this Defendant.

82. Defendant denies the allegations contained in paragraph 80 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

83. Defendant denies the allegations contained in paragraph 81 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

84. In response to paragraph 82 of the Plaintiff's Amended Complaint, Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

85. Defendant denies the allegations contained in paragraph 83 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

86. Defendant denies the allegations contained in paragraph 84 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

87. Defendant denies the allegations contained in paragraph 85 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

88. Defendant denies the allegations contained in paragraph 86 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

89. Defendant denies the allegations contained in paragraph 87 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

90. Defendant denies the allegations contained in the "Wherefore" paragraph of the Amended Complaint and strict proof is demanded thereof.

FOR A THIRD DEFENSE
(12(b)(6) S.C.R.C.P.)

91. Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

92. Plaintiff fails to state facts sufficient to constitute a cause of action against Defendant Dorchester County and any claim against this Defendant should be dismissed pursuant to Rule 12(b)(6) South Carolina Rules of Civil Procedure.

FOR A FOURTH DEFENSE
(Sovereign Immunity)

93. Defendant repeats and realleges each and every preceding paragraph as if fully set

forth herein verbatim.

94. Defendant allege that the Plaintiff's Amended Complaint is barred or otherwise limited by sovereign immunity.

FOR A FIFTH DEFENSE
(Sovereign Immunity-Tort Claims Act)

95. Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

96. The Defendant alleges that the Plaintiff's Amended Complaint is barred or otherwise limited by the provisions of the South Carolina Tort Claims Act, SC Code Ann. 15-78-10, et seq.South Carolina Tort Claims Act, specifically but not limited to, Section 15-78-60 (1), (2), (3), (4), (5), (11), and (23) of the Act.

FOR A SIXTH DEFENSE
(Comparative/Contributory Negligence)

97. Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

98. Defendant alleges that any injuries or damages alleged by the Plaintiff, if any, which the Defendant expressly denies, were due to and caused by the contributory and comparative negligence, carelessness, wilfulness, wantonness and recklessness of Plaintiff in an amount exceeding fifty percent 50% of the total causal negligence, if any, so as to bar Plaintiff's claims as to Defendant. In the alternative Defendant alleges that the injuries and damages alleged by the Plaintiff, if any, which the Defendant expressly denies, were due to and caused by the comparative negligence, carelessness, wilfulness, wantonness and recklessness of the Plaintiff in an amount to be determined by the trier of fact, so as to reduce Plaintiff's claims proportionally, pursuant to South Carolina Law.

FOR A SEVENTH DEFENSE
(Sole, Intervening and Superseding Negligence of Plaintiff)

99. Defendantt repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

100. Defendant alleges that any injuries and damages alleged by the Plaintiff, if any, which the Defendant expressly denies, were due to and caused by the intervening and superseding negligence of the Plaintiff, over whom Defendant had no control, so as to bar the claims of the Plaintiff as to Defendant.

101. Defendant alleges that the injuries and damages alleged by the Plaintiff, if any, which the Defendant expressly denies, were due to and caused by the negligence of the Plaintiff, which alone or concurring, supervening and/or intervening with the negligence, if any, of other persons, unknown third parties, so as to be the sole proximate cause of Plaintiff's alleged injuries and damages, if any, so as to bar Plaintiff's claims as to Defendant.

FOR AN EIGHTH DEFENSE
(Limitation of Remedies)

102. Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

103. Any recovery by Plaintiff must be limited to the remedies allowed under the South Carolina Tort Claims Act, including but not limited to S.C. Code Ann. § 15-78-120(a)(1) and (2) and S.C. Code Ann. § 15-78-120(b).

FOR A NINTH DEFENSE
(Public Duty Rule)

104. Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

105. The Plaintiff's Amended Complaint fails to state a claim against Defendant in that as a matter of law the Defendant violated no duty which it owed to the Plaintiff for which the Plaintiff is entitled to relief in the form of damages.

FOR A TENTH DEFENSE
(Laches)

113. Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

114. Plaintiff's claims are barred by the doctrine of laches, as Plaintiff failed to seasonably seek to avail herself to the means at hand for enforcement of her rights, and thereby caused Defendant to enter into obligations with other parties.

FOR A TWELFTH DEFENSE
(Unclean Hands)

113. Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

114. This Defendant asserts the doctrine of unclean hands as a complete or partial bar to the Amended Complaint

FOR A THIRTEENTH DEFENSE
(Dismiss 42 U.S.C. § 1985(3))

115. Defendant moves for the dismissal of the Plaintiff's Second Cause of Action for Conspiracy, 42 U.S.C. § 1985(3) on the grounds that 42 U.S.C. § 1985(3) does not create a substantive right for the Plaintiff, and on the grounds that the Defendant cannot conspire with itself pursuant to the intracorporate conspiracy doctrine and therefore does not meet the requisite element of two or more people under the Statute.

FOR A FOURTEENTH DEFENSE
(Reservation of Additional and Further Defenses)

116. Defendant repeats and realleges each and every preceding paragraph as if fully set

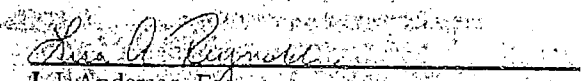
forth herein verbatim.

117. Defendant reserves any additional and further defenses as may be revealed by additional information through the course of discovery and investigation in a manner that is consistent with the South Carolina Rules of Civil Procedure.

WHEREFORE, Defendant pray as follows:

a. That this action against them be dismissed with prejudice;
b. That the Plaintiff's claim for any damages not allowed or in excess of that provided by the South Carolina Tort Claims Act be stricken;
c. That this matter be tried by jury on all issues so triable;
d. That the cost of this action be taxed to parties other than Defendant;
e. That Defendant be awarded their costs and expenses of this action; and
f. That Defendant be granted such other and further relief as this court deems just and proper.

ANDERSON REYNOLDS & STEPHENS, LLC



J. J. Anderson, Esq.
Lisa A. Reynolds
37 ½ Broad Street
Charleston, SC 29401
843-723-0185 telephone
janderson@arslawsc.com
lreynolds@arslawsc.com
Attorney for Defendant Dorchester County

January 28, 2015
Charleston, South Carolina

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS

COUNTY OF DORCHESTER) IN THE FIRST JUDICIAL CIRCUIT

Wendy Reed,) Case No.: 2014-CP-18-1349

Plaintiff,

vs.

Dorchester County and Thomas Limehouse,

Defendants.

PLAINTIFF'S MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

RECORDED
2015 AUG 22 AM 9:12
CHERY...
CLERK OF COURT
DORCHESTER COUNTY

UNDISPUTED FACTS

1. Plaintiff Wendy Reed is the daughter and one of the heirs of John Louis Gregg (John L. Gregg) who died in 2004. (Ex. 1, Pl. Dep. p. 6.)

2. John Louis Gregg's estate has never been probated. (*Id.* at p. 21,)

3. John Louis Gregg inherited a 1/15th interest in the property at issue (TMS No. 137-02-10-05) through his mother Lucille Gregg who died intestate in 1984. (Ex. 2, Lucille B. Gregg probate forms including Devise and Descent form.)

4. Plaintiff has lived at 817 W. Richardson Avenue for forty (40) years. (Ex. 1, Pl. Dep. p. 7.)

5. For nine (8) years, beginning in 2004, Plaintiff paid all of the taxes for 817 W. Richardson Avenue. (*Id.* at p. 10.)

6. In 2011, Plaintiff failed to pay the property taxes on 817 W. Richardson Avenue and Defendant County sold 817 W. Richardson Avenue at a tax sale in 2012 without Plaintiff's knowledge. (*Id.* at p. 34-36.)

7. Plaintiff attempted several times to redeem 817 W. Richardson Avenue but

Defendant County's Delinquent Tax Collector and employees of the Delinquent Tax Office would not allow the redemption of the property by Plaintiff on the basis Plaintiff's name was not listed the deed or on her grandmother's Devise and Descent form filed in Probate Court. (*Id.* at pp. 8, 13-16, 23; Ex. 3, Email from County Attorney.)

8. Defendant County's Delinquent Tax Collector testified a defaulting taxpayer is the person whose name is on the Treasurer's execution notice; that even if the County is aware someone has been paying taxes for years they are not the defaulting taxpayer; and it doesn't matter who pays the taxes, as the defaulting taxpayer id only the person whose name is on the deed or a probate document, even if that person is dead. (Ex. 4, Davis Dep., pp. 13, 20, 24, 28.)

9. Plaintiff's father was listed on the Devise and Descent form; but he died in 2004. (Ex. 2; Ex. 1, Pl. Dep., p. 6.)

10. The last recorded deed for 817 Richardson Avenue indicates Elizabeth Perry became the owner of the property in 1955. (Ex. 5, Deed Book 115, Page 478.)

11. The Devise and Descent form of Lucille B. Gregg (Plaintiff's grandmother) indicates Lucille B. Gregg inherited the property at issue as sole heir from Elizabeth Perry and Elizabeth Perry died intestate in February 1983. (Ex. 2, Devise and Descent, p. 3; Ex.1, Pl. Dep. pp. 18-19, 24-28.)

12. Although the County's records indicate Elizabeth Perry had been dead since 1983, Defendant County ignored the names on Elizabeth Perry's daughter's Devise and Descent and sent all tax notices to "Elizabeth Perry c/o Wendy Reed." (Ex. 5, tax notice.)

LEGAL ARGUMENTS

1. Heirs' Property Owners are Tenants in Common

The tenancy in common is a form of concurrent ownership. 7 R. Powell & P. Rohan, Real

Property § 51.01[3] (M. Wolf ed. 2001). Tenants in common each own a separate fractional share in undivided property. *Id.*, § 50.01[1]. "Tenants in common may each unilaterally alienate their shares through sale or gift or place encumbrances upon these shares. They also have the ... right to use the property, to exclude from third parties from it, and to receive a portion of any income produced from it." *United States v. Craft*, 535 U.S. 274, 279-280 (2002) (internal citations omitted.) Possession of one tenant in common is the possession of all. *See, e.g., Watson v. Little*, 224 S.C. 359, 368, 79 S.E.2d 384, 387 (1953). Therefore, one tenant in common possesses property on behalf of all the tenants.

2. Definition of a "Taxpayer"

Chapter 49 of the South Carolina Code is the alternate remedy for the enforcement and collection of delinquent taxes; it contains no definition of the term "taxpayer." However, S.C. Code § 12-55-30 (B) states that the definitions in Section 12-60-30 apply to the State's "Overdue Tax Debt Collection Act" so deference should be given to the definition of a taxpayer found in S.C. Code § 12-60-30 (29) defines a "taxpayer" as a person "who is responsible for collecting and remitting a tax." Therefore, any person remitting a tax to the Treasurer's Office or the Delinquent Tax Office is a "taxpayer," including an heirs' property owner. This fact is acknowledged by Dorchester County as its Treasurer has for years, and still does, accept payment of property taxes from persons who may not be the actual owners of property.

3. Significance of the Term "Taxpayer" in the Tax Code

S.C. Code § 12-51-90 (A) permits a defaulting "taxpayer" to redeem property sold at a tax sale within twelve (12) months of the sale. The statute states:

> The *defaulting taxpayer*, any *grantee from the owner*, or any mortgage or judgment creditor may within twelve months from the date of the delinquent tax sale redeem each item of real estate by paying to the person officially charged with the collection of

> delinquent taxes, assessments, penalties, and costs, together with interest as provided in subsection (B) of this section.

S.C. Code Ann. § 12-51-90 (emphasis added.)

As Plaintiff failed to pay the taxes, she is the defaulting taxpayer and she may redeem her property. There is no language in this statute that requires a defaulting taxpayer to be an "owner of record" as several Dorchester County employees testified was necessary to redeem property.

4. Dorchester County's contention that only "owners of record" can redeem property is not supported by the clear language of State Law and heirs' property owners as tenants in common are "owners of record"

S.C. Code § 12-51-90 (A) also allows *any grantee from the owner* to redeem property. A "grantee" is someone to whom a grant is made. A grant is defined as a transfer of real property. *Black's Law Dictionary*. Heirs' property is property belonging to those persons designated by law to succeed to real property ownership in case of intestacy. As heirs' property owners are "grantees from the owner," they are permitted by S.C. Code § 12-51-90 (A) to law to redeem their property.

Additionally, S.C. Code § 12-51-120 requires that not only must notice of the approaching end of the redemption period be mailed to a defaulting taxpayer, it must also be mailed to the taxpayer's "grantee"; in this case the heirs' property owner. This statute states in pertinent part:

> Neither more than forty-five days nor less than twenty days before the end of the redemption period for real estate sold for taxes, the person officially charged with the collection of delinquent taxes shall mail a notice by "certified mail, return receipt requested-restricted delivery" as provided in Section 12-51-40 (b) to the *defaulting taxpayer and to a grantee*, mortgagee, or lessee of the property of record in the appropriate public records of the county.

In this case, the Plaintiff was the defaulting taxpayer and the grantee, and her identity as such was already known to the Dorchester County delinquent tax office. There is no basis for

challenging or denying her status after the fact.

Finally, although S.C. Code § 12-51-40 (f) allows property to be advertised and sold in the name of a deceased taxpayer, when that is done through notification to the grantees of the deceased owner, those grantees must also be allowed to redeem the property as grantees.

5. State Statutes

Following the tax sale of real property, the "defaulting taxpayer, any grantee from the owner, or any mortgage or any judgement creditor" is given one year from the tax sale to redeem the property by paying the delinquent tax office by paying all amounts owed to include interest. S.C. Code Ann. § 12-51-90(A) (2006).

South Carolina Code § 12-37-740 (1), titled "Property of others shall be listed and assessed separately; responsibility for payment," defines who is considered the appropriate person for the purposes of listing and assessing taxes, as well as who is responsible for the payments (i.e. the "taxpayer"). This statute states that "all lands shall be listed and assessed as the property of the person having the legal title to, and the right of possession of, the land at the time of listing and assessment." S.C. Code Ann. § 12-37-740 (1) (1962).

Under circumstances in which the owner of record is deceased, title to real property vests in the heirs immediately upon the death of the decedent. S.C. Code Ann. § 62-3-101 (2014) (*see also Carter v. Wroten*, 187 S.C. 432, 435, 198 S.E. 13, 15 (1938), stating "Title to real estate cannot remain in abeyance; it must be vested in someone. When, therefore, a person seized of real estate dies intestate, the title to such estate vests at once in his heirs.") The Defendant's position that only the listed owner on the deed can redeem the property on the deed is legally wrong.

A prior codification of redemption statute stated in part that, "[t]he owner, any grantee

from the owner or any mortgage or judgement creditor may within twelve months from the day of such sale redeem such property." S.C. Code Ann. § 65-2772 (1962). The statute was changed to its current form in 2006 and now reads that the "defaulting taxpayer, any grantee from the owner, or any mortgage or any judgement creditor" is given one (1) year from the tax sale to redeem, S.C. Code Ann. § 12-51-90 (A) (2006).

"In seeking the intention of the legislature, we must presume that it intended by its action to accomplish something and not to do a futile thing." *Centex Intl, Inc. and Affiliates v. South Carolina Dep't of Revenue*, 406 S.C. 132, 145-146, 750 S.E.2d 65, 72 (Ct. App. 2013) (citing *State of South Carolina ex rel McLeod v. Montgomery*, 244 S.C. 308, 136 S.E.2d 778 (1964)). There is no evidence in the record to indicate that the legislature intended "defaulting taxpayer" to be the equivalent of "owner." By changing the wording in the statute from "owner" to "defaulting taxpayer" it is clear that the legislature intended to expand the category of persons who could redeem property, otherwise the legislature could have allowed the statute to remain the same.

Since the Delinquent Tax Collector and Dorchester County have misapplied the statute to exclude heirs from redeeming property at tax sales even though Plaintiff as an heir was the taxpayer and the defaulting taxpayer at the time she attempted to redeem, the County was improper in this action of refusing to allow the Plaintiff to redeem the property, and the resulting tax sale should be voided and attorney fees and costs awarded to Plaintiff per S.C. Code § 57-15-300 as she has prevailed against the County.

SIGNATURE BLOCK ON NEXT PAGE

BLOODGOOD & SANDERS, L.L.C.

Nancy Bloodgood

Nancy Bloodgood, SC Bar No.: 64591
Lucy C. Sanders, SC Bar No.: 78169
895 Island Park Drive, Suite 202
Daniel Island, SC 29492
Telephone: (843) 972-0313
Facsimile: (843) 377-8997
Email: nbloodgood@bloodgoodsanders.com
lsanders@bloodgoodsanders.com

Attorneys for Plaintiff

Charleston, South Carolina

Date: 8-22-16

Exhibit 1

RECORD
2016 AUG 22 AM 9:22
CLERK OF COURT
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER CASE NO: 2014-CP-18-1349

2015 AUG 22 AM 9:23
CHERYL [illegible]
CLERK OF COURT
DORCHESTER COUNTY

WENDY REED,

PLAINTIFF,

vs.

COUNTY OF DORCHESTER AND THOMAS LIMEHOUSE,
DEFENDANTS.

Deposition of:
Wendy Reed

July 9th, 2015

The deposition of WENDY REED, taken before Amanda Barbao, Court Reporter and Notary Public, at the Foster Law Firm, 895 Island Park Drive, Suite 202, Charleston, South Carolina, on July 9th, 2015, commencing at 11:00 a.m.

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb62-4c96-96c0-6c4e2482b9aa

APPEARANCES

FOR THE PLAINTIFF: FOSTER LAW FIRM
By: Nancy Bloodgood, Esq.
895 Island Park Drive, Suite 202
Charleston, SC 29492
Nbloodgood@fosterfoster.com

FOR THE DEFENDANTS: ANDERSON REYNOLDS & STEPHENS
By: Jonathan J. Anderson, Esq.
37 Broad Street
Charleston, SC 29401
Janderson@arslawsc.com

Electronically signed by amanda barbao (401-133-007-0591)
94a6cfef-eb62-4c96-98c0-6c4e2432b9aa

INDEX

Witness:

Reed, Wendy (sworn)

	PAGE
Examination by Mr. Anderson	4
Examination by Ms. Bloodgood	37
Court Reporter's Certificate	40

EXHIBITS

Exhibit Number 1 (notice of deposition)	4
Exhibit Number 2 (copy of card)	11
Exhibit Number 3 (death certificate)	19
Exhibit Number 4 (descent of real estate form)	20
Exhibit Number 5 (birth certificate)	22

--oOo--

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb62-4c96-95c0-5c4e2482b9aa

(WENDY REED, having been first duly sworn, testified as follows:)

EXAMINATION BY MR. ANDERSON:

(Exhibit No. 1 was marked.)

Q Ms. Reed, you and I have met a couple of times in the past, but I am JJ Anderson, and I represent Dorchester County and the treasurer and the delinquent tax collector and all those people. I do not represent either Mr. Limehouse or anybody else, just the county people that you have brought suit against. I'm going to ask you a series of questions today. I know that you've sat through a couple of depositions already and know a little bit about what occurs in them.

A Yes.

Q I'm required to tell you that once we start the deposition, which we have, that you are not allowed to discuss or to ask for help from your attorney.

A Okay.

Q There's one caveat, if we take a break and you do speak to her, then you have no privilege during that conversation, so I can find out what happened during that conversation. Since we're at your attorney's office, I'm going to offer with all her hospitality to you and if you want to take a break, just tell me.

A Okay. No.

Electronically signed by amanda barbao (401-133-007-0591)

94a5cfef-eb62-4c96-96c0-6c4e2482b0aa

Q But as we go along, if for some reason you want to take a break, the only thing I would ask is that if I have asked a question, that you answer it before we go on the break.
A Okay.
Q Okay. Now, do you feel all right to have your deposition taken today? You haven't taken any medicine or anything that would cause you to be unable to listen to my questions and answer?
A No.
Q All right. Okay.
A I've taken medicine, but it's not going to affect my answers or anything.
Q All right. It's nothing that will affect your mental capability?
A No.
Q Well, you appeared fine to me, but we always want to ask. Now, could you state you full name for the record.
A Wendy Paulette Reed.
Q All right. And what was your -- when were you born?
A Summerville, South Carolina. And I lived in Ridgeville for five years until I was five. And then I moved to Summerville. I've lived there for 40 years.

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb62-4c96-96c0-6c4e2482b9aa

I'll be 46 Saturday, so I've lived there ever since then.

Q So you were born on July 11th then?

A Yes.

Q What year was that?

A 1969.

Q Okay. And who are your parents?

A John and Estell Gregg.

Q Okay. It's my understanding from earlier information that we have received from your attorney, that they have both passed?

A No. My father passed in '04.

Q All right. And was he still married to your mother at that time?

A Yes.

Q And she's still living?

A Yes.

Q Where does she live?

A Ladson.

Q All right. And now, your last name is now Reed?

A Yes. I was a Gregg.

Q Right. And you got married I assume?

A Yes.

Q And are you still married?

A Yes.

Electronically signed by amanda barbao (401-133-007-0591)

94a5cfef-sb62-4c96-96c0-6c4e2482b9aa

Q Okay. All right. And to whom are you married?
A Dexter Reed.
Q Okay. And does he reside with you?
A Yes.
Q Okay. And the two of you are living where?
A 817 Richardson Avenue, Summerville.
Q Richardson?
A Uh-huh (indicating an affirmative response).
Q I'm going to repeat some words. That's for the court reporter's benefit.
A Okay.
Q Because you and I have been talking about this for a while, and sometimes we talk quicker, and it's her job to take down everything that's said, probably even that little speech.
A Right.
Q All right. And how long have you been living at the 817 Richardson?
A Forty years.
Q How many?
A Forty.
Q Okay. So that was since you were five?
A Uh-huh (indicating an affirmative response).
MS. BLOODGOOD: And you have to say yes or no. And if you forget, I'm going to remind you.

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb62-4c96-96c0-6c4e2482b9aa

A Okay.
Q Can you believe all these rules?
A It's just like school.
Q Except you don't get recess.
A No, you sure don't.
Q Or snacks. All right. Now, we have been -- you have brought a lawsuit concerning your attempts to redeem the 817 Richardson property for nonpayment of taxes?
A Yes.
Q And it was the 2011 taxes that were not paid?
A It was '12 -- yeah, '11, '12.
Q Well, the notices went out in 2012?
A Well, 2012, yeah.
Q But that was for the 2011 taxes?
A Yes.
Q Since that time, you have not paid any of the taxes on the property?
A They wouldn't take the money.
Q Okay. But since 2011 or since paying the 2010 taxes, you have not paid any taxes on the property, regardless of your attempts, there have been no payments that you have made and that have been accepted by Dorchester County; is that correct?
A No.

Electronically signed by amanda barbao (401-133-007-0591)
94a5cfef-eb62-4c96-96c0-6c4e2482b9aa

Q Okay. Tell me what taxes you have paid.
A I've paid '9 in -- I paid all of them really except -- well, I just got 2012. I think it was 2012, yeah.
Q What I'm talking about is -- what I would be talking about would be the 2012, 2013, 2014 and 2015, not prior to that?
A Oh, okay.
Q I'm sorry if my question was unclear.
A I didn't understand. I've paid all except, you know, recently the ones after 2012.
Q The ones after 2012?
A Yes.
Q All right. Now, the one -- the year that -- the year that led to the delinquent tax notice --
A 2012, yes.
Q -- was 2011, was it not?
A 2012.
Q Okay. I know the notices -- the notices that we have went out in 2012. They put you on notice in April of 2012 that the taxes --
A See, I don't understand how they go 2011, 2012, you know, because they all --
Q Okay. So you're unclear as to which year the taxes were owed for?

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb62-4c96-96c0-6c4e2482b9aa

A Yes.
Q Okay. All right. If the paperwork indicates that it was the 2011 taxes, are you okay with that, or do you have a conflict with that?
A Well, I got a conflict with it because I've been paying them for eight years now, and then 2012, they just stopped taking my money. They wouldn't accept it.
Q Okay. And did they give you a reason for not excepting it?
A Because I wasn't an heir.
Q Okay. Now, the notices for payment of taxes would come to the 817 West Richardson address; is that correct?
A Yes.
Q And they were addressed to Elizabeth Perry, care of you, Wendy Reed; is that correct?
A Yes.
Q Okay. Now, the first notice that you got that the property was going to be put up for sale for taxes came to you in 2012?
A Yes.
Q When you got that notice, what did you do?
A First, when I first got the notice, I got it through a certified mail. When I got the notice, I went to the post office, and I picked it up, and the

Electronically signed by amanda barbao (401-133-007-0591)
94a5cfef-eb62-4c96-96c0-8c4e2482b9aa

next day, this man said that he saw people taking pictures of my house. So I was wondering why they were taking pictures of my house. Then the next day after, my son got something, a little pamphlet -- no, not a little pamphlet. Something from this lady, Geraldine [ph], saying that she wanted to talk to me. On the back of it, it says, Call me, getting sued against Dorchester County. She wanted me to call her. I never did call.

MS. BLOODGOOD: Can we go off the record?

(Discussion off the record.)

(Exhibit No. 2 was marked.)

BY MR. ANDERSON:

Q I'm going to hand you a copy of Exhibit 2, which is a copy of that card. And if you could tell me if this is an accurate photocopy of it?

A Yes.

Q And this was given to your son?

A Yes.

Q How old is your son?

A He's 24.

Q Okay. So at the time, he would have been 20?

A Uh-huh, 23.

Q Okay.

A Because he just turned 24.

Electronically signed by amanda barbao (401-133-007-0591)
94a5cfef-eb62-4c96-98c0-6c4e2482b9aa

Q Okay. And when was this given to him?
A What?
Q When was this given to him?
A I don't remember.
Q In relationship to when you went to the post office and picked up the notice about the delinquent taxes?
A It was given after that.
Q Okay. How long after?
A About a month after.
Q Okay. So this would have been given to him in 2012, the same year that you got the notice?
A Okay.
Q Is that correct?
A Yeah, I guess, yeah.
Q Okay. Well, we've agreed that you got the notice in 2012?
A In 2012, yeah.
Q Okay. So within a month of you getting that notice, he received this?
A Yes.
Q All right. And did you call this person?
A I never did.
Q Okay. Do you know if he called?
A No.
Q And what happened after that?

Electronically signed by amanda barbao (401-133-007-0591)
94a5cfef-eb62-4c96-98c0-8c4e2482b9aa

A I went to try to pay the taxes three times, and they wouldn't accept the money, so they told me I had to have the land probated. So I went to the courthouse and tried to get it probated, but I didn't understand the paperwork that they gave me so they gave me a card to call Josh Walden.

Q Okay. And who is Josh Walden?

A The center of heirs preservation person in West Ashley. I think it was West Ashley, Sam Rittenberg Boulevard.

Q Okay. But he works that group?

A Yes.

Q Okay. Now, you say you tried to pay the taxes three times?

A Yes.

Q Tell me how you did that.

A Well, I went and tried to pay in cash on three occasions. They wouldn't accept my money, and then the last time I went was the fourth time, and I tried to do it over the phone, and they wouldn't accept my money. Then they told me to hold on for a minute, and a lady named Bonita [ph] came to the phone. She said I had to have someone that was on the will pay the taxes. And I couldn't get my father to pay the taxes on the account of he's deceased, so I didn't have no other way.

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfe1-eb62-4c96-96c0-6c4e2482b9aa

Q Okay. And who did you talk to on the phone?
A Bonita Daniels.
Q Okay. And did you tell Bonita that your father was deceased?
A She knows that.
Q My question is: Did you tell her?
A Oh, yes.
Q You did tell her?
A Yes.
Q When did you tell her?
A October the 5th was when I started calling there.
Q Of 2012?
A Yes.
Q Okay. After you told her that your father was the only one that was left that was on the will, what were you told to do at that point?
A To get the land probated.
Q All right. And who told you that?
A Bonita Daniels.
Q And then you did what?
A I couldn't get the land probated, so I went --
Q What did you do to get the land probated? You said you couldn't it probated?
A I couldn't get it probated so I went to Josh Walden.

Electronically signed by amanda barbao (401-133-007-0591)
94a5cfef-eb62-4c96-96c0-6c4e2482b9aa

Q Did you go to the probate court first?
A Yes.
Q Oh, okay.
A And they are the ones that told me to get it probated.
Q And did you tell them that your father had been on the will and that he had died?
A Yes.
Q Who did you tell that to?
A I told that to Bonita Daniels.
Q Did you tell anybody at the probate court that?
A Yes.
Q Who did you tell there?
A I didn't ask her name.
Q And when did you remember that it was Bonita Daniels you talked to at Dorchester County?
A Well, she's been to our house several times, you know, posting signs and stuff in the yard.
Q When did you tell Bonita Daniels this?
A Well, I don't remember really.
Q Okay. So you don't know when you told her?
A No.
Q All right. Was it sometime when she was at the house posting signs, or when would that have been?
A Well, no, I told her over the phone.

Electronically signed by amanda barbao (401-133-007-0591) 94a5cf6f-eb52-4c96-96c0-6c4e2482b8aa

Q All right. Now, after you went to see Josh Daniels [sic] --
A Josh Walden.
Q I'm sorry. Bonita Daniels and Josh Walden. Okay. When was that?
A It was 2012. I went like three months after. I can't recall the dates, but I went three months after the taxes went delinquent and then, you know, I started to try to do something about it.
Q So this was after you received the notice?
A Yes.
Q So about three months after that?
A Yes.
Q And did you meet with Mr. Walden?
A Yes, I did.
Q Okay. All right. And what did you tell Mr. Walden?
A I told him what was going on and I also had told him that, you know, I couldn't get -- didn't have money to get a lawyer and do all that, you know, with the probate of the land so that's when he referred me to Nancy because he said I didn't qualify for whatever.
Q All right. During your conversation with Mr. Walden, did he take any notes or ask any specific questions? Did you fill out any forms for him?

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb62-4c96-98c0-6c4e2482b9aa

A I filled out a form for him, but I don't remember what it was, you know. It was just like general information, name, address and stuff.
Q All right. Is Mr. Walden an attorney?
A I don't know what he is.
Q You don't?
A No.
Q Okay. All right. What year did your father die?
A In '04.
Q When did you first meet with Nancy, Ms. Bloodgood?
A A year ago.
Q Okay. Now, you had already filed documents a year ago, two sets of documents. You had already filed in federal court and then had transferred the case down to state court in July of 2014. So it would have been more than a year ago?
A Yes.
Q Okay. How soon after you talked to Mr. Walden did you contact Ms. Bloodgood?
A Well, I didn't contact Ms. Bloodgood. He did.
Q Okay. And when was the first time you met with her after he contacted her?
A About a month.
Q Okay.
A No, not about a month. About a week.

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfaf-eb62-4c96-96c0-6c4e2482b9aa

Q Okay. And that would have been about a week after you met with him?
A Yes.
Q So that actually would have been sometime in 2012?
A Yes.
Q All right. I'm going to show you a couple of documents that your attorney has provided to us. Can you read that? That's how it came to us. It appears to be a death certificate of your father.
A Yes.
Q And it indicates that he died on May 14th of 2014. Does that sound correct?
A Yes.

MS. BLOODGOOD: I'm sure we have a better copy.

THE WITNESS: I have a copy in the car also.

MS. BLOODGOOD: I can get another copy.

BY MR. ANDERSON:

Q Okay. And have you previously seen that document from the probate court?
A No, I've never seen this.
Q And you have not seen that?
A No.
Q That purports to indicate that it is a devise and consent of real property, and that this document was

Electronically signed by amanda barbao (401-133-007-0591)
94a5cfef-eb62-4c96-95c0-6c4e2432b9aa

issued in June of 1984.
A Okay.
Q And that was in relationship to your grandmother?
A Yes.
Q Lucille Gregg passing, and it included the property at 817 Richardson Avenue property. You can see that, right?
A Yes.
Q Okay. And then -- she died in 1983, I believe; is that correct?
A Yes.
Q And then your great grandmother Elizabeth Perry, who had a deed to the property, had died earlier in 1983 also; is that correct?
A Yes.
Q So they both passed in 1983?
A Yes.
Q And then this --
MR. ANDERSON: Oh, you've got the same?
MS. BLOODGOOD: Yeah. But mine is much better. Isn't that the same document?
MR. ANDERSON: I think it gets worse each time you many make a copy. Let's go ahead and mark that.
(Exhibit No. 3 was marked.)

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb62-4c96-96c0-6c4e2482b9aa

BY MR. ANDERSON:

Q And it has a list of names here, and is your father one of the people listed?

A Yes.

Q All right.

A John Gregg.

Q John L. Gregg; is that correct?

A Yes.

Q Okay.

(Exhibit No. 4 was marked.)

Q Now, I've marked that as Exhibit 4, and this is the first time you've seen this document is what you're telling me?

A Yes.

Q But is this -- does this document, is it in accordance with things you have been told in your memory?

A I've never been told about this.

Q Okay. All right. Let me reask the question as far as, it is correct though that your great grandmother and your grandmother both died in 1983?

A Yes.

Q Okay. And it appeared from the record that your grandmother, Lucille Gregg's estate, was done in relationship to an auto accident she had?

Electronically signed by amanda barbao (401-133-007-0591)
94a5cfef-eb62-4c96-96c0-6c4e2482b9aa

A Yes.
Q And I believe the auto accident was in 1983 also, correct?
A Yes.
Q And so you met originally with Ms. Bloodgood in 2012?
A Yes.
Q Okay. Has any action been taken by you, or was there any action taken by you to probate your father's estate?
A No.
Q Okay. And was there a reason that you did not do that?
A No.
Q Okay. And did you understand at the time that if you had done that, then you would have been recognized as an heir to your grandmother's property?
A No, I didn't know that.
Q Did you ever present a birth certificate to anybody in Dorchester County, with the government, to show that you were an heir on this property?
A No.
Q Okay. And is there a reason you did not do that?
A No.
Q All right. Now, we have been provided a copy of a

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb62-4c96-96c0-6c4e2482b9aa

birth certificate. Okay. Give me just a second.

MS. BLOODGOOD: I have it if you don't.

MR. ANDERSON: If you've got it real handy, let's just keep moving here.

MS. BLOODGOOD: You want her father's, right?

MR. ANDERSON: No. Her birth certificate.

(Exhibit No. 5 was marked.)

BY MR. ANDERSON:

Q I just want to show you that we substituted an easier to read copy of Exhibit 3. And let me hand you what's been marked as Exhibit 5.

A Okay.

Q And that is a copy of your birth certificate; is that correct?

A Yes.

Q And you requested that birth certificate?

A Yes.

Q Did you have a previous copy?

A Yes.

Q You already had a copy?

A I already had a copy that says the same thing this one says.

Q Okay. Let me start back. Okay. When did you request this copy?

A I got it like three months ago.

Electronically signed by amanda barbao (401-133-007-0591)
94a5cfef-eb62-4c96-98c0-6c4e2482b9ea

Q Now, prior to requesting it three months ago, did you have a copy of your birth certificate?
A Yes.
Q Okay. Why did you request a new copy?
A Nancy said I needed to get it for the court.
Q Okay. And prior to getting this copy three months ago, had you ever presented a birth certificate to anybody in Dorchester County to show that you were an heir to the property?
A No, I never tried.
Q Okay. All right. After you met with Ms. Bloodgood, did you ever go individually back to the tax office?
A No.
Q Did you ever go with her?
A No.
Q In 2013, what did you do to attempt to redeem your property?
A They wouldn't let me redeem it, so there was nothing I could do.
Q Okay. When they told you that you could not redeem it, that was because you had not shown that you were an heir?
A Yes.
Q Did you do anything in 2013 differently than what

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb62-4c96-96c0-6c4e2482b9aa

you've told me about you did in 2012 in an attempt to show that you were an heir?

A No.

Q And you knew that your great grandmother had obtained the property under a deed?

A Yes.

Q Okay. And that deed was issued in 1955?

A I don't know.

Q You don't know. Okay. The reason I ask with a little question at the end, I've been given two different years. So I was hoping you could clarify.

A No, I sure can't, not from 1955.

Q Don't make it sound quite that long ago, please. And then it has passed to your grandmother, Lucille Gregg, as she was the only remaining child?

A Yes.

Q Okay. Of your great grandmother?

A She was the only child.

Q She was an only child. Okay. Great. And then later in 1983 when your grandmother Lucille Gregg died, it then passed to your father?

A Well, that's what the will said, yeah.

Q Okay. So Lucille Gregg had a will?

A Yes.

Q Okay.

Electronically signed by amanda barbao (401-133-007-0591)
94a5cfef-eb62-4c96-96c0-6c4e2482b9aa

MR. ANDERSON: Let's go off for just a second.

(Discussion off the record.)

BY MR. ANDERSON:

Q You indicated that your grandmother, Lucille Gregg had a will?

A Yes.

Q And do you know where that will is?

A No.

Q How do you know that she had a will?

A Bonita Daniels told me that there was a will and listed all these names that were on here. She's the one that told me that I had to have one of the names off of that will come in and pay the taxes for me.

Q Okay. All right. So your knowledge of the will is you're relying on what Bonita Daniels told you?

A Yes.

Q Okay. How do you know Bonita Daniels?

A I don't know her. I just know of her.

Q When you say you just know of her, explain that to me. What do you mean?

A Well, she's the one they always connect you to when you call the tax office. They always say, Well, you got to speak to Bonita Daniels, so that's how I know of her. When you call and ask questions, that's

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb52-4c96-96c0-6c4e2482b9aa

the person they transfer you to.

Q What did you say to get transferred to Bonita Daniels? What did you tell the person that answered the phone?

A I asked them what was the price, you know, of the property that I had to pay for -- you know, well, I gave them the tax map number, and they transferred me to her.

Q Oh, okay. So you gave them the tax map number, and then they connected you?

A Yes.

Q Okay. How many times did you speak with Bonita Daniels?

A Three.

Q And were those in person, or were those on the telephone?

A They were on the telephone. Twice were on the telephone.

Q Okay. And where was the third one?

A In person.

Q And where did you meet with her to speak in person?

A The tax office.

Q Was there anyone else present when you spoke with Bonita at the tax office?

A Just a lady that was in the office.

Electronically signed by amanda barbao (401-133-007-0591)
94a5cfef-eb62-4c56-96c0-8c4e2482b9aa

Q Okay. Were you at the counter there?
A I was at the counter, yes.
Q Okay. Before Mr. Walden contacted Ms. Bloodgood, did he discuss your problem with you at all?
A A little he did, as much as he could have, you know, with the stuff that I told him, the information that I gave him. So I guess he figured, well, there's nothing really he could do so that's when he got ahold of Nancy.
Q Okay. And had -- did he give you any information or tell you anything prior to putting you in contact with Ms. Bloodgood?
A No.
Q Okay. Now, prior to this, had you ever received any information concerning heirs' property?
A No. You mean prior to the --
Q When the notice came to you, did you know anything about heirs' property prior to that time?
A No.
Q So you had not gotten any brochures or pamphlets or anything from the Heritage Group?
A No. Not until I started going to the probate office, and she gave me a pamphlet.
Q Okay. Do you still have that pamphlet?
A I have it, but not with me.

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb62-4c96-96c0-6c4e2482b9aa

Q Okay. At some point, would you give that to Ms. Bloodgood so she can then send it over to us?
A Yes.
Q Okay. What information did you request from the probate office?
A Well, when I went, I tried -- well, like I said, I couldn't get the land probated because it was, you know, too long. So that's when I went to Josh. Like I said, that's when I went to Josh.
Q To who?
A Mr. Walden.
Q Oh, okay. All right. But when you went up to the first person that you met at the probate office, what did you tell them?
A I told them I wanted to try to probate my father's property, and they told me that I couldn't because it was too long.
Q Now, did you tell them your father's property or your grandmother's?
A Well, my grandmother's property.
Q Okay. And what did you -- why did they tell you it was too long?
A Well, I guess they knew -- well, I guess they knew it was too long. It was too many years. They asked me when she died, my great grandmother died.

Electronically signed by amanda barbao (401-133-007-0591)
94a5cfef-eb62-4c96-96c0-6c4e2482b9aa

Q And you told them?
A '84. And that's when I told them that I was paying it for my father, you know, in his name, but in my name in care of, that that's how I got the mail transferred in care of my name.
Q Okay. And this was on your first trip to the probate office?
A Yes.
Q All right.
A And I never went back after that.
Q Did you mention your father while you were at the probate office?
A Yes.
Q Did you ask them about your father?
A Yes.
Q Did you tell them that he had received the property by a will?
A No, I didn't.
Q Did you provide them with any information concerning your father's death in 2004?
A No.
Q Okay.
A I only mentioned my grandmother.
Q Did you provide them with your grandmother or your great grandmother's name at the probate office?

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-ab62-4c95-96c0-6c4e2482b9aa

A No.

MR. ANDERSON: Are you going to have any questions, Ms. Bloodgood?

MS. BLOODGOOD: I have one. Maybe two.

MR. ANDERSON: Let's take a quick break.

(The deposition took a short recess.)

BY MR. ANDERSON:

Q Let me ask you a few more questions. Do you have any family, other than Gregg and Reed, with the last name of Gregg or the last name of Reed, that are over the age of 18 in Dorchester County?

A No.

Q Okay.

A Well, my last name is Reed by marriage.

Q Right. The reason I ask that question is for when we get a jury list selection and so forth, I don't want your husband's brother on the jury.

A Oh, okay.

Q And who knows, you may not want him there either. But anyway, I'm just looking for relatives to try to avoid that.

A Okay.

Q And so the only two last names are Reed and Gregg?

A Yes.

Q Okay. And you have your son who is 24?

Electronically signed by amanda barbao (401-133-007-0591)

94a5cfef-ab62-4c96-96c0-6c4e2482b9aa

A Yeah. But he's a Gregg also.
Q He's a Gregg. Okay.
A I had him before I was married.
Q Okay. What does your husband do?
A He works at Bellwright Industries.
Q I'm sorry?
A Bellwright Industries.
Q And what does he do for them?
A He's a tech.
Q Okay. How long has he been with them?
A Five years now.
Q Okay. And are you employed?
A No.
Q And are you a member of a church?
A Yes, Summerville.
Q And what's the name of the church?
A Friendship. It's called Friendship.
Q Friendship. Okay. Is it like Friendship Methodist, Friendship AME?
A Baptist.
Q I was going to get to that. Okay. All right. And now your son, does he attend the same church, or does he go to a different church?
A He attends the same church.
Q And where is he employed, if he is?

Electronically signed by amanda barbao (401-133-007-0591) 94e5cfef-eb62-4c96-96c0-6c4a2482b9aa

A He's not.
Q And does your mother live in Dorchester or Berkeley?
A She lives in Ladson, Dorchester County still but Ladson.
Q She's in Dorchester. Okay. And is she employed?
A No.
Q Okay. Now, have you had any other lawsuits?
A No.
Q Okay. Now, are any of your father's -- excuse me. If I can look at Exhibit 4, are any of the people listed on Exhibit Number 4 here, are any of them still alive?
A All of them except Walter.
Q All are alive?
A Yeah, except Walter Jr. and then of course, you know, my father.
Q So Walter Jr. and John L. are the only two that are not alive?
A Yes.
Q Okay. And where does Leon Gregg live?
A He lives in Summerville.
Q James Gregg?
A He lives in Ridgeville.
Q Orin Gregg?
A Charleston.

Electronically signed by amanda barbao (401-133-007-0691)
94a5cfef-eb62-4c90-96c0-6c4e2482b9aa

Q Okay. John L. is your father?
A Yes.
Q Angie Gregg?
A Ridgeville.
Q Annette Gregg?
A She lives in Summerville.
Q Kenneth Gregg?
A Summerville.
Q Jeannette Gregg?
A Ridgeville.
Q Cornelius Gregg?
A He lives in -- I think it's -- I don't know where he's living now, but I think it's Bluffton.
Q Bluffton?
A I'm not sure.
Q That's almost to Georgia.
A Yeah.
Q I don't know if you've ever driven down there, but that place is a mess.
A I've never been there.
Q Okay. All right. Now, did you tell any of -- did you either tell Leon, James, Orin, Angie, Annette, Kenneth, Jeannette or Cornelius, that the property was being sold for taxes?
A Well, my uncle, Leon and Annette, they came to the

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfe7-eb52-4c96-96c0-6c4e2482b9aa

house right after they saw it in the papers. I knew nothing about it until it got in the papers.

Q Okay. When did they -- they saw it in the papers?

A Yes.

Q When was that?

A I guess -- well, I'm not sure, but I guess right after she advertised it in the Journal Scene.

Q All right.

A I don't recall the date.

Q You got a notice in the mail?

A Yes.

Q You went and picked up that notice?

A Yes.

Q Did you get the notice after --

A I got the notice after.

Q After Leon and Annette had come and talked to you?

A No. Yeah. No, I'm not sure. I can't remember.

Q All right. Was it about the same time?

A About the same time, yeah.

Q Okay. And when you talked to Leon and Annette, what did you talk about?

A They said, why didn't I tell them about it, and I told them I didn't know nothing about it.

Q Wait. When you say they saw it in the paper, what are we talking about? The advertisement for the sale?

Electronically signed by amanda barbao (401-133-007-0591)
94a5cfef-eb62-4c96-96c0-6c4e2482b9aa

A Yeah. The advertisement for the sale.
Q Okay. All right. And other than just saying why didn't you tell us about it, what else was said?
A I told them that's because I knew nothing about it until it was in the paper. And then at the grocery store, a lady said she saw it in the paper also, and she asked me what was going on, and I told her I didn't know what was going on. So that's when they told me to find out what was going on, and I tried to get help from lawyers.
Q When you found out what was going on, when you went up there, did you get back to Leon and Annette?
A Yes.
Q Okay. And what did you tell them?
A They told me to try and get it back, and like I told them, I couldn't get it back. He wanted too much money for it. Mr. Limehouse wanted too much money for it.
Q Okay. What they saw in the paper, was that a notice for the sale of the property because of delinquent taxes or was that about your lawsuit?
A No. They saw what was already sold. He said it was already sold. He even came to my house and told me he bought the property, so therefore, I thought it was already sold.

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb62-4c96-96c0-6c4e2482b9aa

Q When you say, "he came to the house" --
A Mr. Limehouse came to my house.
Q Okay. I'm talking about Leon and Annette?
A Oh, you're talking about them.
Q I'm talking about Leon and Annette. So they came to your house right after you got the tax notice?
A Yes.
Q Or about the same time?
A About the same time.
Q Okay. And you discussed this problem with them?
A Yes.
Q Okay. And they said to find out what was happening?
A Yeah.
Q Okay. When you found out, did you go back to Leon and Annette and tell them what was happening?
A No.
Q And was there a reason you did not go back to them?
A No.
Q Now, did you know that Leon and Annette could redeem the property?
A No.
Q All right. Have you heard that since the lawsuit began?
A Now. I know now that they could have but not

Electronically signed by amanda barbao (401-133-007-0591)
94a5cfef-eb62-4c96-96c0-6c4e2482b9aa

before.
Q Okay. And was it my telling you that they could, or did you know that before we started the deposition?
A I didn't know that.
Q Okay. All right. So you did not know that anybody on this list could redeem the property?
A Huh-uh (indicating a negative response).
MS. BLOODGOOD: Is that a no?
THE WITNESS: No.
MR. ANDERSON: All right. Thank you very much. I think that's all the questions I have, depending on what Ms. Bloodgood says.
EXAMINATION BY MS. BLOODGOOD:
Q I just want to clarify for the record, the property that you live on has three different tax map numbers?
A Yes, it does.
Q And you live on -- if you're facing the road, you live on -- well, what's the tax map number of your property?
A I can't recall the number, but I know it's zero -- 014 -- not 014, but 018. And my mother's, she's in the center part, and that's 014. And my sister is in the back part, and that's 019.
Q Okay. And has your mother's property in the middle ever been delinquent in taxes?

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb62-4c96-96c0-6c4b2482b9aa

A No, it hasn't.
Q And have you given me money to put in my escrow account to pay the taxes?
A Yes.
Q One other thing I want to clarify. I think you testified you went to probate court, and you were told it was too long since your grandmother had died?
A Yes.
Q So then you testified that you didn't provide the probate court your grandmother's name, so how did they know it was too long?
A Well, like I said, I didn't give them the name.
Q But did they know your grandmother's name when you were talking to them?
A No, they didn't.
Q Okay. Did they have any papers in front of them when they were talking to you?
A No.
MS. BLOODGOOD: I don't have any other questions. Well, there's just one thing.
BY MS. BLOODGOOD:
Q Do you know the difference between notices that you get before a tax sale and notices that you get for a redemption?
A No.

Electronically signed by amanda barbao (401-133-007-0591)
94a5cfef-eb62-4c96-96c0-6c4e2482b9aa

MS. BLOODGOOD: I think that's it.

(The deposition of Wendy Reed concluded at 12:20 p.m. on July 9th, 2015.)

Electronically signed by amanda barbao (401-133-007-0561) 94a5clef-eb62-4c95-95c0-6c4e2482b9aa

COURT REPORTER'S CERTIFICATION

I DO HEREBY CERTIFY THAT THE TESTIMONY CONTAINED IN SAID DEPOSITION WAS, BY ME, REDUCED TO WRITING IN THE PRESENCE OF SAID WITNESS BY MEANS OF A COMPUTERIZED TRANSCRIPTION. THE SAID DEPOSITION IS A TRUE AND ACCURATE TRANSCRIPT OF THE WHOLE OF THE TESTIMONY GIVEN BY SAID WITNESS, AS AFORESAID.

I DO FURTHER CERTIFY THAT I AM NOT CONNECTED BY BLOOD OR MARRIAGE WITH ANY OF THE PARTIES OR THEIR ATTORNEYS OR AGENTS, AND THAT I AM NOT AN EMPLOYEE OF EITHER OF THEM, NOR INTERESTED DIRECTLY OR INDIRECTLY IN THE MATTER OF CONTROVERSY EITHER AS COUNSEL, ATTORNEY, AGENT, OR OTHERWISE.

SIGNED THIS THE 22nd DAY OF JULY, 2015.

AMANDA BARBAO

MY COMMISSION EXPIRES: 01/24/2023

Electronically signed by amanda barbao (401-133-007-0591)

94a5cfef-eb52-4c98-96c0-6c4e2482b9aa

Exhibit 2

RECORD
2015 AUG 22 AM 9:23
CHERYL [illegible]
CLERK OF COURT
DORCHESTER COUNTY

FORM NO. 160 — Petition For Letters of Administration
Walter Drake & Sons, Inc. 234567890 Rev. June 1983

STATE OF SOUTH CAROLINA,
County of DORCHESTOR

RECORDED
2015 AUG 22 AM 9:23
CLERK OF COURT
DORCHESTER COUNTY

Page 1

Ex Parte LEON C. GREGG
Petitioner.

IN THE PROBATE COURT
PETITION FOR LETTERS OF ADMINISTRATION AND ORDER FOR CITATION TO ISSUE

In Re Estate of:

LUCILLE B. GREGG
Deceased.

To HON. SHELTON L. PARKER Probate Judge for said county:

The petition of the undersigned respectfully represents:

1. That LUCILLE B. GREGG Age 62 who last dwelt in RIDGEVILLE in said County of DORCHESTER State aforesaid, died intestate on the 1st day of AUGUST in the year of our Lord one thousand nine hundred and eighty-three possessed of goods and estate remaining to be administered leaving as her only heirs at law and next of kin, the following:

(Show by subdivision into family group the names of persons taking through any predeceased heir at law.)

Name	Age*	Residence	Relationship to Decedent
WALTER L. GREGG, SR.	sui juris	RIDGEVILLE, SC	HUSBAND
LEON C. GREGG	" "	SUMMERVILLE, SC	SON
WALTER L. GREGG, JR.	" "	" "	"
JAMES A. GREGG	" "	RIDGEVILLE, SC	"
ORIN S. GREGG	" "	SUMMERVILLE, SC	"
JOHN L. GREGG	" "	" "	"
ANGIE E. GREGG	" "	RIDGEVILLE, SC	DAUGHTER
ANNETTE GREGG	" "	" "	"
KENNETH GREGG	" "	" "	SON
JEANNETTE GREGG	" "	" "	DAUGHTER

*Enter the exact age at date of decedent's death if then living; if not then living, enter in the age column the word (deceased).

This Form Revised by The South Carolina Tax Commission June 1983.

2. That the intestate died seized and possessed of a personal estate of about the value of ONE THOUSAND FIFTEEN ($1,015.00) Dollars consisting of the following moneys, goods and chattels:

(a) Cash on hand and in banks $ 15.00

(b) Moneys due intestate on account of bonds, mortgages and other securities $ -0-

(c) Corporate and governmental bonds and stocks $ -0-

(d) Life or other insurance made payable to the estate $ -0-

(e) Open accounts due intestate $ -0-

(f) Value of all other personal property not listed above household goods $ 1,000.00

Farming implements, machinery and equipment - farm products, automobiles, livestock, household goods, jewelry, etc.

(g) Tangible personal property having a situs outside of South Carolina

Description	
NONE	$ -0-
	$
	$

Attach list if necessary

3. That the intestate died seized and possessed of real estate of about the value of TWENTY-SIX THOUSAND FOUR HUNDRED ($ 26,400.00) Dollars, as follows:

DESCRIPTION OF REAL ESTATE AND APPROXIMATE VALUES

(Enter each tract and lot on a separate line)

This item includes all Real Estate in S. C.

No. of acres or lots. (State whether acres or lots)	No. of buildings	Total Value of each lot and tract including buildings	Decedent's Interest	Exact location. (Show County, Township and School District) All S. C. Property
1/8 acre	1	$ 9,600.00	100%	DORCHESTER COUNTY, SUMMERVILLE, SCHOC
1 lot	-0-	$ 3,000.00	100%	" " " " DIST. #
1 acre	1	$27,600.00	50%	DORCHESTER COUNTY, RIDGEVILLE (NEAR GIVHANS)

4. Description and approximate value of real property having a situs outside of South Carolina.

Number of Acres or Lots	Number of Buildings	Total Value	Decedent's Interest	Exact Location
NONE				

5. That the intestate made transfers and gifts within three (3) years prior to date of death as follows: (If None - so state)

(Include all gifts within three years prior to death and all other transfers, real and personal, either where the consideration may appear to have been inadequate or where the transfer was to a relative or personal friend or to any person, firm, association, or corporation in which the decedent was interested, regardless of consideration. Describe the transfer in full; state the approximate value of the property transferred and the amount of the consideration stated or claimed, if any.)

NONE

6. Life Insurance, Annuities and/or Endowment Contracts payable to beneficiaries other than the decedent's estate.

Face Value	Contract Number	Name of Company	Beneficiary
$1,000.00		INDEPENDENT	WALTER L. GREGG, SR.
$1,000.00		LIFE OF GEORGIA	" " "

Pg (3) of 15

INVENTORY AND APPRAISEMENT OF REAL ESTATE OF ESTATE

OF LUCILLE B. GREGG **DECEASED**

Page:

ITEM 3:
The Personal Representative is to insert description of property under Item 3, and the Appraisers are to complete this form in detail.

REAL ESTATE DESCRIPTION (Show County, Township and School District) Tenants - in- Common	1 ASSESSED VALUE FOR YEAR OF DECEDENT'S DEATH	2 APPRAISED VALUE	3 APPRAISED VALUE OF DECEDENT'S INTEREST	4 CAUTION (Do not write in this space)
*1/8 acre, 817 N. Richardson Avenue, Summerville, SC 29483 (Dorchester County, Summerville Township, School District #2)		$ 9,600.00	$ 9,600.00	
*Inherited from Elizabeth Perry, who died intestate in February, 1983 - Decedent was daughter of Intestate Elizabeth Perry, and sole heir-at-law - vested with 100% interest pursuant to South Carolina Statute of Descent and Distribution, Section 21-3-20, 1976 South Carolina Code				
1 Lot behind 819 N. Richardson Avenue, Summerville, SC 29483 (Dorchester County, Summerville Township, School District #2)		3,000.00	3,000.00	
TOTAL		$ 12,600.00	$ 12,600.00	

...Owned Real Estate with Rights of Survivorship. If none so state.

Real Estate Description	Appraised Value	Decedent's Contribution
1 acre, 1 building, near	$27,600.00	$
Givhans, SC (Dorchester County)		$ (Decedent has 1/2 interest,
		$ but no contribution)

ITEM 5. Jointly owned property with right of survivorship. (If none-so state)
(Section 12-15-40 South Carolina Code of Laws 1976 as amended)

A. Jointly owned bank accounts, building and loan, other depository accounts with right of survivorship.

Amount	Name & Location of Institution	Exact Names	Decedent's Contribution
NONE			$
			$
			$
			$
			$
			$

B. Jointly owned stocks, bonds, U. S. Government Bonds, and other property with right of survivorship.

Number of Shares	Unit Value Series	Description or Name of Corporation	Exact Names in Which Standing	Decedent's Contribution
				$
	NONE			$

With reference to property listed under Item 4 & 5 above, where the survivor can positively establish original ownership to any part thereof in such joint tenancy arrangements, such part as can be identified as having originally belonged to the survivor is not subject to tax. Attested affidavits and other information necessary to establish original ownership, in whole or in part, must be furnished directly to the Estate Tax Division, South Carolina Tax Commission.

ITEM 6. Life Insurance, Annuities, and/or Endowment Contracts payable to Beneficiaries other than Decedent's estate.

Face Value	Contract #	Name of Company	Beneficiary
$ 1,000.00		INDEPENDENT	WALTER L. GREGG, SR.
$ 1,000.00		LIFE OF GEORGIA	WALTER L. GREGG, SR.
$			

ITEM 7. Transfers intended to take effect at death (If none-so state) United States Government Bonds "Payable on Death"; Trust created by Decedent in which income for life was retained; Power to revoke or other incidents of ownership retained which would preclude a fee simple title passing until death of the Transferor; Lifetime transfers of real property in which Decedent retained a life estate or other incidents of ownership.

Description and Location	Transferee	Value at Date of Death
NONE		$
		$
		$

Pg (5) of (5)

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

IN THE PROBATE COURT

DEVISE/DESCENT OF REAL ESTATE AND DESCRIPTION

Estate Classification Intestate
(Testate or Intestate)

BY LUCILLE R. GREGG
8365/800 106
—DECEASED OWNER AS GRANTOR

TO: DEVISEE/HEIR AT LAW
(as Grantee)

Items 1. and 2.:
WALTER L. GREGG, SR., 1/3
LEON C. GREGG, 1/15
WALTER L. GREGG, JR., 1/15
JAMES A. GREGG, 1/15
ORIN S. GREGG, 1/15
JOHN L. GREGG, 1/15
ANGIE E. GREGG, 1/15
ANNETTE GREGG, 1/15
KENNETH GREGG, 1/15
JEANNETTE GREGG, 1/15
CORNELIUS GREGG, 1/15
Above-named Heirs-at-Law take pursuant to South Carolina Statute of Descent and Distribution, Section 71-3-20, 1976, South Carolina Code re items 1. and 2.

DESCRIPTION OF REAL ESTATE

Briefly include sufficient information to designate and locate real estate, such as number of acres, lots, lot numbers, name of subdivision, street address, City, County, Block Map Reference Number, Deed Book, etc.

1. 1/8 acre, with one building, 817 W. Richardson Avenue, Summerville, SC 29483 (Dorchester County, Summerville Township, School District #2)

2. 1 lot (no building), behind 819 W. Richardson Avenue, Summerville, SC 29483 (Dorchester County, Summerville Township, School District #2)

Item 3.:
WALTER L. GREGG, SR., 100%

Takes by virtue of being co-grantee with Decedent under Right of Survivorship deed

3. 1 acre, with one building, Dorchester County, School District #2, near Givhans, SC (reference is craved to a plat dated May 10, 1971, surveyed by Bobby N. Long, recorded on September 7, 1971, at the Clerk of Court's Office for Dorchester County, Book 18, Page 349)

FILED BY: LEON C. GREGG AS ADMINISTRATOR OF THE SUBJECT ESTATE.

June 29, 1984

Leon C. Gregg (SEAL)

(SEAL)

Probate Judge, County, S.C.

COMPLETE IN TRIPLICATE AND FILE WITH THE PROBATE COURT
When realty is located in another county, file separate form in triplicate for each such County (1976 S.C. Code References Section 14-20-610 and 30-9-60)

Exhibit 3

RECORD
2015 AUG 22 AM 9:23
CHERYL [illegible]
CLERK OF COURT
DORCHESTER COUNTY

Suzanna Davis

Perry Elizabeth

From:	John Frampton
Sent:	Tuesday, October 08, 2013 10:52 AM
To:	'nbloodgood@fosterfoster.com'
Cc:	Suzanna Davis
Subject:	Redemption of TMS#s 137-02-10-005 & 137-02-10-019
Attachments:	20131008103749696.pdf

RECOR

2015 AUG 22 AM 9:24

CLERK OF COURT
DORCHESTER COUNTY

Nancy,

Attached is a Devise/Descent from the estate package of Lucille Gregg who was the owner of the above subject TMS numbers at the time of her death. I do not know the relationship of your client, Wendy Reed, to any of the devisees but as far as the County is concerned any of the named the devisees listed on the Devise/Descent would be eligible to redeem the properties. Give me a call if you would like to discuss this further.

-----Original Message-----
From: John Frampton [mailto:jframpton@dorchestercounty.net]
Sent: Tuesday, October 08, 2013 10:38 AM
To: John Frampton
Subject: Message from "RNP0026732BA04D"

This E-mail was sent from "RNP0026732BA04D" (Aficio MP C4501).

Scan Date: 10.08.2013 10:37:49 (-0400)

Exhibit 4

TO BE RECORDED
2016 AUG 22 AM 9:24
CHERYL ANN SIMS
CLERK OF COURT
DORCHESTER COUNTY

RECEIVED

2015 AUG 22 AM 9:24

CLERK OF COURT
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER WENDY REED, Plaintiff, v. COUNTY OF DORCHESTER, AND THOMAS LIMEHOUSE, Defendants.	IN THE COURT OF COMMON PLEAS FOR THE FIRST JUDICIAL CIRCUIT CASE NUMBER: 2014-CP-18-01[illegible] ***NOTICE OF DEPOSITION OF WENDY REED***

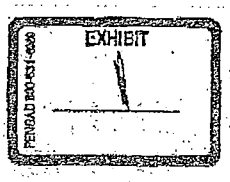
TO: WENDY REED AND HER COUNSEL, NANCY BLOODGOOD, ESQUIRE

YOU WILL PLEASE TAKE NOTICE that, pursuant to the South Carolina Rules of Civil Procedure and for the purposes therein authorized, the Defendant will take the deposition for discovery purposes of the individual indicated below at the following date, time and place, before a Notary Public or some other officer authorized by law to administer oaths:

PERSON TO BE DEPOSED:	*Wendy Reed*
DATE:	*July 9, 2015*
TIME:	*11:00 a.m.*
PLACE:	*Foster Law Firm, LLC* *895 Island Park Drive #202* *Charleston SC 29492*

J. Anderson
Anderson Reynolds & Stephens, LLC
P. O. Box 87
Charleston, SC 29402
(843) 723-0185 – phone
janderson@arslawsc.com
Counsel for Defendant County of Dorchester

June 19, 2015
Charleston, South Carolina



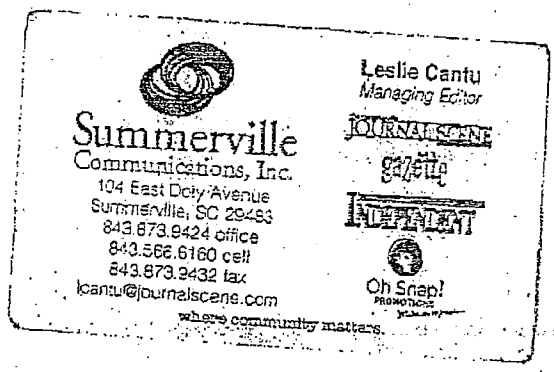
CERTIFICATE OF SERVICE

This is to certify that a copy of Defendant Dorchester County's Notice of Deposition of Wendy Reed has been served upon the following parties by placing the same in the United States mail, first class postage prepaid, addressed to the following as shown below this 19th day of June 2015.

Nancy Bloodgood, Esquire
Lucy C. Sanders, Esquire
Foster Law Firm, LLC
895 Island Park Drive #202
Charleston SC 29492
Counsel for Plaintiff

Mr. Thomas Limehouse
Post Office Box 2005
Summerville, SC 29484
Co-Defendant

Katy Lawrence


Summerville
Communications, Inc.
104 East Doty Avenue
Summerville, SC 29483
843.873.9424 office
843.566.6160 cell
843.873.9432 fax
lcantu@journalscene.com
where community matters.
Leslie Cantu
Managing Editor
JOURNAL SCENE
gazette
INDEPENDENT
Oh Snap!
PROMOTIONS

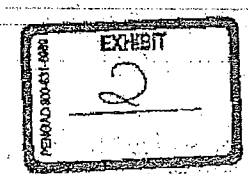
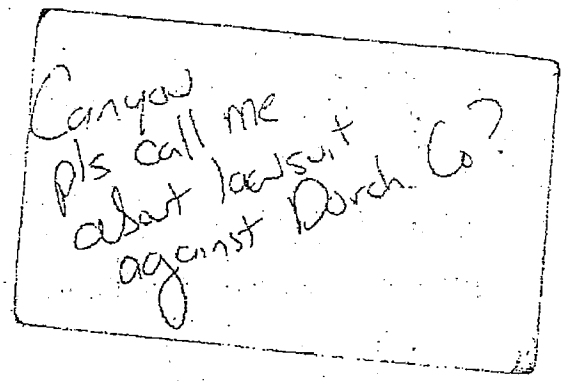
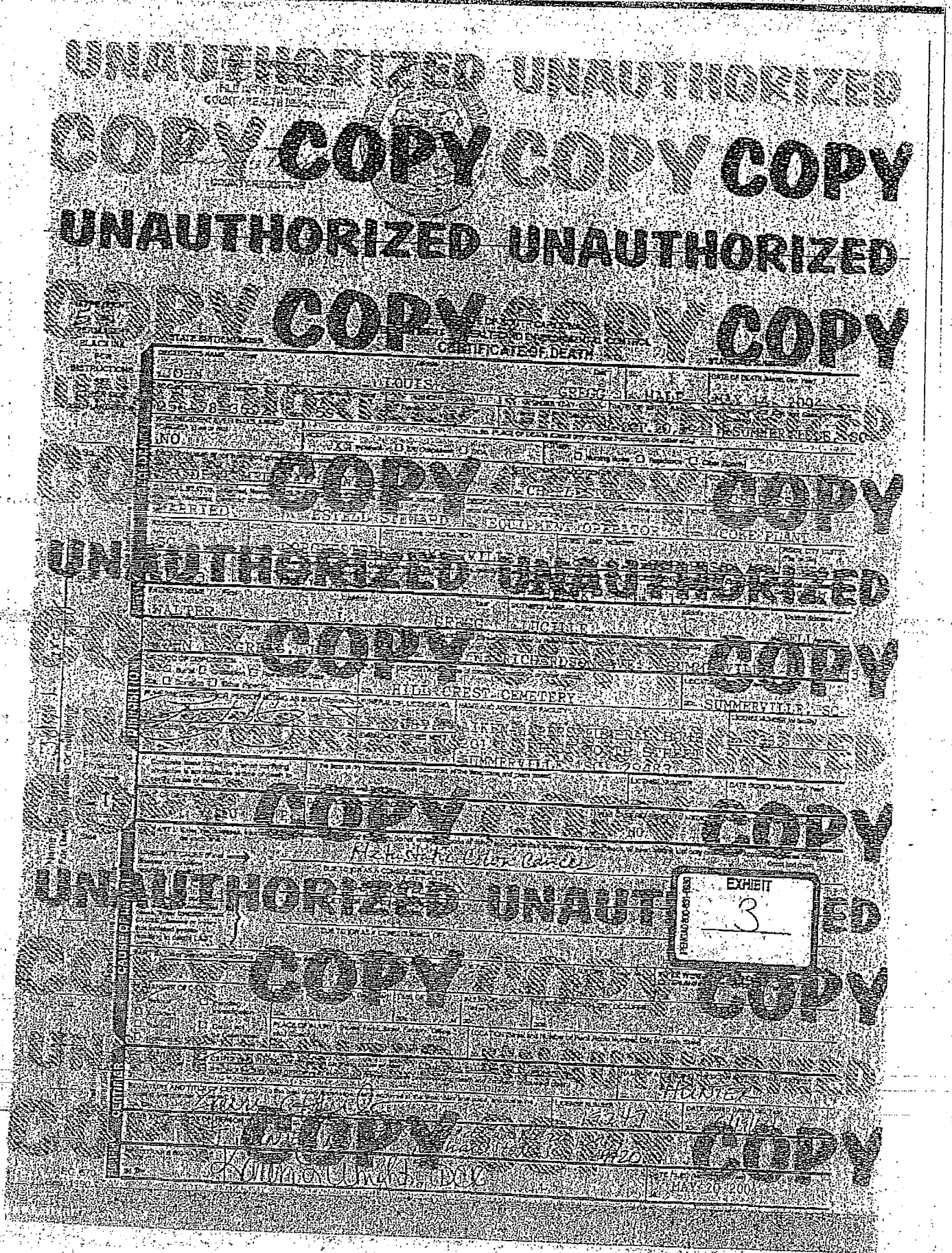


EXHIBIT
2


Can you
pls call me
about lawsuit
against Dorch. Co?


UNAUTHORIZED
COPY
CERTIFICATE OF DEATH
HILLCREST CEMETERY
SUMMERVILLE, SC
EXHIBIT
3

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

IN THE PROBATE COURT

DEVISE/DESCENT OF REAL ESTATE AND DESCRIPTION

Estate Classification: Intestate
(Testate or Intestate)

BY LUCILLE R. GREGG
8363/800 106
DECEASED OWNER AS GRANTOR

TO: DEVISEE/HEIR AT LAW
(& Grantee)

Items 1. and 2.:
WALTER L. GREGG, SR., 1/1
LEON C. GREGG, 1/15
WALTER L. GREGG, JR., 1/15
JAMES A. GREGG, 1/15
ORIN S. GREGG, 1/15
JOHN L. GREGG, 1/15
ANNETTE E. GREGG, 1/15
ANNETTE GREGG, 1/15
KENNETH GREGG, 1/15
JEANNETTE GREGG, 1/15
CORNELIUS GREGG, 1/15
Above-named Heirs-at-Law take pursuant to South Carolina Statute of Descent and Distribution, Section 21-3-20, 1976, South Carolina Code re Items 1. and 2.

Item 3.:
WALTER L. GREGG, SR., 100%

Takes by virtue of being co-grantee with Decedent under Right of Survivorship deed

DESCRIPTION OF REAL ESTATE

Briefly include sufficient information to designate and locate real estate, such as number of acres, lot numbers, name of subdivision, street address, City, County, Block Map Reference Number, Deed Book, etc.

1. 1/8 acre, with one building, 817 N. Richardson Avenue, Summerville, SC 29483 (Dorchester County, Summerville Township, School District #2)

2. 1 lot (no building), behind 815 N. Richardson Avenue, Summerville, SC 29483 (Dorchester County, Summerville Township, School District #2)

3. 1 acre, with one building, Dorchester County, School District #2, near Givhans, SC (reference is craved to a plat dated May 10, 1971, surveyed by Bobby M. Long, recorded on September 7, 1971, at the Clerk of Court's Office for Dorchester County, Book 18, Page 349)

FILED BY: LEON C. GREGG AS ADMINISTRATOR OF THE SUBJECT ESTATE

June 29, 1984

Leon C. Gregg (SEAL)

(SEAL)

Probate Judge, County, S.C.

COMPLETE IN TRIPLICATE AND FILE WITH THE PROBATE COURT
When realty is located in another county, file separate form in triplicate for each such County (1976 S.C. Code References Section 21-23-610 and 30-9-60)

EXHIBIT 2

Plaintiff - 150

STATE OF SOUTH CAROLINA

CERTIFICATION OF VITAL RECORD

BIRTH CERTIFICATION

STATE FILE NUMBER: 139-69-022167

NAME OF REGISTRANT: *WENDY PAULETTE GREGG*

DATE OF BIRTH: JULY 11, 1969

SEX: FEMALE

PLACE OF BIRTH: CHARLESTON, SOUTH CAROLINA

COUNTY OF BIRTH: CHARLESTON

MOTHER'S MAIDEN NAME: ESTELLE STEWART

MOTHER'S PLACE OF BIRTH: SOUTH CAROLINA

FATHER'S NAME: JOHN LEWIS GREGG

FATHER'S PLACE OF BIRTH: SOUTH CAROLINA

DATE RECORD FILED: JULY 22, 1969

DATE ISSUED: DECEMBER 19, 2014

SPECIAL INSTRUCTIONS:

NA

EXHIBIT 5

PENGAD 800-631-6989

SC04094393

This is a true certification of the facts on file in the Division of Vital Records, SC Department of Health and Environmental Control.

Catherine Templeton
Director and State Registrar

Barbara E. Derrick
Assistant State Registrar

This copy is not valid unless prepared on an engraved border displaying the state seal and issuing agency logo.

Revision Date: 09/10/2014

D H E C

STATE OF SOUTH CAROLINA)IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER)

Wendy Reed,)
)
Plaintiff,)
)Case No.:
)2014-CP-18-1349
v.)
)
Dorchester County and Thomas)
Limehouse,)
)
Defendants,)

DEPOSITION OF: SUZANNA DAVIS
DATE TAKEN: Friday, February 6, 2015
TIME: 9:30 A.M.
PLACE: Dorchester County Services Building
500 North Main Street
Summerville, South Carolina
REPORTED BY: MARY ANN RIDENOUR, RPR, CLR
Registered Professional Reporter,
Certified LiveNote Reporter
and Notary Public

POST OFFICE BOX 21784
CHARLESTON, SC 29413-1784

APPEARANCES

REPRESENTING THE PLAINTIFF:

NANCY BLOODGOOD, ESQUIRE
Foster Law Firm
895 Island Park Drive, Suite 202
Charleston, South Carolina 29492
nbloodgood@fosterfoster.com

REPRESENTING THE DEFENDANT DORCHESTER COUNTY:

JONATHAN J. ANDERSON, ESQUIRE
Anderson Reynolds & Stephens
37 1/2 Broad Street
Charleston, South Carolina 29401
janderson@arslawsc.com

ALSO PRESENT:

WENDY REED
DEXTER REED

INDEX

Testimony of Suzanna Davis

Direct Examination by Ms. Bloodgood.....4
Cross-Examination by Mr. Anderson.....44
CERTIFICATE.....46

INDEX OF EXHIBITS

Plaintiff's Exhibit No. 1 - Affidavit of
Suzanna Davis.....8

STIPULATIONS

It is hereby stipulated and agreed by and between the parties hereto, through their respective counsel, that the reading and signing of the transcript is waived by the Deponent.

(The deposition commenced at 9:30 A.M.)
SUZANNA DAVIS, SWORN.
DIRECT EXAMINATION BY MS. BLOODGOOD:
Q. Ms. Davis, I'm Nancy Bloodgood. And I represent Ms. Reed in a lawsuit she's brought against Dorchester County regarding the sale and the redemption of her property. And I know that you were the delinquent tax collector for a long time at Dorchester County, so I want to ask you some questions about the process and what you know.
And I understand you're no longer a county employee; is that correct?
A. That is correct.
Q. But you are familiar with the process for selling property that taxes haven't been paid on and redeeming it, correct?
A. I am. I am familiar.
Q. Approximately what years did you work with the county?
A. From 1999 to 2014, last summer, in June.
Q. Okay. And was all of that time in the delinquent tax collector's office?
A. Yes, it was.
Q. Did you hold any positions other than delinquent tax collector?

www.carolina-reporting.com

Electronically signed by Mary Ann Ridenour (201-173-461-0613)

bd104a05-12ba-49c0-9d4b-32042776ba3d

Page 5

A. No.
Q. Okay. And were you a county employee?
A. Yes.
Q. Who hired you?
A. I was appointed by County Council.
Q. Okay. Did the employees in your -- were the employees in your office county employees?
A. Yes, they were.
Q. Okay. And if you had a concern about something in your office, whether it was financial or whatever, who would you go to?
A. It would depend on the question.
Q. Okay. If you needed -- well, let me ask it this way.
As delinquent tax collector, did you ever have the opportunity or the need to go to the county administrator?
A. Yes.
Q. Okay. So what types of things would you talk to the county administrator about?
A. I would talk to him concerning finances. And I'd also talk to the finance director --
Q. Okay.
A. -- if we needed money for the budget.
Q. Okay. And the position of delinquent tax

Page 6

collector is not an elected position; correct?
A. Correct. It's appointed.
Q. And you're not a state official, correct?
A. Correct.
Q. Okay. Approximately how many employees did you have in your office at the time you left?
A. Three and a half.
Q. Okay.
A. We have a summertime person that comes in and assists with the posting of the property, putting the pink sign on. And that person works from June through tax sale. Then, there are three permanent employees, besides the tax collector.
Q. Besides you?
A. Uh-huh.
Q. Okay. And what were the jobs that those three permanent employees did?
A. They were multi-tasked. We did have one specifically that went out and posted the property. She also did many other things in the office. One that handled the finances. She also did everything else. And then, the deputy tax collector, who more or less -- she was my deputy, and so she ran the office when I wasn't there, which was rarely. But, I mean, she knew the whole office well.

Page 7

Q. Okay. So there -- and was there another employee? One did finances, one's your deputy?
A. And the finance. The finance, the poster, the person that posted property.
Q. Okay. And that was a part-time position?
A. No.
Q. That was full time?
A. That was full time.
Q. Okay. Let me ask you about the posting of the property and the pink signs. When the property was posted, did that employee also take a picture --
A. Yes.
Q. -- of the posting? And where were those pictures maintained?
A. In the file.
Q. Okay. So if I asked for the file on Ms. Reed, I should have a picture with a pink sign on it, to show when it was -- that it was posted?
A. You may or you may not.
Q. Okay.
A. If we got the green card, certified, restricted green card back, signed, the same name that was on the deed, then we did not post. We were not required to post property.
Q. Okay. If you got it signed by someone who

Page 8

was not on the deed, you would post it?
A. Correct.
Q. Or if you did not get the card back, you would post it?
A. Correct.
Q. Okay. Are familiar at all with this lawsuit? Have you read the complaint?
A. Yes, I have. Uh-huh.
Q. All right. I've been provided an affidavit that you signed. And we'll mark as it as Davis 1. I'll let you review it.
A. Let me see it, please, just to make sure.
Q. Yeah. I want to ask you some questions about it.
A. Okay.
(Plaintiff's Exhibit No. 1 marked for identification.)
BY MS. BLOODGOOD:
Q. And you've had a chance -- you can hold onto it for a minute.
A. Oh, okay.
Q. You've had a chance to review it. Are you comfortable that the information in it is accurate?
A. Yes.
Q. Okay. Number three indicates that the

www.carolina-reporting.com
Electronically signed by Mary Ann Ridenour (201-173-461-0613)
bd104a05-12ba-40c0-9d4b-32042776ba3d

Page 9

redemption of property sold for tax purposes was done pursuant to 12-51-90(A). And that is part of the alternative procedure for the collection of taxes in the state code, correct?
A. Correct.
Q. And you're familiar that there's two procedures. So I just want to confirm, Dorchester County uses the alternative procedure, right?
A. I'm not -- I didn't know there were two procedures.
Q. Okay. But you do know that you use -- that you go under Chapter 51 --
A. Correct.
Q. -- which is -- okay.
A. Uh-huh.
Q. All right. I can show you that, if you need to look at it to refresh your memory on any questions I ask you.
The affidavit says that the -- if the individual seeking to redeem the property is listed as the owner, that person is allowed to redeem the property.
When you say "listed as the owner," is that -- where is the person listed as the owner?
A. On the tax bill.
Q. On the tax bill?

Page 10

A. And on the deed. Uh-huh.
Q. Okay. Let's take them one at a time. So when you -- you don't prepare the tax bills?
A. Correct.
Q. The treasurer prepares the tax bills?
A. I prepare the delinquent tax bills.
Q. Okay. And when you prepare the delinquent tax bills, where do you get your information about who is the owner of the property?
A. The treasurer sends me an execution.
Q. Okay. And do you check to see if the treasurer's information is correct or you just assume that whatever name is on the treasurer's execution is the name that you're going to use for purposes of your work?
A. That's the name that we're going to use.
Q. Okay. And so when the treasurer sends you the name, what is the -- is it your understanding that what's being sent to you is the owner or the taxpayer, or is there a difference?
A. The owner would be the defaulting taxpayer, in my office. I can't speak for what is in the treasurer's office.
Q. Okay. So the name -- whoever the treasurer sends you, that's who you consider to be the defaulting taxpayer?
A. That is correct.
Q. Okay. If property is in the name of -- is held jointly between a husband and a wife, how do you decide who is the defaulting taxpayer?
A. If it says "and" on the deed, we go by whatever is on the deed.
Q. Okay. So you could have two defaulting taxpayers?
A. We could.
Q. Okay. And are you familiar with heirs' property?
A. Yes. Uh-huh.
Q. What is your understanding of heirs' property?
A. My experience with it has been in the office that, a lot of times, there will be someone who bought property, owned it, died. Maybe that first time it was probated. Maybe it was never probated. Family members have lived on it. But it's never been changed from the original owner's name. Or, if it's been probated, then it goes to that, but then not to the next one.
Q. Okay. And if you -- if the treasurer's -- well, let me ask you this. How would you know, if you get a treasurer's execution -- is that what you called

Page 11

Page 12

the document?
A. Yes, it is an execution.
Q. Okay. How would you know whether or not that's heirs' property?
A. I wouldn't. I would not know.
Q. Okay. So if you get an execution and you have the name of somebody on that, you would consider that to be the defaulting taxpayer?
A. Yes.
Q. And you don't know, and it -- does it matter to you whether that person's alive or not?
A. No, not if -- I mean, we have to go by what's on the deed. That is --
Q. Okay.
A. -- according to my attorney, the legal owner of the property.
Q. Okay. And that's John Frampton?
A. Yes.
Q. Was that, at that time?
A. Yes.
Q. Okay. So the -- and let me -- I think you know this. But if you don't, I'll show you the statute. So in terms of the process, on April 1st, or whenever, as soon as you can after that, is it -- does your office mail an office -- mail a notice of

www.carolina-reporting.com
Electronically signed by Mary Ann Ridenour (201-173-461-0613)
bd104a05-12ba-40c0-9d4b-32042776ba3d

Page 13

delinquent property taxes to the defaulting taxpayer?
A. We do.
Q. And that defaulting taxpayer, your testimony is, is the same person that's on the treasurer's execution?
A. Well, that would be the same thing that she would send, same information she would send us.
Q. Right. But that's how your office determines who's the defaulting taxpayer?
A. Correct.
Q. And it also says, And to a grantee of record of the property.
Does your office do that, too, or did it do that while you were there?
A. Well, that wouldn't -- to me, that would mean a new owner.
Q. Okay.
A. That's how we would interpret that.
Q. Okay. So your office interprets to the defaulting taxpayer and to a grantee of record of the property as only if there's a new owner of the property?
A. Correct. The defaulting taxpayer's name would be on the notice that we send out, because that was the name of the owner, say, in 1913 -- I mean,

Page 14

2013. And then, if there were -- in that year, if there were a new owner, we would send the new owner.
Q. Okay. How would you know if there was a new owner during that year?
A. It would -- the deed would come through the assessor's office.
Q. All right. So if -- I'm just trying to get the procedure in my head. If the treasurer sends you an execution and you have one name on it, and then during the year you got information from the assessor's office that the property had -- that there was a different owner, is that -- would the assessor send you that information?
A. I'm trying to think. That would be a merge somewhere along the line, between the time that the treasurer sent her bill out or her notice and then we sent ours. And I don't know if the treasurer -- I don't know what she does.
Q. Okay.
A. All I can tell you is what we do.
Q. But sometimes you'll actually have a previous owner and a new owner, and you'll send it to both?
A. Uh-huh. And what that's called is -- after the TMS number to the defaulting taxpayer, the owner of record, there's a C. And then, after the new

Page 15

owner, there's an F, which means future. But, I mean, they still own it. It's kind of a crazy way to do it, but...
Q. All right. So you don't send tax -- delinquent tax notices to, typically, to anyone but the name you receive from the treasurer, unless you have information that the property's transferred during the year, and then you would send out --
A. To the best of my knowledge, that's correct. Yes.
Q. Okay. Then the statute also provides -- and I just want to confirm that this is what your office does -- that if the taxes remain unpaid after 30 days, another notice of delinquent tax is sent to the defaulting taxpayer and any grantee of record of the property.
Now, in that case, is any grantee of record of the property -- do you consider that also just only to be someone to whom the property --
A. Correct.
Q. -- was transferred during the year?
A. Yes.
Q. Okay. Thank you. And I forgot to tell you this, but just for the record, if you let me ask the whole question before you answer and I'll try not to

Page 16

interrupt you also.
MR. ANDERSON: You can also take a break any time you want to.
BY MS. BLOODGOOD:
Q. Yes. Yes.
A. I hope we won't have to do that.
Q. Then the statute provides -- now, one question about any grantee of record. The -- when it says "grantee of record," you don't -- no one searches the probate court records to find out who the grantees of the property are; is that correct, in your office?
A. No.
Q. Okay. Your office considers the grantee of record to be a grantee that the assessor's office has recognized at some point in the year?
A. That a deed comes through.
Q. Right. Okay. Then, the statute provides that if the certified notice has been returned, you have exclusive -- you take exclusive possession of the property by posting a notice at one or more conspicuous places on the premises.
And you've testified previously that you have pink signs, which you post. And do you have to post that on the property that is being sold?
A. Yes.

www.carolina-reporting.com
Electronically signed by Mary Ann Ridenour (201-173-461-0613)
bd104a05-12ba-40c0-9d4b-32042776ba3d

Page 17

Q. Okay. And then there should be a picture of that posting in the file, correct?
A. I do not believe that that is required by law. We do that.
Q. Right. I understand. I understand it's not in the statute. But I just want to know what your procedure is. Would there be any other place that those pictures would be filed in your office, if they don't go into the individual files?
A. They would be -- the person who posts keeps them and then transfers them to a -- whatever, something that we keep. I don't know. I can't remember whether it's a CD or something.
Q. Okay. How long do you keep those CD's?
A. We have only been doing that for a couple of years. We keep any of that information.
Q. And so -- and I'm -- the reason I'm asking is because I asked for the file. And I think I got the file. But -- and, actually, we'll make -- okay. This is -- these are copies. And I'll show you a picture. I only saw one picture in the file. But, of course, it's black-and-white, so you wouldn't see the pink on it anyway. But I just want to show it to you. And maybe you can tell me if this is the picture that you think would have indicated the posting? Let me see if

Page 18

I can find it faster. Hang on one second. These documents are not Bates stamped. But this is a picture -- I asked for the file on Wendy Reed and all of the tax notices. And I received a picture. This is the only picture. It indicates it's -- on the bottom, it's 08/15/2012. Would that be the date that the picture was taken?
A. That would be my understanding. I did not do that, but that would be my understanding.
Q. Okay. Can you look at this picture and tell me if there's a pink sign anywhere on this property?
A. It appears that that may be it. But I was not there, so I don't know for sure.
Q. You're pointing to the bottom --
A. Uh-huh.
Q. -- near the 08, that looks like there is a square there?
A. Uh-huh.
Q. Okay. Now --
A. Yeah.
Q. -- do you think that -- this was in 2012. So do you think that there would be a copy, another copy of this notice on a CD, that would --
A. I would think so.
Q. Okay.

Page 19

A. I'm not there now, so...
Q. Okay. And would the -- where did you keep those CD's?
A. In our office.
Q. Was there a special filing cabinet or did you call -- if I wanted to ask for them, to see them, to make sure that the sign is pink, where -- what would I ask for? What did you refer to the CD as?
A. Of the posting pictures taken for that year.
Q. Okay. Was there a different CD for each year?
A. I don't know, because I didn't do that.
Q. Okay. Do you know whether they were in color or black-and-white?
A. They would have been in color.
Q. Okay. Then, after the property is posted, you advertise it for sale, correct?
A. That is correct.
Q. Okay. And when you advertise it, the advertisement includes the defaulting taxpayer's name; is that right?
A. Yes.
Q. Okay. If you are aware that someone has been paying taxes on property for many years, does their name somehow get to you and do they became the

Page 20

defaulting taxpayer versus the person on the deed?
A. No.
Q. Okay. So you always send it to the person on the deed?
A. Yes.
Q. Okay. So your definition of "defaulting taxpayer" is the person on the deed?
A. Correct.
Q. It doesn't matter whether the person on the deed pays the taxes or not?
A. That is correct.
Q. Okay. Let's talk about the redemption a little bit. And that -- in your affidavit, you refer to 21-51-90(A), and so let's talk about that statute. That statute states that the defaulting taxpayer and any grantee from the owner -- what -- what -- how do you interpret "any grantee from the owner"?
A. That would be after we do a complete title search.
Q. Okay. So let's back up, because I haven't asked you about that.
After you have noticed the property and it's in the paper, would you walk me through the steps of what happens next?
A. We run it for three consecutive weeks, in two

www.carolina-reporting.com
Electronically signed by Mary Ann Ridenour (201-173-461-0613)
bd104a05-12ba-40c0-9d4b-32042776ba3d

Page 21

newspapers.
Q. All right.
A. And then we hold the tax sale.
Q. All right.
A. And then, at some point, and I never know which -- how many days before the end of redemption, we are required by law to notice everyone who is listed, say, on probate, if there's a probate, as a rightful owner or heir of that property.
Q. So the only notice that your office sends to the grantees from the owner, which you learn from the probate or, I guess, do you also search the deeds, check the record office, to see if there's -- let me ask you this.
Who does your -- who obtains the information for your office?
A. We have someone out of Columbia that does that.
Q. Is that a firm out of Columbia?
A. Evans Bunch.
Q. Okay. They're in contract with the county to do that work?
A. They have been. I don't know if they still are or not.
Q. Okay. When you were there, they were doing

Page 22

the work?
A. Yes.
Q. And what was your understanding of specifically what they did?
A. They did a complete title search or whatever. I'm not a lawyer, so I don't know what a complete title search means.
Q. I understand that. I don't, either. I understand that. But they did a title search that, is it fair to say, that you used to send out additional information that the end of the redemption period was coming?
A. Yes.
Q. And so for -- this would be the first time that you would actually send that notice out to, not the defaulting -- not only the defaulting taxpayer, but now you're sending it to a new group of people who have been identified in this title search as being grantees of the property?
A. Yes.
Q. Okay. Now, it also states in this statute that either the defaulting taxpayer, the grantee from the owner, who you've sent the notices to, or a mortgage or judgment creditor can redeem the real estate.

Page 23

Do you allow grantees from the owner and mortgage or judgment creditors to redeem real estate? Did you, in your office?
A. I do what the 21-51-90 says.
Q. Okay. So if a mortgage creditor or a judgment creditor came to your office and said, I want to redeem this property, were they allowed to do that?
A. Yes. Whatever it says in the law is what we did.
Q. All right. So what kind of information would you provide or require from a mortgage or judgment creditor to redeem property?
A. If Wells-Fargo were the mortgage company and they sent a check, I would accept the check.
Q. Would you require -- would you have to see the mortgage first?
A. I would have a copy of the mortgage.
Q. From the title search?
A. Correct.
Q. If a grantee from the owner, such as a daughter or a son, somebody who is on the probate list, comes in and tries to redeem the property, what would you require?
A. I would require some type of identification.

Page 24

Q. If a husband comes in and tries to redeem property that belongs -- is in the wife's name, would you allow that?
A. His name was not on the deed?
Q. Right.
A. No.
Q. Okay. If you know that it's heirs' property, and the defaulting taxpayer, as you have defined it, which is the person whose name is on the deed, is dead, and that the person who paid the taxes and lives on the property wants to redeem the property, would you allow that person to redeem the property?
A. Without it having been probated or --
Q. Correct.
A. No.
Q. So if somebody does not probate an estate, they cannot redeem property, if their name doesn't appear?
A. I can only do -- I can only do those two.
Q. Who told you that you can -- you have to have a probate record in order to consider someone a grantee from the owner?
MR. ANDERSON: Object to the form.
BY MS. BLOODGOOD:
Q. What advice did you receive, if any, from

www.carolina-reporting.com
Electronically signed by Mary Ann Ridenour (201-173-461-0613)
bd104a05-12ba-40c0-9d4b-32042776ba3d

Page 25

someone about having to have probate records in order to redeem property?
A. I don't know that I have any advice, got any.
Q. Okay. Did you just come to the conclusion yourself that no one could redeem property unless their name was on a probate form or a deed?
A. Ask the question again, please.
Q. Okay. Sorry, it's confusing.
Was it your decision, as delinquent tax collector, that in order to redeem property a person had to either have their name on a deed, hold a mortgage, or have their name appear on a probate record?
A. I went by the law.
Q. Well, the law says any grantee from the owner. And that's what I'm trying to figure out. You've -- you said that you don't allow any grantee from the owner, unless you have a probate document to support --
A. That's the only way I would know that.
Q. Know what, that they're a grantee from the owner?
A. Correct.
Q. Well, you understand that heirs' property is owners who don't probate their property, correct?
A. All I'm doing is the law.

Page 26

Q. Okay.
A. Just the law.
Q. Do you understand that after ten years you cannot probate an estate in South Carolina?
A. I don't have any knowledge of that. I'm not a lawyer.
Q. Did you ever ask for legal advice as to what to do if a grantee of the owner, who was living on the property and paying taxes, name did not appear on a probate document?
A. I only did what was on the -- what the law said.
Q. No, I'm just asking if you ever asked anyone what does grant -- for instance, what does "grantee from the owner" mean?
A. I don't know that I've asked that. I know that the county attorney instructed me on this, and DOR.
Q. Okay.
A. Both have said that this is what we're supposed to do.
Q. Okay. And when did the -- and that was John Frampton?
A. Correct.
Q. And when did he instruct you?

Page 27

A. I don't know.
Q. Was it repeatedly or was it once?
A. I don't know that, either.
Q. Okay. That's okay. That's a good answer, if you don't know.
Who at DOR gave you instructions?
A. I don't know that, either. We go to Columbia once a year, the treasurers and auditors and tax collectors. We break out. And the DOR runs that whole three days' worth of -- and it has been discussed probably more than once, but...
Q. You think someone at that break-out session instructed you not to allow an heirs' property owner who was not on a probate form to redeem property?
A. They said follow the law, is what they said.
Q. Okay. So no one told you that you cannot allow an heirs' property owner to redeem property; is that correct?
A. They told me to follow the law.
Q. Okay. And your understanding is that you are following the law when you prohibit an heirs' property owner from redeeming property?
A. If the name is not --
MR. ANDERSON: Object to the form.
MS. BLOODGOOD: Let her finish, please.

Page 28

BY MS. BLOODGOOD:
Q. If the name is not, what?
MR. ANDERSON: Object to the form. Go ahead.
BY MS. BLOODGOOD:
Q. Let me ask the question again. And he's going to object, but then I need you to answer it.
Is it your understanding that you are conforming with the law when you prohibit an heirs' property owner from redeeming property because their name is not on a probate form?
MR. ANDERSON: Objection.
BY MS. BLOODGOOD:
A. I only follow the law.
Q. My question is, is that your understanding of the law?
A. I follow what the law says.
Q. The law says --
A. Either there are names or there are not names. There are names on the probate or not.
Q. Okay. And if their name is not on the probate, you will not let them redeem property, correct?
A. Yes.
Q. Okay. Are you aware of any other counties in South Carolina that prohibit heirs' property owners

www.carolina-reporting.com
Electronically signed by Mary Ann Ridenour (201-173-461-0613)
bd104a05-12ba-40c0-9d4b-32042776ba3d

Page 29

from redeeming property?
A. I believe there are, but I could not name them.
Q. Okay. So sitting here today, you can't name any?
A. No.
Q. Okay. Did you ever seek legal advice from John Frampton regarding whether or not your county was doing things differently than other counties?
MR. ANDERSON: Objection.
BY MS. BLOODGOOD:
A. No.
MR. ANDERSON: Wait.
MS. BLOODGOOD: I'll withdraw that question.
MR. ANDERSON: Okay. And I'm going to give her an instruction right now.
MS. BLOODGOOD: Okay.
MR. ANDERSON: You are not to -- you cannot divulge what advice Mr. Frampton has given you --
THE WITNESS: Okay.
MR. ANDERSON: --specifically. It's attorney-client.
BY MS. BLOODGOOD:
Q. And he is -- John Frampton is the attorney for the county, correct?

Page 30

A. Yes.
Q. And as a county employee, he's your attorney, too, correct?
A. For the -- for -- when I was the county delinquent tax collector, yes.
Q. Okay. So the -- is it -- when you were delinquent tax collector, the person who paid the taxes, would you -- how would you describe them? What would you call a person who pays the taxes, who remits taxes to your office or to the treasurer's office?
A. I don't -- I don't know. I mean...
Q. That would be up to the treasurer?
A. Correct.
Q. Okay. But the person who failed to remit taxes you would not necessarily call the defaulting taxpayer; is that correct? I'm not trying to trick you. If Wendy Reed pays taxes, lives on the property for ten years, and then she doesn't pay the taxes, you would not consider her the defaulting taxpayer because her name is not on a deed; is that correct?
A. At the time of redemption, yes.
Q. Okay. When the treasurer sends you the execution notice, do you also get copies of the tax bills that were sent to the property owner?
A. No.

Page 31

(Discussion held off the record.)
BY MS. BLOODGOOD:
Q. In your affidavit, you state that if an attempted redeemer alleges they are an heir and they are not listed on the probate documents, attempted redeemer is advised they must provide evidence that they are an heir.
What type of evidence do you require in such a situation?
A. We suggest that they go to the probate judge's office.
Q. Why do you do that?
A. Because that's where -- if there's any information, that's where it would be, as far as I know.
Q. What information is in the probate judge's office about whether or not someone is an heir?
A. I -- I am not sure, because I don't work there. I just tell them that that's where they need to go.
Q. And you will refuse to allow them to redeem their property, unless they go to the probate judge's office and produce a document for you?
A. I would need something, yes.
Q. Okay. And you did not know, while you were

Page 32

delinquent tax collector, and maybe don't know today, that you cannot probate an estate in South Carolina after ten years?
A. I have no idea about that.
Q. Okay. Do you recall Ms. Reed, who's sitting here today next to me, coming to your office to try to redeem her property?
A. I do not recall her coming, no.
Q. Do you recall having any conversations with your staff about them telling you that she had come to the office?
A. I do not.
Q. Okay. Can people redeem their property with either cash or credit card?
A. Not a credit card.
Q. Okay. You only take what for redemption of the property?
A. For redemptions, it's cash, cashier's check, money order. And maybe something else. I can't remember now.
Q. And does that have to be presented in person?
A. Yes. The person who is redeeming it has to come to the office.
Q. How does that work with a bank?

www.carolina-reporting.com
Electronically signed by Mary Ann Ridenour (201-173-461-0613)
bd104a05-12ba-40c0-9d4b-32042776ba3d

Page 33

A. The bank does not. They don't bring it.
Q. Why not?
A. Because they usually -- those checks are cut out of another state.
Q. So banks don't have to prove that they have a right to redeem, that whatever check you're getting is from the person who has a right to redeem?
MR. ANDERSON: Object to the form. Go ahead and answer it. I'm making objections --
THE WITNESS: Okay, that's fine.
MR. ANDERSON: -- for a judge later. You don't worry about my objections; you just answer.
THE WITNESS: Okay.
BY MS. BLOODGOOD:
A. I can't imagine why a mortgage company, number one, they would receive the certified restricted letters from us saying that it was sold, it's going to be -- the end of redemption is whatever date it is and this is how much is owed, why a mortgage company would send a check to redeem property, but it doesn't give them any more interest in it than they already have.
Q. Okay. So not everyone has to appear in person in your office to redeem property?
A. Not when it's the mortgage company or lienholder, no.

Page 34

Q. In this case, I don't know -- I'll represent to you, most of the names on the probate document that you reviewed from -- or your office would have seen, because it's the last probate document in the file, are from 30 years ago, and those people are dead. So how would you know whether or not a grantee of the owner was dead or alive?
MR. ANDERSON: Object to the form of the question.
BY MS. BLOODGOOD:
A. Ask it -- I'm not sure I understood what you were asking me.
Q. How do you know, when you say that the grantee of the owner has to redeem property, and it has to be someone on the probate record, how do you know whether they're dead or alive?
A. It doesn't really matter. Whatever is -- I go by this law. I went by this law, to the best of my ability.
Q. I understand that. I'm sure you did. I'm not saying that you didn't do what you thought was right.
My question is, if a name on the probate record is a grantee who has the right to redeem the property, and that person is dead, because that probate document

Page 35

you're looking at is a very old document, how would you know if somebody sent a check in and wanted to redeem the property and use that person's name?
A. Number one, the check would have to be -- or the certified, or whatever, would have to be from that person, from the owner or the probate. We would also need some proof.
Q. Well, a cashier's check or a money order is not going to have the person's name on it.
A. No, it was -- no, you're right.
Q. And if you got a cashier's check or a money order made payable to you in the mail to redeem, for instance, John Greg's property, you would not take it; he would have to come in himself or --
A. Or send proof.
Q. Send proof of what? That he was alive?
A. That he was who said he was.
Q. Okay. What kind of proof could somebody send?
A. Something notarized. And I'm -- I can't remember exactly what we required, to tell you the truth. I can't remember.
Q. Well, for instance, say my mother has Alzheimer's, and she owns property, and she forgot to pay her bill. And I come in at the end of the

Page 36

redemption period with a cashier's check to redeem the property. Would you not allow me to redeem the property?
A. Not unless you had some proof that you were the -- the -- what am I trying to say? What's the legal word?
Q. The daughter?
A. No, not the daughter. Unless you had been assigned legally. It's not a PR. It would be...
Q. Guardianship?
A. Right. Thank you.
Q. So you would not allow me to redeem my mother's property?
A. Not unless you were within the rights of that law.
Q. As you interpret it, as you understand the law to be, correct?
A. That's the way we went.
Q. Okay. Now, you can have heirs of property -- let me strike that.
What is your definition of an heir to property?
A. I don't -- I don't really have a definition of things. All I know -- I mean, that doesn't have anything to do with this, with what we're talking about. To me, I'm just following what this law says.

www.carolina-reporting.com
Electronically signed by Mary Ann Ridenour (201-173-461-0613)
bd104a05-12ba-40c0-9d4b-32042776ba3d

Page 37

And it says nothing about heirs. It doesn't say whether it's been probated or not probated.
Q. Do you understand the concept of tenancy in common, tenants in common?
A. No.
Q. Okay. Even though you don't remember Ms. Reed coming to your office to try to redeem her property, you don't have reason to believe that that did not happen, do you?
A. I don't have any reason to believe one way or the other.
Q. You don't know?
A. I don't know.
Q. Okay. It's your understanding no one on your staff knows, either?
A. I wouldn't know. I haven't talked to them probably in six months.
Q. Okay. Are they -- are those people still working in that office?
A. Yes, they are.
Q. Okay. What are their names?
A. Kelly Patrick, Lisa Johnston and Bonita. And all of a sudden, I'm drawing a complete blank about Bonita's -- Daniels. I don't know why I couldn't remember her name.

Page 38

Q. Okay. Does your office ever check to see whether property is landlocked before -- during the redemption period?
A. We do not.
Q. When you do a title search, does -- do you ever recall receiving information back whether or not a property is landlocked or there might be some other reason that -- problem with the property? Do you get that kind of information?
A. If it's being sold for taxes, it doesn't matter where it is. I mean, that's not a concern of ours. The assessor's office keeps all those reports. And if it's taxed and not paid, it was my job to try to collect the taxes.
Q. That was my question. You don't really look at whether or not the property is landlocked?
A. No.
Q. Okay. Do you keep the title search information in a -- in the same file as you keep the other information about a delinquent tax sale or do you have a separate file where you keep your title search information?
A. What we did when I was there, we kept it all in the same file.
Q. Okay. And that title search information

Page 39

would come from Evans and Bunch?
A. Evans Bunch. One name.
Q. Evans Bunch.
A. Uh-huh.
Q. Would Evans Bunch have any identifying information? Would it come with a cover letter? If you went into a file would you be able to identify the Evans Bunch work?
A. I can't remember.
Q. Okay. I'm just wondering if there's -- that would be the only title search information in your office, correct, is the title search --
A. Would be the only person, yes.
Q. -- you do before the redemption runs? Okay. I sent discovery requests, which we call interrogatories and requests to produce, specifically to you to answer. And do you recall reviewing those?
A. No.
Q. Okay. Did anyone -- I'll show them to you.
A. Okay.
Q. You can tell me if you've ever seen them before.
MR. ANDERSON: Are you saying you sent them to her personally, without going through my office?
MS. BLOODGOOD: No, they went to you.

Page 40

(Discussion held off the record.)
(A brief recess was taken.)
BY MS. BLOODGOOD:
Q. I'm going to hand you what's called Defendant Delinquent Tax Collector for Dorchester County's Answers To Plaintiff's Interrogatories and Requests to Produce. If you would just look through that and tell me if you've ever seen that document before. You can flip through it.
A. I'm sure I saw it. I mean, I can't tell you that this is the only thing that I've ever done. So if it's signed -- yeah. Yeah.
Q. Did you provide answers to your attorney for that?
A. Yes.
Q. Would you just go through and tell me if you see anything in those answers that's inaccurate, sitting here today?
A. Okay. All right. That's all --
MR. ANDERSON: I'm going to object, at this point.
MS. BLOODGOOD: Why?
MR. ANDERSON: What?
MS. BLOODGOOD: Why?
MR. ANDERSON: That's a compilation of

www.carolina-reporting.com
Electronically signed by Mary Ann Ridenour (201-173-461-0613)
bd104a05-12ba-40c0-9d4b-32042778ba3d

Page 41

information from a lot of different people. She may have provided one or two pieces. There's no way she would know that.
BY MS. BLOODGOOD:
Q. My question is -- I'll be more specific. Is there any information in there regarding your job as delinquent tax collector that you think is not correct?
A. This information would have come out of the file, the correspondence. I mean, unless I could go through the whole file and check off each one, I can't say for sure that that would be correct.
Q. Okay.
A. Now, my affidavit would be this.
Q. Yes.
A. That's what I'm saying.
Q. You're pointing to Plaintiff's Exhibit 1?
A. Correct.
Q. In terms -- you don't need to look at the Request to Produce, but let me just ask you this. Were you asked to provide a complete file of the information that you had on the property that's known as 817 West Richardson Avenue, which is the subject of the lawsuit?
A. I would say that my office was asked for

Page 42

that.
Q. Right. And to your knowledge, did your office provide the full file?
A. It appears that they did.
Q. Okay. But if there's no pictures, I can get the picture of the pink posting from a CD that's in your office, if it's not in the file, correct?
A. Yes. You've got a picture. You just don't have a color.
Q. And if there's no title search in the file that was provided to me, I could also get that by requesting it from your office?
A. You should be able to.
Q. Okay. I understand the distinction.
I also sent a second set of interrogatories. And in that second set of interrogatories, I asked for the names of current and former employees who worked in the delinquent tax collector's office for the past ten years. Were you asked to provide that information?
A. I don't remember.
Q. Okay. The answer that I received is that there's none. But you had -- you had employees in the last ten years in the delinquent tax collector's office, correct?
A. What -- all right. Let me see the question.

Page 43

May I see the question, please?
Q. Sure. Sure. One pertains to the treasurer and the second one pertains to your office.
A. Okay. Where is my answer? The answer says none?
Q. I've been told the answer is none.
A. Who --
MR. ANDERSON: I'm going to object. She thinks that she provided an answer to that specific question. What's the date of the interrogatory?
THE WITNESS: Well, I need to spit on my fingers, apparently.
BY MS. BLOODGOOD:
Q. There are, and there always were, employees in your office, is that correct, while you were delinquent tax collector?
A. Yes.
Q. Okay. While you were delinquent tax collector, were you ever aware of situations in Dorchester County where a tax sale was overthrown because -- or overturned because property was not properly posted?
A. Not to my memory.
Q. Okay. Hold on one second.
(Discussion held off the record.)

Page 44

BY MS. BLOODGOOD:
Q. That's all I have.
A. Thank you.
MR. ANDERSON: I just had a couple of follow-up questions, just real quickly.
CROSS-EXAMINATION BY MR. ANDERSON:
Q. A delinquent tax can be paid by anyone until there's actually a sale of the property?
A. That is correct, yes.
Q. All right. So up until the time of the sale, anyone can pay the delinquent tax amount?
A. Yes.
Q. Okay. After the sale, there are only four categories of people who can redeem property, is that correct?
A. Yes.
Q. Okay. And those four are listed in the statute that you have been asked questions about today; is that correct?
A. Yes.
Q. All right. Each one of those categories is a person who is listed on a record of the property; is that not correct?
A. Yes.
Q. All right. That's all the questions I have.

www.carolina-reporting.com
Electronically signed by Mary Ann Ridenour (201-173-461-0613)
bd104a05-12ba-40c0-9d4b-32042776ba3d

Thank you very much.
MS. BLOODGOOD: Thank you.
(The deposition concluded at 10:32 A.M.)

CERTIFICATE
STATE OF SOUTH CAROLINA:
COUNTY OF DORCHESTER:

I, MARY ANN RIDENOUR, Registered Professional Reporter and Notary Public, State of South Carolina at Large, certify that I was authorized to and did stenographically report the foregoing deposition of Suzanna Davis; and that the transcript is a true record of the testimony given by the witness, and was sworn as such.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

WITNESS MY HAND AND OFFICIAL SEAL this 19th day of February, 2015, in the Town of Summerville, County of Dorchester, State of South Carolina.

Mary Ann Ridenour, RPR, CLR
and Notary Public
My commission expires:
March 14, 2021

Electronically signed by Mary Ann Ridenour (201-173-461-0613)

bd104a05-12ba-40c0-9d4b-32042776ba3d

Exhibit 5

RECORD
2013 AUG 22 AM 9:24
CLERK OF COURT
DORCHESTER COUNTY

RECORDED 115

$1.00 S.C. Doc. Stamps and $.55 U.S. Int. Rev. Stamps affixed and cancelled.

RECORDED
AUG 22 AM 9:24
CHERYL
CLERK OF COURT
DORCHESTER COUNTY

THE STATE OF SOUTH CAROLINA,
COUNTY OF DORCHESTER.

KNOW ALL MEN BY THESE PRESENTS, That I, WALTER ALLEN OF SUMMERVILLE, IN DORCHESTER COUNTY, AND ____ in the State aforesaid FOR AND ____ in consideration of the sum of THREE HUNDRED FIFTY AND 00/100($350.00) DOLLARS, to me ~~in hand~~ paid ~~at and before the sealing and delivery of these presents~~ by Elizabeth Ferry ____ in the State aforesaid ____ (the receipt whereof is hereby acknowledged) have Granted, Bargained, Sold and Released, and by these presents do Grant, Bargain, Sell and Release, unto the said Elizabeth Ferry of near Summerville in the County and State aforesaid:

All that lot, parcel or piece of land lying west of the town of Summerville on Richardson Street extension, measuring and containing about one eighth of one acre and with the buildings and improvements thereon and butting and bounding as follows:

North: On lands now or formerly of Ann Jenkins 82.5 feet
East: On lands formerly of Columbia Bradley 110 feet
South: On Richardson St Ext (New Hwy 165) 82.5 feet
West: On lands now of Walter Allen but about to be conveyed to Grantee. 110 feet.

This being the eastern portion of a tract or parcel of land conveyed to me, the said Walter Allen, by the heirs of Mary E. Dehon in their deed dated in January 1939 and recorded in the Records of Dorchester County in Book 71 at page 244.

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

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the said Elizabeth Perry, her heirs and assigns forever.

AND I do hereby bind myself and my heirs, executors and administrators to warrant and forever defend all and singular the said premises unto the said Elizabeth Perry, her heirs and assigns, against me and my heirs and against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

WITNESS my hand and seal, this 31st day of January, in the year of our Lord one thousand nine hundred and FIFTY FIVE, and in the one hundred and ~~seventy~~ year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered in the presence of

Joseph Hutchinson — Walter Allan (SEAL)

Stephen F. Allan (L.S.)

THE STATE OF SOUTH CAROLINA,
Dorchester County.

PERSONALLY appeared before me Joseph Hutchinson and made oath that he saw the within named Walter Allan sign, seal, and as his act and deed, deliver the within written Deed; and that he, for and in the uses and purposes therein mentioned, with Stephen F. Allan witnessed the execution thereof.

SWORN to before me, this 31st day of Jan. 1955.

(NOTARIAL SEAL) Stephen F. Allan (L.S.)
Notary Public of S.C.

Joseph Hutchinson

THE STATE OF SOUTH CAROLINA,
County.

PERSONALLY appeared before me and made oath that saw the within named sign, seal, and as act and deed, deliver the within written Deed; and that with witnessed the execution thereof.

SWORN to before me, this day of , A. D. 19

THE STATE OF SOUTH CAROLINA,
Dorchester County.

RENUNCIATION OF DOWER

I, Stephen F. Allan, do hereby certify unto all whom it may concern, that Mrs. Rachel E. Allan the wife of the within named Walter Allan did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever, renounce, release and forever relinquish unto the within named Elizabeth Perry, her heirs and assigns, all her interest and estate, and also all her right and claim of Dower of, in or to all and singular the premises within mentioned and released.

GIVEN under my hand and seal, this 31st day of Jan., Anno Domini 19.55.

(NOTARIAL SEAL) Stephen F. Allan (L.S.)
Notary Public of S.C.

Rachel E. Allan

Recorded this 3rd. day of September, 1957, at Two o'clock P. M.

Rene O. Bryant
Clerk of Court, Dorchester County, S. C.

RECORDED
2015 AUG 22 AM 9:25
CHERYL [illegible]
CLERK OF COURT
DORCHESTER COUNTY

Exhibit 6

DORCHESTER COUNTY
DELINQUENT TAX OFFICE
NOTICE OF SEIZURE, LEVY, AND TAX SALE
TELEPHONE 843-563-0110 OR 843-832-01

RECUR... PM 9:25 4

CHERYL CHERYL GRANT
CLERK CLERK OF COURT
DORCHESTER COUNTY
4/01/2010

FIRST NOTICE

0010 0082414 Automated Prident

137-02-10-005-000
PERRY ELIZABETH
C/O WENDY REED
817 W RICHARDSON AVE
SUMMERVILLE SC 29483-3724

The property described below will be sold at public auction on Monday, October 4, 2010, if taxes, penalties and costs are not paid by 5:00 P.M., Friday, October 1, 2010.

ONLY CERTIFIED CHECKS, US POSTAL MONEY ORDERS OR CASH WILL BE ACCEPTED AS PAYMENT AFTER FRIDAY, AUGUST 27, 2010.

Property Description:	Tax District: 207	Year 2009 Taxes	82.18
		Penalties	12.33
Receipt No.	R-2009-00018103-00	Prior Year's Bal.	.00
Tms No.	137-02-10-005-000	SWCF	.00
		SWUF	.00
		STWMF	15.98
		Total Due Now:	110.49
		Total Due After 5pm May 3, 2010	140.49
		Total Due After 5pm May 28, 2010	190.49
		Total Due After 5pm August 27, 2010*	240.49

****IF NOT PAID BY 5:00 P.M. OCTOBER 1, 2010, PROPERTY WILL BE SOLD AT TAX SALE****

PLEASE BE REMINDED THAT THE DELINQUENT TAX OFFICE IS LOCATED AT 201 JOHNSTON STREET, ST. GEORGE, SC. THIS IS THE ONLY LOCATION WHICH WILL ACCEPT PAYMENT. CREDIT CARD PAYMENTS ARE NOT ACCEPTED AT THIS TIME.

KEEP TOP PORTION FOR YOUR RECORDS

PLEASE DETACH AND RETURN BOTTOM PORTION TO ENSURE PROPER CREDIT

MAKE CHECK PAYABLE AND REMIT TO:
DORCHESTER COUNTY DELINQUENT TAX COLLECTOR
201 JOHNSTON STREET
ST. GEORGE, SC 29477

137-02-10-005-000

PERRY ELIZABETH
C/O WENDY REED
817 W RICHARDSON AVE
SUMMERVILLE SC 29483-3724

Please make any corrections to your mailing address below:

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

Receipt No.	R-2009-00018103-00
Tms No.	137-02-10-005-000
Amount Enclosed	

STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER WENDY REED, Plaintiff, VS. COUNTY OF DORCHESTER, AND THOMAS LIMEHOUSE, Defendants.	)	IN THE COURT OF COMMON PLEAS FOR THE FIRST JUDICIAL CIRCUIT CASE NUMBER: 2014-CP-18-1349 **DEFENDANT COUNTY OF DORCHESTER'S NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT**

FILED - RECORDED
2014 DEC 14 P 2:21
CLERK OF COURT
DORCHESTER COUNTY

YOU WILL PLEASE TAKE NOTICE that Defendant Dorchester County, by and through the undersigned counsel, will move pursuant to Rule 56, SCRCP before the Court for the First Judicial Circuit, ten (10) days following the date of this Motion or at such time and place as the Court may deem appropriate, for an Order granting summary judgment to Dorchester County as there is no genuine issue as to any material fact and that Dorchester County is entitled to a judgment as a matter of law as set forth below.

STATEMENT OF FACTS

This matter arises from the attempted redemption of property sold for delinquent taxes. On December 3, 2012, 817 and 819 West Richardson Avenue (collectively "the properties") in Summerville, Dorchester County, South Carolina were sold for delinquent taxes pursuant to §12-51-40, S.C. Code Ann. The Plaintiff, Wendy Reed, does not contest the sale and stipulated in her Complaint and Amended Complaint that the taxes on the subject property were delinquent and that all requisite notices required for the sale and redemption of the properties were properly provided (Amended Complaint, paragraphs 21, 22, and 23). Plaintiff alleges that she attempted

to redeem the properties pursuant to §12-51-90[1] S.C. Code Ann. four times within the allotted 12 month period between December 3, 2012 and December 4, 2013, but the Delinquent Tax Collector for Dorchester County (DTC) refused to allow her to redeem the property without proof that she had an ownership interest in the property.

The Plaintiff has alleged Civil Rights violations under 42 U.S.C. § 3604(b) (Fair Housing Act), 42 U.S.C. §1983, 42 U.S.C. § 1985 (3) (Conspiracy) and 42 U.S.C. § 1988 (b) (Recovery of attorney fees). The Plaintiff alleges that Dorchester County's requirement that she provide proof of an ownership interest is discriminatory in that it has deprived her of her property, violated the Fair Housing Act, due process and equal protection. Plaintiff originally filed this case in Federal Court, but the Federal suit was dismissed for lack of jurisdiction on July 31, 2014. On July 11, 2014, Plaintiff refiled the law suit in State Court. The original Dorchester defendants[2] brought motions to dismiss including one for a lack of standing as the Plaintiff did not provide any information that she fell within the definition of a person who was eligible to redeem the property. A hearing was held on November 19, 2014 and Mary Pearson, in her Official Capacity as Treasurer of Dorchester County, and The Delinquent Tax Collector for Dorchester County were dismissed as Defendants. On March 4, 2015 the Court denied the motion to dismiss for lack of standing but ordered "the Plaintiff to provide to the Dorchester County evidence that the Plaintiff is a member of a qualifying class ('defaulting taxpayer, or any grantee from the owner, or any mortgagee or judgment creditor') within 60 days of the order."

[1] § 12-51-90. Redemption of real property; assignment of purchaser's interest. (A) The defaulting taxpayer, any grantee from the owner, or any mortgagee or judgment creditor may within twelve months from the date of the delinquent tax sale redeem each item of real estate by paying to the person officially charged with the collection of delinquent taxes, assessments, penalties, and costs, together with interest as provided in subsection (B) of this section. If prior to the expiration of the redemption period, the purchaser assigns his interest in any real property purchased at a delinquent tax sale, the grantee from the successful bidder shall furnish the person officially charged with the collection of delinquent taxes a conveyance, witnessed and notarized. The person officially charged with the collection of delinquent taxes shall replace the successful bidder's name and address with the grantee's name and address in the delinquent tax sale book.

[2] The original caption included as Defendants the following: County of Dorchester, Mary Pearson, in her Official Capacity as Treasurer of Dorchester County, The Delinquent Tax Collector for Dorchester County.

(Exhibit 1, Court Order of March 4, 2015) See §12-51-90(A) S.C. Code Ann. The order further provided that the County's Motion to Dismiss for lack of standing may be "revisited" at that time. As a result of the Court Order of March 4, 2015, the Plaintiff provided evidence for the first time that the Plaintiff is the daughter of John L. Gregg, a named devisee with an ownership interest in the subject property.[3]

Plaintiff admits that prior to responding to the March 4, 2015 Order, and more specifically during the statutory redemption period, she did not provide the DTC for Dorchester County with information necessary to determining her status as a person qualified to redeem the properties. (Exhibit 2, Deposition of Wendy Reed, 21:8-24, 23:6-10, 28:12-30:1, and Exhibit 1) Despite the fact that the Plaintiff did not provide information upon which Dorchester County could accept the Plaintiff as a person qualified to redeem the properties, Dorchester County did provide the Plaintiff with a list of Devise/Descent of Real Estate and Description pursuant to the last probate of the subject properties and title search performed in preparation for the requisite notifications for the underlying tax sale. The Plaintiff was told directly by Bonita Daniels of the DTC that anyone on the Devise/Descent of Real Estate and Description form from Lucille B. Gregg's estate was eligible to redeem the property. (Exhibit 2 25:10-14; and Exhibit 3 – Deposition of Bonita Daniels 29:10-24) Additionally, John Frampton, Dorchester County Attorney, e-mailed Plaintiff's attorney with a copy of the Devise/Descent of Real Estate and Description form on October 8, 2013. The e-mail stated:

> "I do not know the relationship of your client, Wendy Reed, to any of the devisees but as far as the County is concerned any of the named devisees listed on

[3] The estate of Plaintiff's alleged grandmother, Lucille B. Gregg, was probated in 1984, and the properties were devised to Walter Sr. with a 1/3 interest and Leon C. Gregg, Walter L. Gregg, Jr., James A. Gregg, Orin S. Gregg, John L. Gregg, Kenneth Gregg, Angie E. Gregg, Cornelius Gregg, Annette Gregg, and Jeannette Gregg each receiving a 1/15 interest. Elizabeth Perry was the mother of Lucille B. Gregg. Lucille inherited the properties from Elizabeth Perry upon Elizabeth's death and the probate of her estate in 1983.

the Devise/Descent would be eligible to redeem to properties. Give me a call if you would like to discuss this further."

(Affidavit of John Frampton and e-mail, Exhibit 4).No response was received from Plaintiff's attorney or anyone else on behalf of the Plaintiff. The first notices of the underlying tax sale were sent on April 4, 2012 with a follow up notice on May 4, 2012. On August 15, 2012 the property was posted for sale. The property was advertised and then sold on December 3, 2012. On October 25, 2013 notices that the end of the redemption period was approaching were sent to the eleven individuals listed on the Devise/Descent. The Plaintiff testified in her deposition that Leon Gregg, the former administrator of the estate of Lucille Gregg, came to the Plaintiff shortly after receiving a notice of the delinquent tax sale and asked her why the properties had appeared in the paper for sale. Plaintiff replied that she did not know but would contact him once she found out. Plaintiff testified that she never responded to Leon Gregg. (Exhibit 2 33:21-37:1)

This case involves the single question of whether Dorchester County violated the Constitutional or Statutory rights of the Plaintiff when DTC required the Plaintiff to show that she was a member of the statutorily designated class of persons eligible to redeem property that had been sold for delinquent taxes pursuant to S.C. Code Ann. § 12-51-90and Plaintiff took no steps to provide information of her status under the statute.

STATEMENT OF ISSUES AND ARGUMENTS

1. Dorchester County moves for Summary Judgment on all causes of action brought by the Plaintiff against Dorchester County as Dorchester County's refusal to accept Plaintiff's request to redeem the properties was in compliance with the requirements of

the law from which Dorchester County could not deviate. The means by which the properties could be redeemed were presented to Plaintiff and Plaintiff's attorney prior to the expiration of the redemption period but not acted upon by the Plaintiff or Plaintiff's attorney

Plaintiff failed to provide the information necessary to show that Plaintiff was a member of one of the four classes that are entitled to redeem the properties pursuant to §12-51-90(A) S.C. Code Ann., information that was exclusively within the control of the Plaintiff. Dorchester County did not by any act or omission fail in any duty owed to the Plaintiff in the attempted redemption of the properties. The actions taken and procedures followed by Dorchester County were mandated by S.C. Code Ann. § 12-51-40 *et seq.* The execution and sale of the property for the payment of delinquent taxes are not contested or objected to by the Plaintiff.

All of Plaintiff's allegations are based on the application by DTC for Dorchester County of the State of South Carolina's statutory requirement that in order to redeem the properties sold for delinquent taxes, the Plaintiff must be a member of one of the following restricted classes of people: defaulting taxpayer, grantees from the owner or any mortgagee or judgment creditor. §12-51-90 (A) S.C. Code Ann. states in part: "The defaulting taxpayer, or any grantee from the owner, or any mortgagee or judgment creditor may within twelve months from the date of the delinquent tax sale redeem each item of real estate by paying to the person officially charged with the collection of delinquent taxes, assessments, penalties, as costs, together with interest as provided in subsection (B) of this section." Therefore, in order to have the right to redeem the property under this statute, the Plaintiff must prove to the person officially charged with the collection of delinquent taxes for Dorchester County that the Plaintiff fits into one of these four

categories. Despite being advised of the necessity of the information, Plaintiff failed to provide any evidence that she had an ownership interest in the subject property or that she is an heir of anyone with an ownership interest until ordered to do so by the Court on March 4, 2015, 15 months after the end of the redemption period and 27 months after the date of the delinquent tax sale.

The requirements of §12-51-90 (A) S.C. Code Ann. are not new and have been the subject of inquiry by both property holders and county officials in the past. In *Dixon v. Hockady*, 36 S.C. 60, 15 SE 342 (1892) the S.C. Supreme Court addressed the issue in a lawsuit by Mrs. Dixon to take back lawful title to a tract of land in Chesterfield county that had been forfeited for nonpayment of taxes and the property became a charge upon the sinking fund commission and ultimately could have been sold unless redeemed. Mr. Hockady, the son-in-law of Mrs. Dixon, redeemed the property and took the deed in his name from the sinking fund commission. Mrs. Dixon alleged that Mr. Hockady was to act on her behalf and the title from the sinking fund commission was to have been issued in her name but for Mr. Hockady's breach of their agreement. In its analysis the South Carolina Supreme Court found:

> Section 307, Gen. St., which directs that forfeited lands for nonpayment of taxes shall become a charge upon the sinking fund commission, to be sold by them, etc., contains a provision as follows: "Provided, that any time before any such sale shall be actually made **the owner of any piece or parcel of such lands, or those claiming under or through such owner or others having a legal and equitable interest therein, shall have the right to redeem any piece or parcel of the lands** so forfeited by paying in gold, silver, United States treasury notes, or national bank notes, the full amount of all accumulated taxes, costs, and penalties due and unpaid thereon up to the time of such payment," etc. This provision clearly shows, as it seems to us, that the purpose of the act was to secure the taxes due to the state, with as little injury as possible to the real owners of the lands. It was not only humane, but wise, not to allow the proceedings necessary in the collection of taxes to be turned into a subject of speculation by strangers. It is manifest that the law was framed in this view. This case is a good illustration of the wisdom of the limitation,

> and we think it should be strictly enforced. We agree with the circuit judge that Hockady (a son-in-law) is not one of the favored class. He is certainly not the owner, nor claiming under or through the owner, nor one having a legal and equitable interest therein.
>
> **Hockady offered in evidence his deed from the sinking fund commission, which recites that the land was "forfeited" in the name of M. A. Dixon; and as he was not, as we have held, within the class of persons allowed to "redeem," it would seem to follow that the deed to him in his own right was absolutely without authority. The state was satisfied by the payment of the taxes. The lands were no longer "delinquent," but the deed made by the agents and officers of the state was *ultra vires* and void,** just as if they had made no deed at all. Speaking of the officer appointed by law to make the sale (or deed of redemption) the supreme court of the United States (Early v. Doe, 16 How. 610) say: "The officer can do nothing of himself, and must do all as he is directed by the law." See Cooke v. Pennington, 15 S. C. 185. We think that upon the payment of the taxes the title revested in Mrs. Dixon. *(Emphasis added)*

Further attention was brought to this issue upon a request by the Tax Collector for Sumter County to the Attorney General of South Carolina for an opinion of whether a friend of a defaulting taxpayer may redeem the property of the defaulting taxpayer that has been sold for nonpayment of ad valorem taxes. The Attorney General after an analysis of the statute and the *Dixon v. Hockady* case stated:

> It is therefore the opinion of this office that only the owner, any grantee from the owner or any mortgage or judgment creditor has the statutory right to redeem the property and that you would have no authority to authorize the redemption by the friend of the defaulting taxpayer.

1969-70 Op Atty Gen. No. 2870, p. 107. It is clear from the SC Supreme Court's opinion and the opinion of the attorney general that the DTC for Dorchester County had no authority to do what the Plaintiff asked and was required to do "all as [s]he is directed by the law." *Dixon v. Hockady*, supra at 344.

2. Dorchester County moves for Summary Judgment on Plaintiff's First Cause of Action as 42 U.S.C. § 3604(b) does not apply to the facts of this case as presented or alleged by the Plaintiff. There are no allegations of discrimination in the sale or rental of housing in the Plaintiff's complaint. Specifically, § 3604(b) makes it unlawful to

"discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin."

3. Dorchester County moves for Summary Judgment of the Plaintiff's Second Cause of Action for Conspiracy, 42 U.S.C. §1985(3) on the grounds that 42 U.S.C. §1985(3) does not create a substantive right for the Plaintiff, and on the grounds that Dorchester County cannot conspire with itself. The South Carolina Supreme Court has stated that "a civil conspiracy cannot exist when the alleged acts arise in the context of a principal-agent relationship because by virtue of the relationship such acts do not involve separate entities." *McMillan v. Oconee Mem'l Hosp.*, 367 S.C. 559, 564, 626 S.E.2d 884, 886–87 (2006) *See also Cameron v. Church*, 253 F.Supp.2d 611, 623 (S.D.N.Y.2003) (stating "[t]he intracorporate conspiracy doctrine provides that the officers, agents and employees of a single corporate or municipal entity, each acting within the scope of his or her employment, legally are incapable of conspiring together" and holding the plaintiff's claim of a civil conspiracy was barred by the intracorporate conspiracy doctrine where the individual defendants were all acting within the scope of their employment for the County of Westchester and thus no actionable conspiracy existed as a matter of law). Dorchester County does not meet the requisite element of being two or more people. .

42 U. S. C. §1988(b) is not applicable to this case without a violation of 42 U.S.C. §1985(3).

4. In the alternative, Dorchester County moves for Summary Judgment on all causes of action brought by the plaintiff against Dorchester County as all claims for loss result from the execution, enforcement, or lawful implementation of the tax collection process,

and the assessment or collection of taxes or special assessments or enforcement of the tax laws of South Carolina pursuant to S.C. Code Ann. § 12-51-40. Dorchester County as a governmental entity is not liable for a loss resulting from assessment or collection of taxes or enforcement of tax laws. (§15-78-60 (3), and (11)).

CONCLUSION

For the above reasons, Dorchester County seeks an order granting it summary judgment for all causes of action. The motion will be based upon the pleadings, the attached exhibits and may be supplemented with a memorandum of law, and additional testimony from depositions or affidavits. All of which will be supplied at a time that complies with the South Carolina Rules of Civil Procedure.

Respectfully Submitted,

ANDERSON REYNOLDS & STEPHENS LLC

J. J. Anderson, Esquire
South Carolina Bar # 383
Lisa A. Reynolds, Esquire
South Carolina Bar # 15527
37 ½ Broad Street
P.O. Box 87
Charleston, SC 29402
(843) 723-0185
janderson@arslawsc.com
lreynolds@arslawsc.com
Counsel for Defendant Dorchester County

December 11, 2015
Charleston, South Carolina

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2014CP1801349

2015 DEC 14 PM 1:36

2015 MAR 10 AM 8:57
CLERK OF COURT
DORCHESTER COUNTY

CLERK OF COURT
DORCHESTER COUNTY

PLAINTIFF(S)	DEFENDANT(S)
Wendy Reed	Dorchester County Treasurer Dorchester County Delinquent Tax Collector Dorchester County Thomas Limehouse
Submitted by:	Attorney for: ☐ Plaintiff ☐ Defendant ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j) SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.
Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

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

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

CPFORM4Cm
SCCA SCRCP Form 4C (Revised 3/2013)

EXHIBIT 1

Carmen Mullen 3/10/2015

Circuit Court Judge Judge Code Date

For Clerk of Court Office Use Only

This judgment was entered on 3/10/2015, and a copy mailed first class or placed in the appropriate attorney's box on 3/10/2015, to attorneys of record or to parties (when appearing pro se) as follows:

Nancy Bloodgood/Lucy Clark Sanders 895 Island Park Dr. Ste. 202 Daniel Island, SC 29492

ATTORNEY(S) FOR THE PLAINTIFF(S)

Thomas Lunehouse P O Box 2005 Summerville, SC 29484
Jonathan J. Anderson/Lisa A. Reynolds PO Box 87
Anderson Reynolds & Stephens, LLC Charleston, SC 29402

ATTORNEY(S) FOR THE DEFENDANT(S)

Cheryl Graham

Court Reporter

Cheryl Graham - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

CPFORM4Cm
SCCA SCRCP Form 4C (Revised 3/2013)

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	IN THE FIRST JUDICIAL CIRCUIT
Wendy Reed,	)	Case No.: 2014-CP-18-1349
Plaintiff,	)	
vs.	)	
Dorchester County; Mary Pearson in her official capacity as Treasurer of Dorchester County; the Delinquent Tax Collector for Dorchester County; and Thomas Limehouse,	)	AMENDED ORDER
Defendants.	)	

CERTIFIED COPY
2015 MAR 10 AM 8:58
CLERK OF COURT
DORCHESTER COUNTY

This matter originally came before me on November 19, 2014 at a hearing in the Dorchester County Courthouse on Defendants' Motion to Dismiss and Plaintiff's Motion for a Temporary Injunction. Present at the hearing were J.J. Anderson, attorney for Dorchester County, the Dorchester County Delinquent Tax Collector, and the Dorchester County Treasurer, (hereinafter "Dorchester County entities"); Thomas Limehouse, *pro se*; and Nancy Bloodgood, attorney for the Plaintiff, Wendy Reed. On December 19, 2014, this Court issued an order which I hereby rescind and replace with this Order.

In her lawsuit, the Plaintiff alleges she was wrongfully denied her right to redeem property sold at a delinquent tax sale pursuant to §12-51-90(A) S.C. Code Ann. which states in pertinent part:

> ". . . defaulting taxpayer, or any grantee from the owner, or any mortgagee or judgment creditor may within twelve months from the date of the delinquent tax sale redeem each item or real estate by paying to the person officially charged with the collection of delinquent taxes, assessments, penalties, as costs, together with interest as provided in subsection (B) of this section."

The County Defendants allege Plaintiff has failed to show that she is a member of the class of individuals that have the right to redeem the property. The statute grants the right to redeem to the following restricted class of people: defaulting taxpayer, grantees from the owner or any mortgagee or judgment creditor.

Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction against the *pro se* Defendant Limehouse requests Defendant Limehouse refrain from seeking to evict Plaintiff until the merits of the case are heard and decided.

In considering a motion to dismiss a complaint due to its "failure to state facts sufficient to constitute a cause of action," Rule 12(b)(6) SCRCP, a court must base its ruling solely on the allegations set forth in the complaint, and if the facts alleged and inferences reasonable deducible therefrom, viewed in the light most favorable to the plaintiff, would entitle the plaintiff to relief on any theory, dismissal is improper. *Doe v. Marion*, 373 S.C. 390, 645 S.E. 245, 247 (2007); *Carnival Corp. v. Historic Ansonborough Neighborhood Ass'n*, 407 S.C. 67, 753 S.E.2d 846 (2014).

For a plaintiff to possess standing three elements must be satisfied: first, the plaintiff must have suffered an injury-in-fact, which is concrete, particularized and actual or imminent invasion of a legally protected interest; second, a causal connection must exist between the injury and the challenged conduct; and third, it must be likely that favorable decision will redress the injury. *See South Carolina Wildlife Federation v. South Carolina Department of Transportation*, 485 F. Supp. 2d 661, (U. S. District Court of S. C. 2007) (citing *Friends of the Earth, Inc. v. Laidlaw Envtl. Servs* 528 U.S. 167, 180-181, 120 S. Ct. 693, 145 L. Ed.2d 610 (2000) and *Lujan v. Defenders of Wildlife*, 504 U. S. 555 112 S. Ct. 2130, 119 L. Ed.2d 351 (1992)). Although plaintiff bears the burden of proving standing requirements to the same extent as any other

element of their case, on a motion to dismiss the "general factual allegations of injury resulting from the defendant's conduct may suffice" to demonstrate standing. *Supra* at 668.

Plaintiff has alleged in the Complaint that Plaintiff is a grantee of the owner. A review of the allegations of the Plaintiff's Complaint when viewed in the light most favorable to the Plaintiff could entitle the Plaintiff to relief. Therefore, the County Defendants' Motion to Dismiss pursuant to Rule 12(b)(6) SCRCP is denied at this time.

The status of the person attempting to redeem real property from a delinquent tax sale is a specific requirement of §12-51-90(A) S.C. Code Ann. for the redemption of the real property. Therefore, the Plaintiff must provide to the County Defendants evidence that the Plaintiff is a member of a qualifying class ("defaulting taxpayer, or any grantee from the owner, or any mortgagee or judgment creditor") within 60 days of this Amended Order.

At that time, County Defendant's Motion to Dismiss will be revisited along with Plaintiff's Motion for Injunctive Relief.

IT IS SO ORDERED!

The Honorable Carmen T. Mullen
Presiding Circuit Court Judge

March 4, 2015
Beaufort, South Carolina

STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER THE FIRST JUDICIAL CIRCUIT
CASE NO. 2014-CP-18-1349

2015 DEC 14 PM 1:36
CHERYL S. HUFF
CLERK OF COURT
DORCHESTER COUNTY

WENDY REED,

PLAINTIFF,

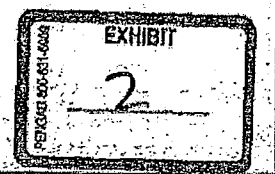
vs.

COUNTY OF DORCHESTER AND THOMAS LIMEHOUSE,
DEFENDANTS.

Deposition of:
Wendy Reed

July 9th, 2015

The deposition of WENDY REED, taken before Amanda Barbao, Court Reporter and Notary Public, at the Foster Law Firm, 895 Island Park Drive, Suite 202, Charleston, South Carolina, on July 9th, 2015, commencing at 11:00 a.m.



Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb02-4c96-06c0-6c4e2482b9aa

A Yes.
Q And I believe the auto accident was in 1983 also, correct?
A Yes.
Q And so you met originally with Ms. Bloodgood in 2012?
A Yes.
Q Okay. Has any action been taken by you, or was there any action taken by you to probate your father's estate?
A No.
Q Okay. And was there a reason that you did not do that?
A No.
Q Okay. And did you understand at the time that if you had done that, then you would have been recognized as an heir to your grandmother's property?
A No, I didn't know that.
Q Did you ever present a birth certificate to anybody in Dorchester County, with the government, to show that you were an heir on this property?
A No.
Q Okay. And is there a reason you did not do that?
A No.
Q All right. Now, we have been provided a copy of a

Electronically signed by amanda barbao (401-133-007-0591) 94a6cfef-eb62-4c96-96c0-6c4e2482b9aa

Q Now, prior to requesting it three months ago, did you have a copy of your birth certificate?
A Yes.
Q Okay. Why did you request a new copy?
A Nancy said I needed to get it for the court.
Q Okay. And prior to getting this copy three months ago, had you ever presented a birth certificate to anybody in Dorchester County to show that you were an heir to the property?
A No, I never tried.
Q Okay. All right. After you met with Ms. Bloodgood, did you ever go individually back to the tax office?
A No.
Q Did you ever go with her?
A No.
Q In 2013, what did you do to attempt to redeem your property?
A They wouldn't let me redeem it, so there was nothing I could do.
Q Okay. When they told you that you could not redeem it, that was because you had not shown that you were an heir?
A Yes.
Q Did you do anything in 2013 differently than what

Electronically signed by amanda barbao (401-133-607-0591) 94a5cfef-ab62-4c93-98c0-0c4b2482b9aa

MR. ANDERSON: Let's go off for just a second.

(Discussion off the record.)

BY MR. ANDERSON:

Q You indicated that your grandmother, Lucille Gregg had a will?

A Yes.

Q And do you know where that will is?

A No.

Q How do you know that she had a will?

A Bonita Daniels told me that there was a will and listed all these names that were on here. She's the one that told me that I had to have one of the names off of that will come in and pay the taxes for me.

Q Okay. All right. So your knowledge of the will is you're relying on what Bonita Daniels told you?

A Yes.

Q Okay. How do you know Bonita Daniels?

A I don't know her. I just know of her.

Q When you say you just know of her, explain that to me. What do you mean?

A Well, she's the one they always connect you to when you call the tax office. They always say, Well, you got to speak to Bonita Daniels, so that's how I know of her. When you call and ask questions, that's

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb62-4c96-96c0-6c4e2402b0aa

Q Okay. At some point, would you give that to Ms. Bloodgood so she can then send it over to us?
A Yes.
Q Okay. What information did you request from the probate office?
A Well, when I went, I tried -- well, like I said, I couldn't get the land probated because it was, you know, too long. So that's when I went to Josh. Like I said, that's when I went to Josh.
Q To who?
A Mr. Walden.
Q Oh, okay. All right. But when you went up to the first person that you met at the probate office, what did you tell them?
A I told them I wanted to try to probate my father's property, and they told me that I couldn't because it was too long.
Q Now, did you tell them your father's property or your grandmother's?
A Well, my grandmother's property.
Q Okay. And what did you -- why did they tell you it was too long?
A Well, I guess they knew -- well, I guess they knew it was too long. It was too many years. They asked me when she died, my great grandmother died.

Electronically signed by amanda barbao (401-133-007-0591) 94a5efef-eb62-4c96-96c0-6c4e2482b9aa

Q And you told them?
A '84. And that's when I told them that I was paying it for my father, you know, in his name, but in my name in care of, that that's how I got the mail transferred in care of my name.
Q Okay. And this was on your first trip to the probate office?
A Yes.
Q All right.
A And I never went back after that.
Q Did you mention your father while you were at the probate office?
A Yes.
Q Did you ask them about your father?
A Yes.
Q Did you tell them that he had received the property by a will?
A No, I didn't.
Q Did you provide them with any information concerning your father's death in 2004?
A No.
Q Okay.
A I only mentioned my grandmother.
Q Did you provide them with your grandmother or your great grandmother's name at the probate office?

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-ab82-4c96-96c0-6c4e2482b9aa

A No.

MR. ANDERSON: Are you going to have any questions, Ms. Bloodgood?

MS. BLOODGOOD: I have one. Maybe two.

MR. ANDERSON: Let's take a quick break.

(The deposition took a short recess.)

BY MR. ANDERSON:

Q Let me ask you a few more questions. Do you have any family, other than Gregg and Reed, with the last name of Gregg or the last name of Reed, that are over the age of 18 in Dorchester County?

A No.

Q Okay.

A Well, my last name is Reed by marriage.

Q Right. The reason I ask that question is for when we get a jury list selection and so forth, I don't want your husband's brother on the jury.

A Oh, okay.

Q And who knows, you may not want him there either. But anyway, I'm just looking for relatives to try to avoid that.

A Okay.

Q And so the only two last names are Reed and Gregg?

A Yes.

Q Okay. And you have your son who is 24?

Electronically signed by amanda barbao (401-133-007-0591) 94a5cf6f-6b62-4c96-96c0-6c4a2482b9aa

Q Okay. John L. is your father?
A Yes.
Q Angie Gregg?
A Ridgeville.
Q Annette Gregg?
A She lives in Summerville.
Q Kenneth Gregg?
A Summerville.
Q Jeannette Gregg?
A Ridgeville.
Q Cornelius Gregg?
A He lives in -- I think it's -- I don't know where he's living now, but I think it's Bluffton.
Q Bluffton?
A I'm not sure.
Q That's almost to Georgia.
A Yeah.
Q I don't know if you've ever driven down there, but that place is a mess.
A I've never been there.
Q Okay. All right. Now, did you tell any of -- did you either tell Leon, James, Orin, Angie, Annette, Kenneth, Jeannette or Cornelius, that the property was being sold for taxes?
A Well, my uncle, Leon and Annette, they came to the

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb62-4c96-95c0-6c4e2482b9aa

house right after they saw it in the papers. I knew nothing about it until it got in the papers.

Q Okay. When did they -- they saw it in the papers?

A Yes.

Q When was that?

A I guess -- well, I'm not sure, but I guess right after she advertised it in the Journal Scene.

Q All right.

A I don't recall the date.

Q You got a notice in the mail?

A Yes.

Q You went and picked up that notice?

A Yes.

Q Did you get the notice after --

A I got the notice after.

Q After Leon and Annette had come and talked to you?

A No. Yeah. No, I'm not sure. I can't remember.

Q All right. Was it about the same time?

A About the same time, yeah.

Q Okay. And when you talked to Leon and Annette, what did you talk about?

A They said, why didn't I tell them about it, and I told them I didn't know nothing about it.

Q Wait. When you say they saw it in the paper, what are we talking about? The advertisement for the sale?

Electronically signed by amanda barbao (401-133-007-0591) 94e5cfef-eb62-4c98-98c0-6c4e2482b9aa

A Yeah. The advertisement for the sale.
Q Okay. All right. And other than just saying why didn't you tell us about it, what else was said?
A I told them that's because I knew nothing about it until it was in the paper. And then at the grocery store, a lady said she saw it in the paper also, and she asked me what was going on, and I told her I didn't know what was going on. So that's when they told me to find out what was going on, and I tried to get help from lawyers.
Q When you found out what was going on, when you went up there, did you get back to Leon and Annette?
A Yes.
Q Okay. And what did you tell them?
A They told me to try and get it back, and like I told them, I couldn't get it back. He wanted too much money for it. Mr. Limehouse wanted too much money for it.
Q Okay. What they saw in the paper, was that a notice for the sale of the property because of delinquent taxes or was that about your lawsuit?
A No. They saw what was already sold. He said it was already sold. He even came to my house and told me he bought the property, so therefore, I thought it was already sold.

Electronically signed by amanda barbao (401-133-007-0501) 94a5cfef-eb02-4c95-96c0-6c4b2402b9aa

Q When you say, "he came to the house" --
A Mr. Limehouse came to my house.
Q Okay. I'm talking about Leon and Annette?
A Oh, you're talking about them.
Q I'm talking about Leon and Annette. So they came to your house right after you got the tax notice?
A Yes.
Q Or about the same time?
A About the same time.
Q Okay. And you discussed this problem with them?
A Yes.
Q Okay. And they said to find out what was happening?
A Yeah.
Q Okay. When you found out, did you go back to Leon and Annette and tell them what was happening?
A No.
Q And was there a reason you did not go back to them?
A No.
Q Now, did you know that Leon and Annette could redeem the property?
A No.
Q All right. Have you heard that since the lawsuit began?
A Now. I know now that they could have but not

Electronically signed by amanda barbao (401-133-007-0501) 94a5cfef-6b62-4c85-86c0-6c4e2482b9aa

before.
Q Okay. And was it my telling you that they could, or did you know that before we started the deposition?
A I didn't know that.
Q Okay. All right. So you did not know that anybody on this list could redeem the property?
A Huh-uh (indicating a negative response).
MS. BLOODGOOD: Is that a no?
THE WITNESS: No.
MR. ANDERSON: All right. Thank you very much. I think that's all the questions I have, depending on what Ms. Bloodgood says.
EXAMINATION BY MS. BLOODGOOD:
Q I just want to clarify for the record, the property that you live on has three different tax map numbers?
A Yes, it does.
Q And you live on -- if you're facing the road, you live on -- well, what's the tax map number of your property?
A I can't recall the number, but I know it's zero -- 014 -- not 014, but 018. And my mother's, she's in the center part, and that's 014. And my sister is in the back part, and that's 019.
Q Okay. And has your mother's property in the middle ever been delinquent in taxes?

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb62-4c96-96c0-6c4e2482b9aa

C - RECORD

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER)

2015 DEC 14 PM 1:35
CHERYL [illegible]
CLERK OF COURT
DORCHESTER COUNTY

Wendy Reed,

Plaintiff,

v.

Dorchester County and Thomas Limehouse,

Defendant.

Case No.:
2014-CP-18-1349

****

DEPOSITION OF: BENITA DANIELS

DATE TAKEN: Thursday, August 27, 2015

TIME: 10:00 A.M.

PLACE: 500 North Main Street
Summerville, South Carolina

REPORTED BY: MARY ANN RIDENOUR, RPR, CLR
Registered Professional Reporter,
Certified LiveNote Reporter
and Notary Public

EXHIBIT
3

A. Yes. If I get a deed and look at it, yes.

Q. All right. And this list of names, when you talked about the people who could redeem, would it include this list of names?

A. Yes.

Q. Okay. And we're talking about -- it says under -- it says, Devisee/heir at law. And then there's a list of names below that, on that form.

A. Right.

Q. If you had had this with you when Ms. Reed came in and was asking questions, would you have told her about this list of people?

A. I would look on it and tell her, you know, if your name is not on it, you can't redeem it.

Q. Right. All right. Would you tell her that the people whose names are on the list can redeem it?

A. Right.

Q. Okay. Do you recall whether or not you had that actual conversation with Ms. Reed?

A. I can't say for sure, but I'm -- I'm -- because, like I say, so many people come in. We have this, that we have to do the same. So I would say that I did. If she came in and I talked to her, and I had that folder, that's what I would have told her.

Q. All right. Okay.

Electronically signed by Mary Ann Ridenour (201-173-461-0613) a2d06e6d-e52e-4460-b6a9-77b040d3f847

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

2015 DEC 14 PM 1:

CHERYL D. [illegible]
CLERK OF COURT
DORCHESTER COUNTY

WENDY REED,	)	CASE NO.: 2:14-cv-76-RMG-BHH
Plaintiff,	)	
v.	)	***AFFIDAVIT OF JOHN FRAMPTON, COUNTY ATTORNEY FOR DORCHESTER COUNTY, SOUTH CAROLINA***
DORCHESTER COUNTY AND THOMAS LIMEHOUSE;	)	
Defendants.	)	

PERSONALLY APPEARED BEFORE ME, John G. Frampton, who after being duly sworn, did depose and state:

1. On October 8, 2013, I, John Frampton, attorney for Dorchester County sent Nancy Bloodgood, attorney for Wendy Reed, Plaintiff, the attached e-mail (Exhibit A) with the Devise/Descent sheet from the estate package of Lucille Gregg (Exhibit B) attached to it.

2. In the e-mail I stated, **"I do not know the relationship of your client, Wendy Reed, to any of the devisees but as far as the County is concerned any of the named devisees listed on the Devise/Descent would be eligible to redeem to properties. Give me a call if you would like to discuss this further."**

3. I never received a reply to the e-mail or any indication that the e-mail had not been received.

4. The e-mail was sent for the following reason:

Ms. Bloodgood had sent a letter dated September 6, 2013, to the Dorchester County Delinquent Tax Collector and Dorchester County Treasurer questioning why her client was not allowed to redeem property which had been sold for delinquent taxes. The redemption statute specifically limits the class of persons eligible to redeem property after a tax sale. I was providing this information to Ms. Bloodgood in order to assist her client in the redemption process since I had no information concerning the relationship of her client to any of the devisees listed on the Devise and Descent.

Further affiant sayeth not.

John G. Frampton, Esquire

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 16th DAY
OF November, 2015.

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 4/16/2021

EXHIBIT
4

Suzanna Davis

Higgs Walker

RECEIVED
2013 OCT 15 PM 12:06
DORCHESTER COUNTY

From: John Frampton
Sent: Tuesday, October 08, 2013 10:52 AM
To: 'nbloodgood@fosterfoster.com'
Cc: Suzanna Davis
Subject: Redemption of TMS#s 137-02-10-005 & 137-02-10-019
Attachments: 20131008105246696.pdf

Nancy,

Attached is a Devise/Descent from the estate package of Lucille Gregg who was the owner of the above subject TMS numbers at the time of her death. I do not know the relationship of your client, Wendy Reed, to any of the devisees but as far as the County is concerned any of the named the devisees listed on the Devise/Descent would be eligible to redeem the properties. Give me a call if you would like to discuss this further.

-----Original Message-----
From: John Frampton [mailto:jframpton@dorchestercounty.net]
Sent: Tuesday, October 08, 2013 10:38 AM
To: John Frampton
Subject: Message from "RNP0026732BA04D"

This E-mail was sent from "RNP0026732BA04D" (Aficio MP C4501).

Scan Date: 10.08.2013 10:37:49 (-0400)

EXHIBIT
A

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

IN THE PROBATE COURT

RECORDED

DEVISE/DESCENT OF REAL ESTATE AND DESCRIPTION

2015 DEC 14 PM 1:36

CHERYL CRAWFORD
CLERK OF COURT
DORCHESTER COUNTY

Testate or Intestate

BY LUCILLE W. GREGG

83531800106

DECEASED OWNER AS GRANTOR

TO: DEVISEE/HEIR AT LAW As Grantee	DESCRIPTION OF REAL ESTATE Briefly include sufficient information to designate and locate real estate such as number of lot, lot numbers, name of subdivision, street address, City (town), Book Map Reference, Survey Deed Book, etc.
Items 1. and 2.: WALTER L. GREGG, SR., 1/5 LEON C. GREGG, 1/15 WALTER L. GREGG, JR., 1/15 JAMES A. GREGG, 1/15 ORIN S. GREGG, 1/15 JOHN L. GREGG, 1/15 ANGIE R. GREGG, 1/15 ANNETTE GREGG, 1/15 KENNETH GREGG, 1/15 JEANNETTE GREGG, 1/15 CORNELIUS GREGG, 1/15 Above-named heirs-at-law take pursuant to South Carolina Statute of Descent and Distribution, Section 21-3-20, 1976, South Carolina Code as Items 1. and 2.	1. 1/6 acre, with one building, 217 E. Richardson Avenue, Summerville, SC 29483 (Dorchester County, Summerville Township, School District #2) 2. 1 lot (no building), Parland 319 E. Richardson Avenue, Summerville, SC 29483 (Dorchester County, Summerville Township, School District #2)
Item 3.: WALTER L. GREGG, SR., 100% Takes by virtue of being co-grantee with Decedent under Right of Survivorship deed	3. 9 acre, with one building, Dorchester County, School District #2, near Givhans, SC (reference is craved to a plat dated May 10, 1971, surveyed by Bobby N. Long, recorded on September 7, 1971, at the Clerk of Court's office for Dorchester County, Book 18, Page 349)

FILED BY: LEON C. GREGG

AS APPLICANT/PETITIONER OF THE SUBJECT ESTATE

June 29, 1994

Leon C. Gregg (SEAL)

(SEAL)

Probate Judge, County, S.C.

COMPLETE IN TRIPLICATE AND FILE WITH THE PROBATE COURT
When realty is located in another county, file separate form in triplicate for each such County (1976 S.C. Code References Section 14-23-610 and 30-9-60)

EXHIBIT 3

$25.00 LEB mB ✓

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER)

RECEIVED
2015 DEC 14 PM 1:35
CHERYL ... CLERK OF COURT
DORCHESTER COUNTY

Wendy Reed
☐ Plaintiff

v.

✓ County Of Dorchester, Et Al
☒ Defendant.

CASE NO.
2014-CP-18-1349

MOTION AND ORDER INFORMATION FORM AND COVER SHEET

Plaintiff's Attorney:	Defendant's Attorney:
Nancy Bloodgood, Esquire , Bar No. Address: Foster Law Firm, LLC 895 Island Park Drive #202 Charleston SC 29492 phone: (843) 972-0313 fax: e-mail: other:	Jj Anderson, Bar No. 383 Address: Anderson Reynolds and Stephens, LLC P.O. Box 87 Charleston SC, 29401 phone: 843-723-0185 fax: 843-405-0313 e-mail: janderson@arslawsc.com other:

☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: Motion for Summary Judgment
Estimated Time Needed:30 minutes Court Reporter Needed: ☒ YES / ☐ NO

SECTION II: Motion/Order Type

☒ Written motion attached
☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for ☐ Plaintiff / ☒ Defendant — June 9, 2015 Date submitted

SECTION III: Motion Fee

☒ PAID – AMOUNT: $25.00
☐ EXEMPT: (check reason)
☐ Rule to Show Cause in Child or Spousal Support
☐ Domestic Abuse or Abuse and Neglect
☐ Indigent Status ☐ State Agency v. Indigent Party
☐ Sexually Violent Predator Act ☐ Post-Conviction Relief
☐ Motion for Stay in Bankruptcy
☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)
☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter:
☐ Other:

JUDGE'S SECTION	
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other:	JUDGE CODE: Date:

CLERK'S VERIFICATION

Date Filed:
Collected by:
☐ MOTION FEE COLLECTED:

SCCA/233 (11-03)

☐ CONTESTED – AMOUNT DUE: _____

SCCA/233 (11-03)

SOUTH OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER) FOR THE FIRST JUDICIAL CIRCUIT
) CASE NUMBER: 2014-CP-18-1349

FILED - RECORDED
2016 OCT 11 PM 2:57
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

WENDY REED,)
)
Plaintiff,) DEFENDANT COUNTY OF
) DORCHESTER'S SUPPLEMENTAL
vs.) MEMORANDUM IN SUPPORT OF
) MOTION FOR SUMMARY JUDGMENT
COUNTY OF DORCHESTER AND)
THOMAS LIMEHOUSE,)
)
Defendants.)

YOU WILL PLEASE TAKE NOTICE that the Defendant County of Dorchester (hereinafter Dorchester County or DTC), by and through the undersigned counsel submits its Supplemental Memorandum in Support of its Motion for Summary Judgment and in response to Plaintiff's memorandum that was submitted at the previously scheduled hearing. This memorandum incorporates as if set forth herein verbatim the previous memorandums in support of Dorchester County's Motion for Summary Judgment.

FACTS

This matter arises out of the December 3, 2012 sale for delinquent taxes of 817 and 819 West Richardson Ave., Summerville, Dorchester County, SC (hereinafter the property). Plaintiff alleges that she attempted to redeem the properties pursuant to §12-51-90 S.C. Code Ann. four times within the allotted 12 month period between December 3, 2012 and December 4, 2013, but the Delinquent Tax Collector for Dorchester County (DTC) refused to allow her to redeem the property without proof that she had an ownership interest in the property. §12-51-90(A) S. C. Code Ann. requires the person redeeming the property be a member of one of the following four categories: defaulting taxpayer, any grantee from the owner, or any mortgage or judgment

creditor. The Plaintiff claims the status of a grantee from the owner, and a defaulting taxpayer. As detailed in Dorchester County's prior Memorandum in Support of its Motion for Summary Judgment, the Plaintiff never provided the information necessary to show that Plaintiff was a member of any one of the four classes. Plaintiff failed to provide any evidence that she had an ownership interest in the subject property or that she is an heir/grantee of anyone with an ownership interest until ordered to do so by the Court on March 4, 2015, 15 months after the end of the redemption period and 27 months after the date of the delinquent tax sale.

ISSUES AND DISCUSSION

She alleges that she was the "defaulting taxpayer" as previously she had paid the taxes and therefore the DTC should have known this fact and allowed her to redeem the property. The term Taxpayer is not defined within Chapter 51 of Title 12. Plaintiff has argued that the definitions of §12-60-30(29) defines "taxpayer" as a person "who is responsible for collecting and remitting a tax." In §12-60-30(22) there is also the definition of "Property taxpayer" who is defined as "a person who is liable for, or whose property or interest in property, is subject to, or liable for a property tax..." Therefore, the "defaulting taxpayer" would then be the person who is responsible for collecting and remitting a tax or the person who is liable for a property tax. The S. C. legislature defines the person liable for the payment of taxes on real property as follows:

> **§12-37-610 "Persons liable for taxes and assessments on real property.**
>
> Each person is liable to pay taxes and assessments on the real property that, as of December 31 of the year preceding the tax year, he owns in fee, for life, or as trustee, **as recorded in the public records for deeds of the county in which the property is located, . . ." (emphasis added)**

In this case, the Plaintiff had no interest in the property recorded in the public records for deeds of Dorchester County. DTC performed a title search on the properties to determine who had

a recorded interest in the property and to whom notice should go. The results of the search were provided to Plaintiff's attorney prior to the expiration of the redemption period. The law requires that the redemption be by a person who has a recorded interest in the property or a person who is a grantee of the owner. In Dorchester County's original memorandum in support of its Motion for Summary Judgment the County detailed the Plaintiff's failure to provide any information concerning her status as a grantee until ordered by the Court to do so.

The Plaintiff submitted her brief on the day of the hearing and asserted that a change in delineation of who could redeem property had been made in 2006. Plaintiff further stated that the change to the statute (§12-51-90(a)) from owner to defaulting taxpayer was "intended to expand the category of persons who could redeem property . . ." The undersigned counsel could not find a modification to the statute in 2006. However, when the history of the changes to the use of the terms "owner" to "defaulting taxpayer" in S.C. Code Ann. § 12-51-90(a) are examined, we find that the S. C. Code has used the terms owner and defaulting taxpayer since the adoption of the South Carolina Code of Laws (1902). In 1902 the legislature addressed redemption in conjunction with the seizure of property in §423. In §423, the code provided that the Sheriff takes possession of the "defaulting taxpayer's estate" and goes on to state "that the owner and any mortgage creditor, may within six months from the day of such sale redeem such real estate by paying the taxes, penalties, costs and expenses. . ." The South Carolina Code of Laws in 1912 repeats the use of owner and defaulting taxpayer in §471. It provides that the "Sheriff take exclusive possession of the defaulting taxpayer's estate[,]" and the "owner or grantee or any mortgage creditor" may redeem the property upon payment of the debt. The South Carolina Civil Code of Laws of 1922 repeats this use of language again in 522 §3. In 1952 the statute was changed and addressed seizure and redemption in separate sections. The 'defaulting taxpayer' language had been consistently

used in the seizure component of the previous statutes, whereas the 'owner' language was used in the redemption section. The separation of the issues of seizure and redemption into separate code sections resulted in the 1952 statute omitting the 'defaulting taxpayer' language from the redemption section (South Carolina Code Ann. § 65-2772). S.C. Code Ann. § 12-51-90 is derived or originates from South Carolina Code Ann. §65-2815.8 (Supp. 1971) and addresses the redemption of real property. The 1971 Supplement's adoption of 'defaulting taxpayer' in contrast to the 1952 Code's 'owner' is understood as an attempt to make the separate seizure and redemption sections of the S.C. Code consistent. The change of language is the legislature bridging the gap from the prior statutes that addressed seizure and redemption in the same sections to the modern statutes that address each process separately. The more recent amendments deal with the interest rates charged such as the amendment in 2000 South Carolina Laws Act 334 (S.B. 518) that changed the fixed interest rate in its previous edition to the interest schedule found in section (b) of the statute.

The Plaintiff complains that DTC should define a taxpayer as the person who is responsible for collecting and remitting a tax. See paragraph 2 on p. 3 of Plaintiff's memorandum in support of Plaintiff's motion for summary judgment. The origin or basis for responsibility is absent from the Plaintiff's analysis. The basis for determining "the person who is responsible" is found in §12-37-610 of the S. C. Code Ann. which provides:

> **§12-37-610 "Persons liable for taxes and assessments on real property.**
>
> Each person is liable to pay taxes and assessments on the real property that, as of December 31 of the year preceding the tax year, he owns in fee, for life, or as trustee, as **recorded in the public records for deeds of the county in which the property is located, . . ."**

The entire system of redemption is designed to insure that the property is returned to its rightful owner(s). The only way to insure the redemption is made to a person rightfully entitled to the property is to rely upon the record on file in the county in which the property is situated. Both the public record and the Plaintiff were silent as to Plaintiff's status in relationship to the property or the property owners of record.

CONCLUSION

Summary judgment is appropriate in this matter for the following reasons:

1. Dorchester County as a governmental entity is not liable for a loss resulting from assessment or collection of taxes or enforcement of tax laws. (§15-78-60 (3), and (11)).

2. Plaintiff failed to provide the information necessary to show that Plaintiff was a member of one of the four classes that are entitled to redeem the properties pursuant to §12-51-90(A) S.C. Code Ann. This information that was exclusively within the control of the Plaintiff.

3. Plaintiff failed to provide any evidence that she had an ownership interest in the subject property or that she is an heir of anyone with an ownership interest until ordered to do so by the Court on March 4, 2015, 15 months after the end of the redemption period and 27 months after the date of the delinquent tax sale.

4. Plaintiff failed to act on the information provided to her and her attorney by Dorchester County that anyone on the Devise/Descent of Real Estate and Description form from Lucille B. Gregg's estate was eligible to redeem the property. The Devise/Descent form was provided to the plaintiff and her attorney prior to the expiration of the redemption period. Plaintiff was told in person by an employee of the Delinquent Tax Collector's Office and her attorney was given a copy via e-mail from the Dorchester County Attorney.

5. The Plaintiff's Second Cause of Action for Conspiracy, 42 U.S.C. §1985(3) on the grounds that 42 U.S.C. §1985(3) does not create a substantive right for the Plaintiff, and on the grounds that Dorchester County cannot conspire with itself. 42 U. S. C. §1988(b) is not applicable to this case without a violation of 42 U.S.C. §1985(3).

For the above reasons, Dorchester County requests that the Court grant its Motion for Summary Judgment as to all causes of action as there is no genuine issue as to any material fact and that Dorchester County is entitled to a judgment as a matter of law.

Respectfully submitted,

ANDERSON REYNOLDS & STEPHENS, LLC

J. J. Anderson, Esquire
Lisa A. Reynolds, Esquire
37 ½ Broad Street
Charleston, SC 29401
843-723-0185
janderson@arslawsc.com
lreynolds@arslawsc.com
Attorneys for Defendant Dorchester County

October 3, 2016

Charleston, South Carolina

SOUTH OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER) FOR THE FIRST JUDICIAL CIRCUIT
) CASE NUMBER: 2014-CP-18-1349

FILED - RECORDED
2016 OCT 11 PM 2:04
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

WENDY REED,)

Plaintiff,) DEFENDANT COUNTY OF
) DORCHESTER'S SUPPLEMENTAL
vs.) MEMORANDUM IN SUPPORT OF
) MOTION FOR SUMMARY JUDGMENT
COUNTY OF DORCHESTER AND)
THOMAS LIMEHOUSE,)
)
Defendants.)

YOU WILL PLEASE TAKE NOTICE that the Defendant County of Dorchester (hereinafter Dorchester County or DTC), by and through the undersigned counsel submits its Supplemental Memorandum in Support of its Motion for Summary Judgment and in response to Plaintiff's memorandum that was submitted at the previously scheduled hearing. This memorandum incorporates as if set forth herein verbatim the previous memorandums in support of Dorchester County's Motion for Summary Judgment.

FACTS

This matter arises out of the December 3, 2012 sale for delinquent taxes of 817 and 819 West Richardson Ave., Summerville, Dorchester County, SC (hereinafter the property). Plaintiff alleges that she attempted to redeem the properties pursuant to §12-51-90 S.C. Code Ann. four times within the allotted 12 month period between December 3, 2012 and December 4, 2013, but the Delinquent Tax Collector for Dorchester County (DTC) refused to allow her to redeem the property without proof that she had an ownership interest in the property. §12-51-90(A) S. C. Code Ann. requires the person redeeming the property be a member of one of the following four categories: defaulting taxpayer, any grantee from the owner, or any mortgage or judgment

creditor. The Plaintiff claims the status of a grantee from the owner, and a defaulting taxpayer. As detailed in Dorchester County's prior Memorandum in Support of its Motion for Summary Judgment, the Plaintiff never provided the information necessary to show that Plaintiff was a member of any one of the four classes. Plaintiff failed to provide any evidence that she had an ownership interest in the subject property or that she is an heir/grantee of anyone with an ownership interest until ordered to do so by the Court on March 4, 2015, 15 months after the end of the redemption period and 27 months after the date of the delinquent tax sale.

ISSUES AND DISCUSSION

She alleges that she was the "defaulting taxpayer" as previously she had paid the taxes and therefore the DTC should have known this fact and allowed her to redeem the property. The term Taxpayer is not defined within Chapter 51 of Title 12. Plaintiff has argued that the definitions of §12-60-30(29) defines "taxpayer" as a person "who is responsible for collecting and remitting a tax." In §12-60-30(22) there is also the definition of "Property taxpayer" who is defined as "a person who is liable for, or whose property or interest in property, is subject to, or liable for a property tax..." Therefore, the "defaulting taxpayer" would then be the person who is responsible for collecting and remitting a tax or the person who is liable for a property tax. The S. C. legislature defines the person liable for the payment of taxes on real property as follows:

> **§12-37-610 "Persons liable for taxes and assessments on real property.**
>
> Each person is liable to pay taxes and assessments on the real property that, as of December 31 of the year preceding the tax year, he owns in fee, for life, or as trustee, as **recorded in the public records for deeds of the county in which the property is located, . . ." (emphasis added)**

In this case, the Plaintiff had no interest in the property recorded in the public records for deeds of Dorchester County. DTC performed a title search on the properties to determine who had

a recorded interest in the property and to whom notice should go. The results of the search were provided to Plaintiff's attorney prior to the expiration of the redemption period. The law requires that the redemption be by a person who has a recorded interest in the property or a person who is a grantee of the owner. In Dorchester County's original memorandum in support of its Motion for Summary Judgment the County detailed the Plaintiff's failure to provide any information concerning her status as a grantee until ordered by the Court to do so.

The Plaintiff submitted her brief on the day of the hearing and asserted that a change in delineation of who could redeem property had been made in 2006. Plaintiff further stated that the change to the statute (§12-51-90(a)) from owner to defaulting taxpayer was "intended to expand the category of persons who could redeem property . . ." The undersigned counsel could not find a modification to the statute in 2006. However, when the history of the changes to the use of the terms "owner" to "defaulting taxpayer" in S.C. Code Ann. § 12-51-90(a) are examined, we find that the S. C. Code has used the terms owner and defaulting taxpayer since the adoption of the South Carolina Code of Laws (1902). In 1902 the legislature addressed redemption in conjunction with the seizure of property in §423. In §423, the code provided that the Sheriff takes possession of the "defaulting taxpayer's estate" and goes on to state "that the owner and any mortgage creditor, may within six months from the day of such sale redeem such real estate by paying the taxes, penalties, costs and expenses. . ." The South Carolina Code of Laws in 1912 repeats the use of owner and defaulting taxpayer in §471. It provides that the "Sheriff take exclusive possession of the defaulting taxpayer's estate[,]" and the "owner or grantee or any mortgage creditor" may redeem the property upon payment of the debt. The South Carolina Civil Code of Laws of 1922 repeats this use of language again in 522 §3. In 1952 the statute was changed and addressed seizure and redemption in separate sections. The 'defaulting taxpayer' language had been consistently

used in the seizure component of the previous statutes, whereas the 'owner' language was used in the redemption section. The separation of the issues of seizure and redemption into separate code sections resulted in the 1952 statute omitting the 'defaulting taxpayer' language from the redemption section (South Carolina Code Ann. § 65-2772). S.C. Code Ann. § 12-51-90 is derived or originates from South Carolina Code Ann. §65-2815:8 (Supp. 1971) and addresses the redemption of real property. The 1971 Supplement's adoption of 'defaulting taxpayer' in contrast to the 1952 Code's 'owner' is understood as an attempt to make the separate seizure and redemption sections of the S.C. Code consistent. The change of language is the legislature bridging the gap from the prior statutes that addressed seizure and redemption in the same sections to the modern statutes that address each process separately. The more recent amendments deal with the interest rates charged such as the amendment in 2000 South Carolina Laws Act 334 (S.B. 518) that changed the fixed interest rate in its previous edition to the interest schedule found in section (b) of the statute.

The Plaintiff complains that DTC should define a taxpayer as the person who is responsible for collecting and remitting a tax. See paragraph 2 on p. 3 of Plaintiff's memorandum in support of Plaintiff's motion for summary judgment. The origin or basis for responsibility is absent from the Plaintiff's analysis. The basis for determining "the person who is responsible" is found in §12-37-610 of the S. C. Code Ann. which provides:

> **§12-37-610 "Persons liable for taxes and assessments on real property.**
>
> Each person is liable to pay taxes and assessments on the real property that, as of December 31 of the year preceding the tax year, he owns in fee, for life, or as trustee, as **recorded in the public records for deeds of the county in which the property is located, . . ."**

The entire system of redemption is designed to insure that the property is returned to its rightful owner(s). The only way to insure the redemption is made to a person rightfully entitled to the property is to rely upon the record on file in the county in which the property is situated. Both the public record and the Plaintiff were silent as to Plaintiff's status in relationship to the property or the property owners of record.

CONCLUSION

Summary judgment is appropriate in this matter for the following reasons:

1. Dorchester County as a governmental entity is not liable for a loss resulting from assessment or collection of taxes or enforcement of tax laws. (§15-78-60 (3), and (11)).

2. Plaintiff failed to provide the information necessary to show that Plaintiff was a member of one of the four classes that are entitled to redeem the properties pursuant to §12-51-90(A) S.C. Code Ann. This information that was exclusively within the control of the Plaintiff.

3. Plaintiff failed to provide any evidence that she had an ownership interest in the subject property or that she is an heir of anyone with an ownership interest until ordered to do so by the Court on March 4, 2015, 15 months after the end of the redemption period and 27 months after the date of the delinquent tax sale.

4. Plaintiff failed to act on the information provided to her and her attorney by Dorchester County that anyone on the Devise/Descent of Real Estate and Description form from Lucille B. Gregg's estate was eligible to redeem the property. The Devise/Descent form was provided to the plaintiff and her attorney prior to the expiration of the redemption period. Plaintiff was told in person by an employee of the Delinquent Tax Collector's Office and her attorney was given a copy via e-mail from the Dorchester County Attorney.

5. The Plaintiff's Second Cause of Action for Conspiracy, 42 U.S.C. §1985(3) on the grounds that 42 U.S.C. §1985(3) does not create a substantive right for the Plaintiff, and on the grounds that Dorchester County cannot conspire with itself. 42 U. S. C. §1988(b) is not applicable to this case without a violation of 42 U.S.C. §1985(3).

For the above reasons, Dorchester County requests that the Court grant its Motion for Summary Judgment as to all causes of action as there is no genuine issue as to any material fact and that Dorchester County is entitled to a judgment as a matter of law.

Respectfully submitted,

ANDERSON REYNOLDS & STEPHENS, LLC

J. J. Anderson, Esquire
Lisa A. Reynolds, Esquire
37 ½ Broad Street
Charleston, SC 29401
843-723-0185
janderson@arslawsc.com
lreynolds@arslawsc.com
Attorneys for Defendant Dorchester County

October 3, 2016

Charleston, South Carolina

CERTIFICATE OF SERVICE

This is to certify that a copy of Defendant County of Dorchester's Supplemental Memorandum in Support of Motion for Summary Judgment has been served upon the following parties by placing the same in the United States mail, first class postage prepaid, addressed to the following as shown below this 4 day of October 2016.

Nancy Bloodgood, Esquire
Lucy C. Sanders, Esquire
Bloodgood & Sanders, LLC
895 Island Park Drive, Ste. 202
Charleston, SC 29492
Counsel for Plaintiff

Mr. Thomas Limehouse
Post Office Box 2005
Summerville, SC 29484
Co-Defendant (pro-se)

Katy Lawrimore

FILED - RECORDED
2016 OCT 11 PM 2:04
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER)	CASE NUMBER: 2014-CP-18-1349
)	
WENDY REED,)	
)	
Plaintiff,)	
)	
VS.)	**DEFENDANT COUNTY OF DORCHESTER'S NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT**
)	
COUNTY OF DORCHESTER, AND THOMAS LIMEHOUSE,)	
)	
Defendants.)	

FILED - RECORDED
2014 DEC 14 P 2:21
CHERYL HEE
CLERK OF COURT
DORCHESTER COUNTY

YOU WILL PLEASE TAKE NOTICE that Defendant Dorchester County, by and through the undersigned counsel, will move pursuant to Rule 56, SCRCP before the Court for the First Judicial Circuit, ten (10) days following the date of this Motion or at such time and place as the Court may deem appropriate, for an Order granting summary judgment to Dorchester County as there is no genuine issue as to any material fact and that Dorchester County is entitled to a judgment as a matter of law as set forth below.

STATEMENT OF FACTS

This matter arises from the attempted redemption of property sold for delinquent taxes. On December 3, 2012, 817 and 819 West Richardson Avenue (collectively "the properties") in Summerville, Dorchester County, South Carolina were sold for delinquent taxes pursuant to §12-51-40, S.C. Code Ann. The Plaintiff, Wendy Reed, does not contest the sale and stipulated in her Complaint and Amended Complaint that the taxes on the subject property were delinquent and that all requisite notices required for the sale and redemption of the properties were properly provided (Amended Complaint, paragraphs 21, 22, and 23). Plaintiff alleges that she attempted

to redeem the properties pursuant to §12-51-90[1] S.C. Code Ann. four times within the allotted 12 month period between December 3, 2012 and December 4, 2013, but the Delinquent Tax Collector for Dorchester County (DTC) refused to allow her to redeem the property without proof that she had an ownership interest in the property.

The Plaintiff has alleged Civil Rights violations under 42 U.S.C. § 3604(b) (Fair Housing Act), 42 U.S.C. §1983, 42 U.S.C. § 1985 (3) (Conspiracy) and 42 U.S.C. § 1988 (b) (Recovery of attorney fees). The Plaintiff alleges that Dorchester County's requirement that she provide proof of an ownership interest is discriminatory in that it has deprived her of her property, violated the Fair Housing Act, due process and equal protection. Plaintiff originally filed this case in Federal Court, but the Federal suit was dismissed for lack of jurisdiction on July 31, 2014. On July 11, 2014, Plaintiff refiled the law suit in State Court. The original Dorchester defendants[2] brought motions to dismiss including one for a lack of standing as the Plaintiff did not provide any information that she fell within the definition of a person who was eligible to redeem the property. A hearing was held on November 19, 2014 and Mary Pearson, in her Official Capacity as Treasurer of Dorchester County, and The Delinquent Tax Collector for Dorchester County were dismissed as Defendants. On March 4, 2015 the Court denied the motion to dismiss for lack of standing but ordered "the Plaintiff to provide to the Dorchester County evidence that the Plaintiff is a member of a qualifying class ('defaulting taxpayer, or any grantee from the owner, or any mortgagee or judgment creditor') within 60 days of the order."

---

[1] § 12-51-90. Redemption of real property; assignment of purchaser's interest. (A) The defaulting taxpayer, any grantee from the owner, or any mortgage or judgment creditor may within twelve months from the date of the delinquent tax sale redeem each item of real estate by paying to the person officially charged with the collection of delinquent taxes, assessments, penalties, and costs, together with interest as provided in subsection (B) of this section. If prior to the expiration of the redemption period, the purchaser assigns his interest in any real property purchased at a delinquent tax sale, the grantee from the successful bidder shall furnish the person officially charged with the collection of delinquent taxes a conveyance, witnessed and notarized. The person officially charged with the collection of delinquent taxes shall replace the successful bidder's name and address with the grantee's name and address in the delinquent tax sale book.

[2] The original caption included as Defendants the following: County of Dorchester, Mary Pearson, in her Official Capacity as Treasurer of Dorchester County, The Delinquent Tax Collector for Dorchester County.

(Exhibit 1, Court Order of March 4, 2015) See §12-51-90(A) S.C. Code Ann. The order further provided that the County's Motion to Dismiss for lack of standing may be "revisited" at that time. As a result of the Court Order of March 4, 2015, the Plaintiff provided evidence for the first time that the Plaintiff is the daughter of John L. Gregg, a named devisee with an ownership interest in the subject property.[3]

Plaintiff admits that prior to responding to the March 4, 2015 Order, and more specifically during the statutory redemption period, she did not provide the DTC for Dorchester County with information necessary to determining her status as a person qualified to redeem the properties. (Exhibit 2. Deposition of Wendy Reed, 21:8-24, 23:6-10, 28:12-30:1, and Exhibit 1) Despite the fact that the Plaintiff did not provide information upon which Dorchester County could accept the Plaintiff as a person qualified to redeem the properties, Dorchester County did provide the Plaintiff with a list of Devise/Descent of Real Estate and Description pursuant to the last probate of the subject properties and title search performed in preparation for the requisite notifications for the underlying tax sale. The Plaintiff was told directly by Bonita Daniels of the DTC that anyone on the Devise/Descent of Real Estate and Description form from Lucille B. Gregg's estate was eligible to redeem the property. (Exhibit 2 25:10-14; and Exhibit 3 – Deposition of Bonita Daniels 29:10-24) Additionally, John Frampton, Dorchester County Attorney, e-mailed Plaintiff's attorney with a copy of the Devise/Descent of Real Estate and Description form on October 8, 2013. The e-mail stated:

> "I do not know the relationship of your client, Wendy Reed, to any of the devisees but as far as the County is concerned any of the named devisees listed on

[3] The estate of Plaintiff's alleged grandmother, Lucille B. Gregg, was probated in 1984, and the properties were devised to Walter Sr. with a 1/3 interest and Leon C. Gregg, Walter L. Gregg, Jr., James A. Gregg, Orin S. Gregg, John L. Gregg, Kenneth Gregg, Angie E. Gregg, Cornelius Gregg, Annette Gregg, and Jeannette Gregg each receiving a 1/15 interest. Elizabeth Perry was the mother of Lucille B. Gregg. Lucille inherited the properties from Elizabeth Perry upon Elizabeth's death and the probate of her estate in 1983.

the Devise/Descent would be eligible to redeem to properties. Give me a call if you would like to discuss this further."

(Affidavit of John Frampton and e-mail, Exhibit 4).No response was received from Plaintiff's attorney or anyone else on behalf of the Plaintiff. The first notices of the underlying tax sale were sent on April 4, 2012 with a follow up notice on May 4, 2012. On August 15, 2012 the property was posted for sale. The property was advertised and then sold on December 3, 2012. On October 25, 2013 notices that the end of the redemption period was approaching were sent to the eleven individuals listed on the Devise/Descent. The Plaintiff testified in her deposition that Leon Gregg, the former administrator of the estate of Lucille Gregg, came to the Plaintiff shortly after receiving a notice of the delinquent tax sale and asked her why the properties had appeared in the paper for sale. Plaintiff replied that she did not know but would contact him once she found out. Plaintiff testified that she never responded to Leon Gregg. (Exhibit 2 33:21-37:1)

This case involves the single question of whether Dorchester County violated the Constitutional or Statutory rights of the Plaintiff when DTC required the Plaintiff to show that she was a member of the statutorily designated class of persons eligible to redeem property that had been sold for delinquent taxes pursuant to S.C. Code Ann. § 12-51-90and Plaintiff took no steps to provide information of her status under the statute.

STATEMENT OF ISSUES AND ARGUMENTS

1. Dorchester County moves for Summary Judgment on all causes of action brought by the Plaintiff against Dorchester County as Dorchester County's refusal to accept Plaintiff's request to redeem the properties was in compliance with the requirements of

the law from which Dorchester County could not deviate. The means by which the properties could be redeemed were presented to Plaintiff and Plaintiff's attorney prior to the expiration of the redemption period but not acted upon by the Plaintiff or Plaintiff's attorney.

Plaintiff failed to provide the information necessary to show that Plaintiff was a member of one of the four classes that are entitled to redeem the properties pursuant to §12-51-90(A) S.C. Code Ann., information that was exclusively within the control of the Plaintiff., Dorchester County did not by any act or omission fail in any duty owed to the Plaintiff in the attempted redemption of the properties. The actions taken and procedures followed by Dorchester County were mandated by S.C. Code Ann. § 12-51-40 *et seq.* The execution and sale of the property for the payment of delinquent taxes are not contested or objected to by the Plaintiff.

All of Plaintiff's allegations are based on the application by DTC for Dorchester County of the State of South Carolina's statutory requirement that in order to redeem the properties sold for delinquent taxes, the Plaintiff must be a member of one of the following restricted classes of people: defaulting taxpayer, grantees from the owner or any mortgagee or judgment creditor. §12-51-90 (A) S.C. Code Ann. states in part: "The defaulting taxpayer, or any grantee from the owner, or any mortgagee or judgment creditor may within twelve months from the date of the delinquent tax sale redeem each item of real estate by paying to the person officially charged with the collection of delinquent taxes, assessments, penalties, as costs, together with interest as provided in subsection (B) of this section." Therefore, in order to have the right to redeem the property under this statute, the Plaintiff must prove to the person officially charged with the collection of delinquent taxes for Dorchester County that the Plaintiff fits into one of these four

categories. Despite being advised of the necessity of the information, Plaintiff failed to provide any evidence that she had an ownership interest in the subject property or that she is an heir of anyone with an ownership interest until ordered to do so by the Court on March 4, 2015, 15 months after the end of the redemption period and 27 months after the date of the delinquent tax sale.

The requirements of §12-51-90 (A) S.C. Code Ann. are not new and have been the subject of inquiry by both property holders and county officials in the past. In *Dixon v. Hockady*, 36 S.C. 60, 15 SE 342 (1892) the S.C. Supreme Court addressed the issue in a lawsuit by Mrs. Dixon to take back lawful title to a tract of land in Chesterfield county that had been forfeited for nonpayment of taxes and the property became a charge upon the sinking fund commission and ultimately could have been sold unless redeemed. Mr. Hockady, the son-in-law of Mrs. Dixon, redeemed the property and took the deed in his name from the sinking fund commission. Mrs. Dixon alleged that Mr. Hockady was to act on her behalf and the title from the sinking fund commission was to have been issued in her name but for Mr. Hockady's breach of their agreement. In its analysis the South Carolina Supreme Court found:

> Section 307, Gen. St., which directs that forfeited lands for nonpayment of taxes shall become a charge upon the sinking fund commission, to be sold by them, etc., contains a provision as follows: "Provided, that any time before any such sale shall be actually made **the owner of any piece or parcel of such lands, or those claiming under or through such owner or others having a legal and equitable interest therein, shall have the right to redeem any piece or parcel of the lands** so forfeited by paying in gold, silver, United States treasury notes, or national bank notes, the full amount of all accumulated taxes, costs, and penalties due and unpaid thereon up to the time of such payment," etc. This provision clearly shows, as it seems to us, that the purpose of the act was to secure the taxes due to the state, with as little injury as possible to the real owners of the lands. It was not only humane, but wise, not to allow the proceedings necessary in the collection of taxes to be turned into a subject of speculation by strangers. It is manifest that the law was framed in this view. This case is a good illustration of the wisdom of the limitation,

and we think it should be strictly enforced. We agree with the circuit judge that Hockady (a son-in-law) is not one of the favored class. He is certainly not the owner, nor claiming under or through the owner, nor one having a legal and equitable interest therein.

Hockady offered in evidence his deed from the sinking fund commission, which recites that the land was "forfeited" in the name of M. A. Dixon; and as he was not, as we have held, within the class of persons allowed to "redeem," it would seem to follow that the deed to him in his own right was absolutely without authority. The state was satisfied by the payment of the taxes. The lands were no longer "delinquent," but **the deed made by the agents and officers of the state was *ultra vires* and void**, just as if they had made no deed at all. Speaking of the officer appointed by law to make the sale (or deed of redemption) the supreme court of the United States (Early v. Doe, 16 How. 610) say: "The officer can do nothing of himself, and must do all as he is directed by the law." See Cooke v. Pennington, 15 S. C. 185. We think that upon the payment of the taxes the title revested in Mrs. Dixon. *(Emphasis added)*

Further attention was brought to this issue upon a request by the Tax Collector for Sumter County to the Attorney General of South Carolina for an opinion of whether a friend of a defaulting taxpayer may redeem the property of the defaulting taxpayer that has been sold for nonpayment of ad valorem taxes. The Attorney General after an analysis of the statute and the *Dixon v. Hockady* case stated:

> It is therefore the opinion of this office that only the owner, any grantee from the owner or any mortgage or judgment creditor has the statutory right to redeem the property and that you would have no authority to authorize the redemption by the friend of the defaulting taxpayer.

1969-70 Op Atty Gen. No. 2870, p. 107. It is clear from the SC Supreme Court's opinion and the opinion of the attorney general that the DTC for Dorchester County had no authority to do what the Plaintiff asked and was required to do "all as [s]he is directed by the law." *Dixon v. Hockady*, supra at 344.

2. Dorchester County moves for Summary Judgment on Plaintiff's First Cause of Action as 42 U.S.C. § 3604(b) does not apply to the facts of this case as presented or alleged by the Plaintiff. There are no allegations of discrimination in the sale or rental of housing in the Plaintiff's complaint. Specifically, § 3604(b) makes it unlawful to

"discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin."

3. Dorchester County moves for Summary Judgment of the Plaintiff's Second Cause of Action for Conspiracy, 42 U.S.C. §1985(3) on the grounds that 42 U.S.C. §1985(3) does not create a substantive right for the Plaintiff, and on the grounds that Dorchester County cannot conspire with itself. The South Carolina Supreme Court has stated that "a civil conspiracy cannot exist when the alleged acts arise in the context of a principal-agent relationship because by virtue of the relationship such acts do not involve separate entities." *McMillan v. Oconee Mem'l Hosp.*, 367 S.C. 559, 564, 626 S.E.2d 884, 886–87 (2006) –*See also Cameron v. Church*, 253 F.Supp.2d 611, 623 (S.D.N.Y.2003) (stating "[t]he intracorporate conspiracy doctrine provides that the officers, agents and employees of a single corporate or municipal entity, each acting within the scope of his or her employment, legally are incapable of conspiring together" and holding the plaintiff's claim of a civil conspiracy was barred by the intracorporate conspiracy doctrine where the individual defendants were all acting within the scope of their employment for the County of Westchester and thus no actionable conspiracy existed as a matter of law). Dorchester County does not meet the requisite element of being two or more people. .

42 U. S. C. §1988(b) is not applicable to this case without a violation of 42 U.S.C. §1985(3).

4. In the alternative, Dorchester County moves for Summary Judgment on all causes of action brought by the plaintiff against Dorchester County as all claims for loss result from the execution, enforcement, or lawful implementation of the tax collection process,

and the assessment or collection of taxes or special assessments or enforcement of the tax laws of South Carolina pursuant to S.C. Code Ann. § 12-51-40. Dorchester County as a governmental entity is not liable for a loss resulting from assessment or collection of taxes or enforcement of tax laws. (§15-78-60 (3), and (11)).

CONCLUSION

For the above reasons, Dorchester County seeks an order granting it summary judgment for all causes of action. The motion will be based upon the pleadings, the attached exhibits and may be supplemented with a memorandum of law, and additional testimony from depositions or affidavits. All of which will be supplied at a time that complies with the South Carolina Rules of Civil Procedure.

Respectfully Submitted,

ANDERSON REYNOLDS & STEPHENS LLC

J. J. Anderson, Esquire
South Carolina Bar # 383
Lisa A. Reynolds, Esquire
South Carolina Bar # 15527
37 ½ Broad Street
P.O. Box 87
Charleston, SC 29402
(843) 723-0185
janderson@arslawsc.com
lreynolds@arslawsc.com
Counsel for Defendant Dorchester County

December 11, 2015
Charleston, South Carolina

STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER THE FIRST JUDICIAL CIRCUIT
CASE NO. 2014-CP-18-1349

RECOR
2015 DEC 14 PM 1:36
CHERYL E. [illegible]
CLERK OF COURT
DORCHESTER COUNTY

WENDY REED,

PLAINTIFF,

vs.

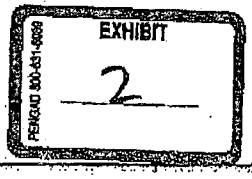
COUNTY OF DORCHESTER AND THOMAS LIMEHOUSE,

DEFENDANTS.

Deposition of:
Wendy Reed

July 9th, 2015

The deposition of WENDY REED, taken before Amanda Barbao, Court Reporter and Notary Public, at the Foster Law Firm, 895 Island Park Drive, Suite 202, Charleston, South Carolina, on July 9th, 2015, commencing at 11:00 a.m.



Electronically signed by amanda barbao (401-133-007-0591)
94a5cfef-eb62-4c96-98c0-6c4e2482b9aa

A Yes.
Q And I believe the auto accident was in 1983 also, correct?
A Yes.
Q And so you met originally with Ms. Bloodgood in 2012?
A Yes.
Q Okay. Has any action been taken by you, or was there any action taken by you to probate your father's estate?
A No.
Q Okay. And was there a reason that you did not do that?
A No.
Q Okay. And did you understand at the time that if you had done that, then you would have been recognized as an heir to your grandmother's property?
A No, I didn't know that.
Q Did you ever present a birth certificate to anybody in Dorchester County, with the government, to show that you were an heir on this property?
A No.
Q Okay. And is there a reason you did not do that?
A No.
Q All right. Now, we have been provided a copy of a

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb62-4c96-96c0-8c4e2482b9aa

Q Now, prior to requesting it three months ago, did you have a copy of your birth certificate?
A Yes.
Q Okay. Why did you request a new copy?
A Nancy said I needed to get it for the court.
Q Okay. And prior to getting this copy three months ago, had you ever presented a birth certificate to anybody in Dorchester County to show that you were an heir to the property?
A No, I never tried.
Q Okay. All right. After you met with Ms. Bloodgood, did you ever go individually back to the tax office?
A No.
Q Did you ever go with her?
A No.
Q In 2013, what did you do to attempt to redeem your property?
A They wouldn't let me redeem it, so there was nothing I could do.
Q Okay. When they told you that you could not redeem it, that was because you had not shown that you were an heir?
A Yes.
Q Did you do anything in 2013 differently than what

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb62-4c98-96c0-6c4e2482b9aa

MR. ANDERSON: Let's go off for just a second.

(Discussion off the record.)

BY MR. ANDERSON:

Q You indicated that your grandmother, Lucille Gregg had a will?

A Yes.

Q And do you know where that will is?

A No.

Q How do you know that she had a will?

A Bonita Daniels told me that there was a will and listed all these names that were on here. She's the one that told me that I had to have one of the names off of that will come in and pay the taxes for me.

Q Okay. All right. So your knowledge of the will is you're relying on what Bonita Daniels told you?

A Yes.

Q Okay. How do you know Bonita Daniels?

A I don't know her. I just know of her.

Q When you say you just know of her, explain that to me. What do you mean?

A Well, she's the one they always connect you to when you call the tax office. They always say, Well, you got to speak to Bonita Daniels, so that's how I know of her. When you call and ask questions, that's

Electronically signed by amanda barbao (401-133-007-0591) 94a5cf0f-eb62-4c96-96c0-6c4a2482b9aa

Q Okay. At some point, would you give that to Ms. Bloodgood so she can then send it over to us?
A Yes.
Q Okay. What information did you request from the probate office?
A Well, when I went, I tried -- well, like I said, I couldn't get the land probated because it was, you know, too long. So that's when I went to Josh. Like I said, that's when I went to Josh.
Q To who?
A Mr. Walden.
Q Oh, okay. All right. But when you went up to the first person that you met at the probate office, what did you tell them?
A I told them I wanted to try to probate my father's property, and they told me that I couldn't because it was too long.
Q Now, did you tell them your father's property or your grandmother's?
A Well, my grandmother's property.
Q Okay. And what did you -- why did they tell you it was too long?
A Well, I guess they knew -- well, I guess they knew it was too long. It was too many years. They asked me when she died, my great grandmother died.

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb62-4c96-96c0-6c4e2482b9aa

Q And you told them?
A '84. And that's when I told them that I was paying it for my father, you know, in his name, but in my name in care of, that that's how I got the mail transferred in care of my name.
Q Okay. And this was on your first trip to the probate office?
A Yes.
Q All right.
A And I never went back after that.
Q Did you mention your father while you were at the probate office?
A Yes.
Q Did you ask them about your father?
A Yes.
Q Did you tell them that he had received the property by a will?
A No, I didn't.
Q Did you provide them with any information concerning your father's death in 2004?
A No.
Q Okay.
A I only mentioned my grandmother.
Q Did you provide them with your grandmother or your great grandmother's name at the probate office?

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb62-4c90-96c0-6c4e2482b9aa

A No.

MR. ANDERSON: Are you going to have any questions, Ms. Bloodgood?

MS. BLOODGOOD: I have one. Maybe two.

MR. ANDERSON: Let's take a quick break.

(The deposition took a short recess.)

BY MR. ANDERSON:

Q Let me ask you a few more questions. Do you have any family, other than Gregg and Reed, with the last name of Gregg or the last name of Reed, that are over the age of 18 in Dorchester County?

A No.

Q Okay.

A Well, my last name is Reed by marriage.

Q Right. The reason I ask that question is for when we get a jury list selection and so forth, I don't want your husband's brother on the jury.

A Oh, okay.

Q And who knows, you may not want him there either. But anyway, I'm just looking for relatives to try to avoid that.

A Okay.

Q And so the only two last names are Reed and Gregg?

A Yes.

Q Okay. And you have your son who is 24?

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb62-4c96-98c0-6c4e2482b9aa

Q Okay. John L. is your father?
A Yes.
Q Angie Gregg?
A Ridgeville.
Q Annette Gregg?
A She lives in Summerville.
Q Kenneth Gregg?
A Summerville.
Q Jeannette Gregg?
A Ridgeville.
Q Cornelius Gregg?
A He lives in -- I think it's -- I don't know where he's living now, but I think it's Bluffton.
Q Bluffton?
A I'm not sure.
Q That's almost to Georgia.
A Yeah.
Q I don't know if you've ever driven down there, but that place is a mess.
A I've never been there.
Q Okay. All right. Now, did you tell any of -- did you either tell Leon, James, Orin, Angie, Annette, Kenneth, Jeannette or Cornelius, that the property was being sold for taxes?
A Well, my uncle, Leon and Annette, they came to the

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb62-4c96-96c0-6c4e2482b9aa

house right after they saw it in the papers. I knew nothing about it until it got in the papers.

Q Okay. When did they -- they saw it in the papers?

A Yes.

Q When was that?

A I guess -- well, I'm not sure, but I guess right after she advertised it in the Journal Scene.

Q All right.

A I don't recall the date.

Q You got a notice in the mail?

A Yes.

Q You went and picked up that notice?

A Yes.

Q Did you get the notice after --

A I got the notice after.

Q After Leon and Annette had come and talked to you?

A No. Yeah. No, I'm not sure. I can't remember.

Q All right. Was it about the same time?

A About the same time, yeah.

Q Okay. And when you talked to Leon and Annette, what did you talk about?

A They said, why didn't I tell them about it, and I told them I didn't know nothing about it.

Q Wait. When you say they saw it in the paper, what are we talking about? The advertisement for the sale?

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb62-4c96-96c0-6c4e2482b9aa

A Yeah. The advertisement for the sale.
Q Okay. All right. And other than just saying why didn't you tell us about it, what else was said?
A I told them that's because I knew nothing about it until it was in the paper. And then at the grocery store, a lady said she saw it in the paper also, and she asked me what was going on, and I told her I didn't know what was going on. So that's when they told me to find out what was going on, and I tried to get help from lawyers.
Q When you found out what was going on, when you went up there, did you get back to Leon and Annette?
A Yes.
Q Okay. And what did you tell them?
A They told me to try and get it back, and like I told them, I couldn't get it back. He wanted too much money for it. Mr. Limehouse wanted too much money for it.
Q Okay. What they saw in the paper, was that a notice for the sale of the property because of delinquent taxes or was that about your lawsuit?
A No. They saw what was already sold. He said it was already sold. He even came to my house and told me he bought the property, so therefore, I thought it was already sold.

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfaf-eb62-4c95-96c0-6c4e2482b9aa

Q When you say, "he came to the house" --
A Mr. Limehouse came to my house.
Q Okay. I'm talking about Leon and Annette?
A Oh, you're talking about them.
Q I'm talking about Leon and Annette. So they came to your house right after you got the tax notice?
A Yes.
Q Or about the same time?
A About the same time.
Q Okay. And you discussed this problem with them?
A Yes.
Q Okay. And they said to find out what was happening?
A Yeah.
Q Okay. When you found out, did you go back to Leon and Annette and tell them what was happening?
A No.
Q And was there a reason you did not go back to them?
A No.
Q Now, did you know that Leon and Annette could redeem the property?
A No.
Q All right. Have you heard that since the lawsuit began?
A Now. I know now that they could have but not

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-ab62-4c98-96c0-6c4e2482b9aa

before.
Q Okay. And was it my telling you that they could, or did you know that before we started the deposition?
A I didn't know that.
Q Okay. All right. So you did not know that anybody on this list could redeem the property?
A Huh-uh (indicating a negative response).
MS. BLOODGOOD: Is that a no?
THE WITNESS: No.
MR. ANDERSON: All right. Thank you very much. I think that's all the questions I have, depending on what Ms. Bloodgood says.
EXAMINATION BY MS. BLOODGOOD:
Q I just want to clarify for the record, the property that you live on has three different tax map numbers?
A Yes, it does.
Q And you live on -- if you're facing the road, you live on -- well, what's the tax map number of your property?
A I can't recall the number, but I know it's zero -- 014 -- not 014, but 018. And my mother's, she's in the center part, and that's 014. And my sister is in the back part, and that's 019.
Q Okay. And has your mother's property in the middle ever been delinquent in taxes?

Electronically signed by amanda barbao (401-133-007-0591) 94a5cfef-eb82-4c96-96c0-6c4e2482b9aa

RECORDED

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER)

2015 DEC 14 PM 1:36
CHERYL [illegible]
CLERK OF COURT
DORCHESTER COUNTY

Wendy Reed,

Plaintiff,

v.

Dorchester County and Thomas Limehouse,

Defendant.

Case No.:
2014-CP-18-1349

****

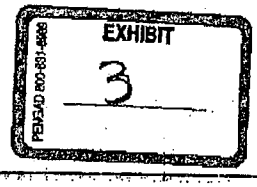
DEPOSITION OF: BENITA DANIELS

DATE TAKEN: Thursday, August 27, 2015

TIME: 10:00 A.M.

PLACE: 500 North Main Street
Summerville, South Carolina

REPORTED BY: MARY ANN RIDENOUR, RPR, CLR
Registered Professional Reporter,
Certified LiveNote Reporter
and Notary Public



A. Yes. If I get a deed and look at it, yes.
Q. All right. And this list of names, when you talked about the people who could redeem, would it include this list of names?
A. Yes.
Q. Okay. And we're talking about -- it says under -- it says, Devisee/heir at law. And then there's a list of names below that, on that form.
A. Right.
Q. If you had had this with you when Ms. Reed came in and was asking questions, would you have told her about this list of people?
A. I would look on it and tell her, you know, if your name is not on it, you can't redeem it.
Q. Right. All right. Would you tell her that the people whose names are on the list can redeem it?
A. Right.
Q. Okay. Do you recall whether or not you had that actual conversation with Ms. Reed?
A. I can't say for sure, but I'm -- I'm -- because, like I say, so many people come in. We have this, that we have to do the same. So I would say that I did. If she came in and I talked to her, and I had that folder, that's what I would have told her.
Q. All right. Okay.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

2015 DEC 14 PM 1:38

CHERYL C. ... CLERK OF COURT DORCHESTER COUNTY

WENDY REED,

Plaintiff,

v.

DORCHESTER COUNTY AND THOMAS LIMEHOUSE;

Defendants.

CASE NO.: 2:14-cv-76-RMG-BHH

AFFIDAVIT OF JOHN FRAMPTON, COUNTY ATTORNEY FOR DORCHESTER COUNTY, SOUTH CAROLINA

PERSONALLY APPEARED BEFORE ME, John G. Frampton, who after being duly sworn, did depose and state:

1. On October 8, 2013, I, John Frampton, attorney for Dorchester County sent Nancy Bloodgood, attorney for Wendy Reed, Plaintiff, the attached e-mail (Exhibit A) with the Devise/Descent sheet from the estate package of Lucille Gregg (Exhibit B) attached to it.

2. In the e-mail I stated, **"I do not know the relationship of your client, Wendy Reed, to any of the devisees but as far as the County is concerned any of the named devisees listed on the Devise/Descent would be eligible to redeem to properties. Give me a call if you would like to discuss this further."**

3. I never received a reply to the e-mail or any indication that the e-mail had not been received.

4. The e-mail was sent for the following reason:

Ms. Bloodgood had sent a letter dated September 6, 2013, to the Dorchester County Delinquent Tax Collector and Dorchester County Treasurer questioning why her client was not allowed to redeem property which had been sold for delinquent taxes. The redemption statute specifically limits the class of persons eligible to redeem property after a tax sale. I was providing this information to Ms. Bloodgood in order to assist her client in the redemption process since I had no information concerning the relationship of her client to any of the devisees listed on the Devise and Descent.

Further affiant sayeth not.

John G. Frampton, Esquire

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 16th DAY
OF November, 2015.

CK Farmer
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 9/18/2021

EXHIBIT 4

Suzanna Davis

Gregg Walker

From:	John Frampton
Sent:	Tuesday, October 08, 2013 10:52 AM
To:	'nbloodgood@fosterfoster.com'
Cc:	Suzanna Davis
Subject:	Redemption of TMS#s 137-02-10-005 & 137-02-10-019
Attachments:	20131008102749696.pdf

RECORDED
2013 OCT 14 PM 12:06
DORCHESTER COUNTY

Nancy,

Attached is a Devise/Descent from the estate package of Lucille Gregg who was the owner of the above subject TMS numbers at the time of her death. I do not know the relationship of your client, Wendy Reed, to any of the devisees but as far as the County is concerned any of the named the devisees listed on the Devise/Descent would be eligible to redeem the properties. Give me a call if you would like to discuss this further.

-----Original Message-----
From: John Frampton [mailto:jframpton@dorchestercounty.net]
Sent: Tuesday, October 08, 2013 10:38 AM
To: John Frampton
Subject: Message from "RNP0026732BA04D"

This E-mail was sent from "RNP0026732BA04D" (Aficio MP C4501).

Scan Date: 10.08.2013 10:37:49 (-0400)

EXHIBIT
A

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

IN THE PROBATE COURT

RE-RECORD

DEVISE/DESCENT OF REAL ESTATE AND DESCRIPTION

2015 DEC 14 PM 1:36

CHERYL FERGUSON
CLERK OF COURT
DORCHESTER COUNTY

Intestate

Testate or Intestate

BY LUCILLE B. GREGG

8365/1800106

DECEASED OWNER AS GRANTOR

TO: DEVISEE/HEIR AT LAW

(or Grantee)

Items 1. and 2.:

WALTER L. GREGG, SR., 1/7
LEON C. GREGG, 1/15
WALTER L. GREGG, JR., 1/15
JAMES A. GREGG, 1/15
ORIN S. GREGG, 1/15
JOHN L. GREGG, 1/15
ANGIE E. GREGG, 1/15
ANNETTE GREGG, 1/15
KENNETH GREGG, 1/15
JEANETTE GREGG, 1/15
CORNELIUS GREGG, 1/15

Above-named Heirs-at-Law take pursuant to South Carolina Statutes of Descent and Distribution, Section 21-1-20, 1976, South Carolina Code re Items 1. and 2.

DESCRIPTION OF REAL ESTATE

Briefly include sufficient information to designate and locate real estate, such as number of acres, lot numbers, name of subdivision, street address, City, County, Block Map Reference Number, Deed Book, etc.

1. 1/8 acre, with one building, 817 W. Richardson Avenue, Summerville, SC 29483 (Dorchester County, Summerville Township, School District #2)

2. 1 lot (no building), behind 819 W. Richardson Avenue, Summerville, SC 29483 (Dorchester County, Summerville Township, School District #2)

Item 3.:

WALTER L. GREGG, SR., 1097

Takes by virtue of being co-grantee with Decedent under Right of Survivorship deed

1. 1 acre, with one building, Dorchester County, School District #2, near Givhans, SC (referenced is craved to a plat dated May 10, 1971, surveyed by Bobby M. Long, recorded on September 7, 1971, at the Clerk of Court's office for Dorchester County, Book 18, Page 349)

FILED BY: LEON C. GREGG AS ADMINISTRATOR OF THE SUBJECT ESTATE

June 29, 1994

Leon C. Gregg (SEAL)

(SEAL)

Probate Judge, County, S.C.

COMPLETE IN TRIPLICATE AND FILE WITH THE PROBATE COURT
When realty is located in another county, file separate form in triplicate for each such County (1976 S.C. Code References Section 11-23 610 and 30-9-60)

EXHIBIT B

SOUTH OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER	)	FOR THE FIRST JUDICIAL CIRCUIT
WENDY REED,	)	CASE NUMBER: 2014-CP-38-1349
Plaintiff,	)	**Defendant County of Dorchester's Motion to Alter or Amend Judgment of Order Denying in Part and Granting in Part Defendant's Motion for Summary Judgment**
vs.	)	
COUNTY OF DORCHESTER AND THOMAS LIMEHOUSE,	)	
Defendants.	)	

CLERK OF COURT
DORCHESTER COUNTY
2014 MAY 17 AM 11:06
RECORDED

TO: THE HONORABLE EDGAR W. DICKSON AND ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE that Defendant County of Dorchester will move, before The Honorable Edgar W. Dickson, at a time and date set by the Court, to alter or amend portions the Court's Order Denying in Part and Granting in Part Defendant County of Dorchester's Motion for Summary Judgment, pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure. This motion applies to those portions of the Court's Order denying Dorchester County's motion for summary judgment for those causes of action brought by Plaintiff Wendy Reed (hereinafter Plaintiff) and identified within the Court's Order as Reed's cause of action for Equitable Estoppel and Reed's remaining causes of action.

Rule 59(e), SCRCP Standard

"The purpose of Rule 59(e), SCRCP, to alter or amend the judgment is to request the trial judge to 'reconsider matters properly encompassed in a decision on the merits.'" *Arnold v. State*, 309 S.C. 157, 172-173 (1992) (citing *Budinich v. Becton Dickinson and Co.*, 486 U.S. 196, 200,

108 S.Ct. 1717, 1720, 100 L.Ed.2d 178, 184 (1988)). "It is proper to view a Rule 59(e) motion not only as a vehicle to request the trial court 'alter or amend the judgment,' but also as a vehicle to seek 'reconsideration' of issues and arguments." *Elam v. South Carolina Dept. of Transp.*, 361 S.C. 9, 21 (2004). A party may "ask the court to reconsider its decision even if it means rehashing all or part of an argument previously presented." *Id.* "There is nothing inherently unfair in allowing a party one final chance not only to call the court's attention to a possible misapprehension of an earlier argument, but also to revisit a previously raised argument." *Id.* at 22.

DISCUSSION OF THE FACTS AND LAW

This matter arises from the attempted redemption of property sold for delinquent taxes. On December 3, 2012, 817 and 819 West Richardson Avenue (collectively "the properties") in Summerville, Dorchester County, South Carolina were sold for delinquent taxes pursuant to §12-51-40, S.C. Code Ann. The Plaintiff, Wendy Reed, does not contest the sale and stipulated in her Complaint and Amended Complaint that the taxes on the subject property were delinquent and that all requisite notices required for the sale and redemption of the properties were properly provided (Amended Complaint, paragraphs 21, 22, and 23). §12-51-40(a) requires notice be given by mail to "the defaulting taxpayer and to a grantee of record of the property." As is more fully discussed below the Plaintiff is neither the "defaulting taxpayer" nor "a grantee of record of the property" and thereby, Dorchester County was not required to provide notice to the Plaintiff. In addition, the Plaintiff had actual notice of delinquency, the sale, and redemption period as can be determined from Plaintiff's allegations that Plaintiff made four attempts to redeem the property.

The Plaintiff failed to inform Dorchester County that Plaintiff was a member of one of a qualifying class that is allowed to redeem property following a tax sale as listed in §12-51-90(A) S.C. Code Ann. Plaintiff failed to include within her complaint language that would show Plaintiff had standing to redeem the property. A motion to dismiss for lack of standing was filed by Dorchester County. The failure of the Plaintiff to inform Dorchester County of Plaintiff's status as a member of a class eligible to redeem the property is made clear from the ruling the Honorable Carmen T. Mullen made on Dorchester County's motion to dismiss for lack of standing. On March 4, 2015 the Honorable Carmen T. Mullen issued an Order that states in part:

> The status of the person attempting to redeem real property from a delinquent tax sale is a specific requirement of §12-51-90(A) S.C. Code Ann. for the redemption of the real property. Therefore, the Plaintiff must provide to the County Defendants evidence that the Plaintiff is a member of a qualifying class ("defaulting taxpayer, or any grantee from the owner, or any mortgagee or judgment creditor") within 60 days of this Amended Order.
>
> At that time, County Defendant's Motion to Dismiss will be revisited along with Plaintiff's Motion for Injunctive Relief.
>
> IT IS SO ORDERED!

The Plaintiff admits that prior to responding to the March 4, 2015 Order, and more specifically during the statutory redemption period, she did not provide Dorchester County with information necessary to determining her status as a person qualified to redeem the properties. (Deposition of Wendy Reed, 21:8-24, 23:6-10, 28:12-30:1). In addition, prior to the expiration of the redemption period, the County Attorney for Dorchester County provided to the Plaintiff's attorney a list of individuals who were on record as owners of the property and eligible to redeem the property. The list of eligible redeemers brought no response from the Plaintiff or Plaintiff's attorney and no action was taken by the Plaintiff or Plaintiff's attorney.

The Court has focused its denial of Dorchester County's Motion for Summary Judgment on the case of *Taylor v. Aiken County Assessor*, 402 S.C. 559, 562, 741 S.E.2d 31, 33 (S.C. App.

2013) and the following definition: "'[p]roperty taxpayer' means a person who is liable for, or whose property or interest in property, is subject to, or liable for, a property tax imposed by this [T]itle [12]." S.C. Code Ann. § 12-60-30(22) (Supp. 2012). *Taylor v. Aiken County Assessor*, 402 S.C. 559, 562, 741 S.E.2d 31, 33 (S.C. App. 2013). The Courts application of the definition of "property taxpayer" to provide the Plaintiff with an interest in property that is subject to, or liable for, a property tax imposed by Title 12 misapprehends what is required for an interest in property to be "subject to, or liable for a property tax." The S.C. Code Ann. § 12-37-610 provides who is liable for taxes and assessments on real property.

> Each person is liable to pay taxes and assessments on the real property that, as of December thirty-first of the year preceding the tax year, he owns in fee, for life, or as trustee, as recorded in the public records for deeds of the county in which the property is located, or on the real property that, as of December thirty-first of the year preceding the tax year, he has care of as guardian, executor, or committee or may have the care of as guardian, executor, trustee, or committee.

The statute establishes that to be liable for a tax or assessment on real property, the person or their interest in the property must be a matter of record as recorded in the public record for deeds of the county in which the property is located. As the Plaintiff's interest in the property is not a matter of record, the Plaintiff is not the person liable for, or whose property or interest in property, is subject to, or liable for, a property tax imposed by Title 12 of the South Carolina Code of Laws.

CONCLUSION

Dorchester County is entitled to Summary Judgment on all causes of action brought by the Plaintiff for the following reasons:

1. As the Plaintiff's interest in the property was not recorded or a matter of record the Plaintiff was not among those persons to whom Dorchester County was required to give notice of the tax sale.

2. As the Plaintiff's interest in the property was not a matter of record, the Plaintiff was not liable to pay taxes or assessments on the property and not "the defaulting taxpayer."

3. The Plaintiff has admitted that Dorchester County was not made aware of the nature of Plaintiff's interest in the property until after the Court required the disclosure as proof of standing in this matter on March 4, 2015.

4. Dorchester County is not required to research and determine the Plaintiff's relationship to the property beyond what is a matter of record. It was incumbent upon the Plaintiff to establish the Plaintiff's status and eligibility to redeem the property as no such requirement is placed by statute upon Dorchester County.

Dorchester County requests the Court's Order issues on May 5, 2017 be altered and amended to grant summary judgment to Dorchester County for those causes of action brought by the Plaintiff and labelled within the Court's Order as Reed's cause of action for Equitable Estoppel and Reed's remaining causes of action.

SIGNATURE ON NEXT PAGE.

Respectfully submitted,

ANDERSON REYNOLDS &
STEPHENS, LLC

J. L. Anderson, Esquire
Lisa A. Reynolds, Esquire
37 ½ Broad Street
Charleston, SC 29401
843-723-0185
janderson@arslawsc.com
Attorneys for Defendant County of Dorchester

May 15, 2017
Charleston, South Carolina

FILED - RECORDED
2017 MAY 23 AM 11:04
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER)	IN THE FIRST JUDICIAL CIRCUIT
Wendy Reed,)	Case No.: 2014-CP-18-1349
Plaintiff,)	**PLAINTIFF'S RESPONSE TO DEFENDANT DORCHESTER COUNTY'S MOTION TO ALTER OR AMEND JUDGMENT**
vs.)	
Dorchester County and Thomas Limehouse,)	
Defendants.)	

The basis for Defendant's Motion to Alter or Amend is that Plaintiff is not the defaulting taxpayer because she does not have the requisite interest in property to be "subject to, or liable for a property tax per S.C. Code Ann. § 12-37-610. Specifically, Defendant alleges that even though Plaintiff testified she paid the taxes for years and Defendant County sent to Plaintiff all the tax bills and delinquent notices and she provided a birth certificate indicating John Louis Gregg is her father (in response to Judge Mullens' March 4, 2015 Order), that Plaintiff is not the taxpayer pursuant to S.C. Code Ann. § 12-37-610 because her name does not appear on a recorded deed. Defendant misreads this statute as Plaintiff "is liable to pay taxes and assessments on the real property that, as of December thirty-first of the year preceding the tax year, [she] owns in fee....".

The property at issue is heirs' property and heirs' property is held by the property owners as a tenancy in common. Heirs' property is inherited intestate and often the named owner on the deed has been dead for many years, as is the case here. That fact does not alter Plaintiff's ownership in fee as tenancy in common is a type of fee ownership. Black's Dictionary defines

"fee" as "[a]n estate of inheritance without condition, belonging to the owner and alienable by him or transmissible to his heirs absolutely."

A tenancy in common is a form of concurrent ownership. "A cotenant has the right, in common with his co-tenants, to the possession of the property owned in common, so ordinarily the possession by one cotenant is the possession of all. *Fender v. Heirs at Law of Smashum*, 354 S.C. 504, 512, 581 S.E.2d 853, 857 (Ct. App. 2003). Tenants in common each own a separate fractional share in undivided property. "[P]ossession of one tenant in common is the possession of all. His sole occupancy of the common property is entirely consistent with the existence of the co-tenancy and a full recognition of the rights of his co-tenant to enter and share the possession with him at any time. *Wells v. Coursey*, 197 S.C. 483, 488-489, 15 S.E.2d 752, 755 (1941); *see also, Watson v. Little*, 224 S.C. 359, 368, 79 S.E.2d 384, 387 (1953) (possession of one tenant in common is the possession of all).[1]

"In the case of cotenancy ..., each tenant has the right in common with a cotenant to possession of the premises held in common and *the possession of one is considered the possession of all.*" *Horne v. Cox*, 237 S.C. 41, 44, 115 S.E.2d 513, 515 (S.C. 1960) (emphasis added).

Recently, in *Taylor v. Aiken County Assessor*, 402 S.C. 559, 741 S.E.2d 31 (Ct. App. 2013), the Court held the owner of property had standing to appeal a 2010 valuation and

[1] Tenants in common can even mortgage their undivided interests. *Ex parte Johnson*, 147 S.C. 259, 286, 145 S.E. 113, 121 (1928). As the Court held in *Wells v. Coursey*, 197 S.C. 483, 488-89, 15 S.E. 2d 752, 755 (S.C. 1941):

> The one distinctive feature of every co-tenancy is the right of each tenant, in common with his co-tenants, to the possession of the premises held in common. An immediate and necessary corollary to this rule is the principle that the possession of one tenant in common is the possession of all.

assessment because he was a property taxpayer within the definition of S.C. Code Ann. § 12-60-30 (22). S.C. Code § 12-60-30 (29) defines a "taxpayer" as a person "who is responsible for collecting and remitting a tax."

Besides permitting the taxpayer to redeem property, S.C. Code § 12-51-90 (A) also allows any "grantee from the owner" to redeem property. A "grantee is someone to whom a grant is made. A grant is defined as a transfer of real property." *Black's Law Dictionary.* Heirs' property is property belonging to those persons designated by law to succeed to fee ownership of real property in cases of intestacy. As heirs' property owners are clearly intestate "grantees from the owner," they are absolutely permitted by law to redeem property per S.C. Code § 12-51-90 (A).

In short, Defendant's argument in favor of reconsideration cannot stand based on the fact that Plaintiff holds ownership of the property in fee as a tenant in common through intestacy and the deed with her great grandmother's name, her grandmother's probate documents and her birth certificate are all public records evidencing Plaintiff's fee ownership.

For these reasons, Plaintiff respectfully requests Defendant's Motion to Alter or Amend be denied.

SIGNATURE BLOCK ON NEXT PAGE

BLOODGOOD & SANDERS, LLC

Nancy Bloodgood

Nancy Bloodgood, SC Bar No.: 6459
Lucy C. Sanders, SC Bar No.: 78169
242 Mathis Ferry Road, Suite 201
Mt. Pleasant, SC 29464
Telephone: (843) 972-0313
Facsimile: (843) 377-8997
Email: nbloodgood@bloodgoodsanders.com
lsanders@bloodgoodsanders.com

Attorneys for Plaintiff

Charleston, South Carolina

Date: 5/22/2017

CERTIFICATE OF SERVICE

I certify that on **May 22, 2017** I served the foregoing **Plaintiff's Response to Defendant Dorchester County's Motion to Alter or Amend Judgment** upon all counsel of record by affixing same with proper postage placing same with the United States Postal Service addressed to counsel's last known address.

By: Amanda Kramer

Amanda Kramer

STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

COUNTY OF DORCHESTER

WENDY REED,

Plaintiff,

vs.

COUNTY OF DORCHESTER and

THOMAS LIMEHOUSE,

Defendants.

Transcript of Record
2014-CP-18-01349

March 9, 2019

B E F O R E:

The Honorable Edgar W. Dickson, Presiding Judge

A P P E A R A N C E S:

Nancy Bloodgood, Esq.
Attorney for the Plaintiff

JJ Anderson, Esq.
Attorney for the County Defendant

Thomas Limehouse, Esq.
Pro Se Defendant

Court Reporter: Hilda Jordan, CVR-M

Transcribed by: Bobbi Fisher, RPR, CET

I N D E X

WITNESS	PAGE
WENDY REED	
Direct Examination by Ms. Bloodgood	8
Cross-Examination by Mr. Anderson	21
BONITA DAVIS	
Direct Examination by Ms. Bloodgood	35
Cross-Examination by Mr. Anderson	40
SIDNEY JONES, III	
Direct Examination by Mr. Anderson	47
Cross-Examination by Ms. Bloodgood	54
Redirect Examination by Mr. Anderson	57
Recross-Examination by Ms. Bloodgood	57
SUSANNA DAVIS	
Direct Examination by Ms. Bloodgood	62
Cross-Examination by Mr. Anderson	67
JOHN FRAMPTON	
Direct Examination by Mr. Anderson	70
Cross-Examination by Ms. Bloodgood	73
Cross-Examination by Mr. Limehouse	78
Redirect Examination by Mr. Anderson	79

E X H I B I T S

PLAINTIFF'S EXHIBIT		MKD	RCD
Exhibit 1	Birth Certificate	16	21
Exhibit 2	Death Certificates	16	21
Exhibit 3	Real Estate Title	17	21
Exhibit 4	Assessor's Office Printout	64	66
Exhibit 5	Assessor's Office Printout	64 Withdrawn (70)	

(NOTE: Exhibits 6 through 19 were marked in the subsequent Gregg case.)

E X H I B I T S

DEFENDANT'S EXHIBIT		MKD	RCD
Defendant 1	Probate Package	26	
Defendant 2	Tax File	41	44
Defendant 3	Email with Attachments	66	

(NOTE: Other Defendant exhibits were referred to in the subsequent Gregg case.)

THE COURT: And, Ms. Reed, if you don't mind, you need to speak up.

THE WITNESS: Okay. All right. I will.

THE COURT: That's good.

THE WITNESS: All right. Thank you.

THE COURT: All right, Ms. Bloodgood.

DIRECT EXAMINATION

BY MS. BLOODGOOD:

Q Ms. Reed, are you married?

A Yes.

Q And what was your maiden name?

A Gregg.

Q Okay. Where do you currently live?

A 817 West Richardson Avenue, Summerville.

Q And is 817 West Richardson Avenue in Summerville Heir's property?

A Yes.

Q How long have you lived at 817 West Richardson Avenue?

A Forty-eight years.

Q Who is your father?

A John Gregg.

Q And who was your grandmother?

A Elizabeth Perry.

Q Is that your grandmother or your great-grandmother?

A My great-grandmother.

Q Who was your grandmother?
A Lucille Gregg.
Q Now, are you the person in the family who pays the taxes on 817 West Richardson Avenue?
A Yes, I am.
Q How many years have you paid taxes on this property?
A At least eight years.
Q And who in your family paid the taxes before you started paying the taxes?
A John Gregg.
Q And that was your father?
A Yes.
Q And how were you paying the property taxes?
A In cash, in person.
Q So you -- where do you go to pay the taxes?
A Dorchester County Delinquent Tax.
Q Do you know any of the employees in the delinquent tax office?
A Not offhand, but I can remember one of them.
Q Okay. Is there somebody sitting in the courtroom today who you recall talking to when you went to the delinquent tax office?
A Yes.
Q And who is that?
A Bonita Daniels.

Q And why did you talk to her when you went to the delinquent tax office?

A She was the one that told me that I had to -- my name had to be on the deed, but my name was not on the deed.

Q And has Ms. Bonita ever been to your property at 817 West Richardson Avenue?

A Yes, she has.

Q And did she know that -- well, let me ask you this. I'm sorry. Why was she at your property on 817 --

A To put the post in the yard.

Q And did you talk to her at that time?

A Not that day.

Q But have you spoken to her before --

A Yes.

Q -- about your property?

A Yes.

Q Does she know that you are related to the Greggs?

A Yes.

Q Does she know you're the person who paid the taxes on 817 West Richardson?

A Yes.

MR. ANDERSON: Objection.

BY MS. BLOODGOOD:

Q How does she know that?

MR. ANDERSON: Calls for speculation.

THE COURT: These are -- you need to rephrase the question or --

MS. BLOODGOOD: Okay.

BY MS. BLOODGOOD:

Q Did you have conversations with Ms. Daniel about who paid the taxes on your property?

A Yes.

Q Okay. And tell me about that conversation.

A The conversation was about me letting the taxes lapse, and so, therefore, she said that I have to have the land probated, but I couldn't have it probated.

Q And why couldn't you have it probated?

A Because my father's been dead for over ten years.

Q Whose estate did she -- did she tell you to probate a certain estate?

A Yes.

Q And whose estate was that?

A My grandmother -- my great-grandmother's.

Q And how long ago did your great-grandmother die?

A She died in '84.

Q 1984?

A Yes.

Q And how long ago did your grandmother die?

A Same year. Three months after. Was in a car accident.

Q Were you directed to go to any office other than the

delinquent tax office?

A Yeah. The tax office told me that I had to have it probated, and so, therefore, I had to come here. And when I went upstairs, they give me a card to set up the heir's property. And I went to Josh Walden, and that's when he sent me to you.

Q Okay. So the probate court sent you to sign up for heir's property?

A Yes, yes.

Q But did you have any conversations with the probate court about whether or not you could probate your grandmother's or your great-grandmother's estate?

A No, I didn't, but she told me -- well, the only way that I could have it probated is she gave me a whole stack of papers, and I didn't understand the papers, and so she gave me a card and -- no, she gave me a card, and it was to sign up for the heir's property. So I went to West Ashley and --

Q And I'm mostly interested in what happened in the delinquent tax office and in the probate office. So let's back up, just to be clear. Why did you end up going to the probate court office?

A Delinquent tax sent me there.

Q Okay. And were you able to probate anyone in your family's estate?

A No.

Q Okay. Why not? Do you know why you were not allowed to do that?

A I don't -- I'm not sure.

Q When Ms. Daniel or anybody in the delinquent tax office sent you to probate, did they know that you were the person paying the taxes?

A I guess. I'm not sure.

Q Did you tell Ms. Daniel that -- Ms. Daniel -- Ms. Daniel came to your property and approached the property; correct?

A Yes, she did.

Q So how many times total did you talk to the delinquent tax collector's office about redeeming your property?

A Three.

Q Tell me about each of those times. Tell me about the first time.

A Okay. The first time, it was over the telephone. I had called in and asked them how much was it, and when they told me how much it was, I went to pay it, and I couldn't pay it because they were about to close.

Q The office was --

A Yeah, the office was about to close, but I got there a little before 5 o'clock. And then, when I did get there and they were closed, I knocked on the window, and they told me that I had to -- I could see their lips moving. I could -- you know, they told me to come back Monday.

And when I went back that Monday and I got in the office, then they told me that they couldn't take my money because I had to have the -- had to probate it.

Q Have what probated?

A The land probated because my name wasn't on the deed.

Q And did you also talk -- did you talk to them more than once on the phone?

A No.

Q Did you -- and you went to the office how many times?

A Once.

Q That includes -- and once when it was locked?

A Yeah. And once when it was locked, yes.

Q Did you have cash with you when you tried to pay your taxes?

A Yes.

Q And did you offer to pay the cash to redeem your property?

A Yes.

Q When you went there, did any -- did you drive?

A No. My husband took me.

Q Okay. Do you have a driver's license?

A Yes, I do.

Q Did anyone at the delinquent tax collector's office ask you to see your driver's license?

A No, they didn't.

Q Did anyone ask you for a birth certificate?
A No, they didn't.
Q Did anyone ask you to prove that you were related to either Elizabeth Perry or Lucille Gregg?
A No, they didn't.
Q Did anyone explain to you why --
MR. ANDERSON: Objection. Leading.
THE COURT: Pardon me?
MR. ANDERSON: Objection under leading.
THE COURT: Well, you know, if this is a jury trial, it makes a difference, but I'm going to let her go ahead and do that just so I can move through this thing. Okay?
Go ahead, Ms. Bloodgood.
BY MS. BLOODGOOD:
Q Did anyone explain to you why your name had to be on the deed?
A No, they didn't.
Q Did anyone explain to you at the delinquent tax office why you needed to probate an estate?
A No.
Q Did anyone ask you to provide a death certificate for your father?
A No, they didn't.
Q And, then, after the lawsuit was filed, you did obtain a birth certificate?

A Yes.
Q But that was not at the request of the County; correct?
A No, it wasn't.
Q I'm going to show you a document and ask you if you would -- that we'll mark as Exhibit 1.

(Plaintiff's Exhibit 1 was marked for identification.)

BY MS. BLOODGOOD:

Q Ms. Reed, can you identify this document?
A Yes.
Q What is that?
A Birth certificate.
Q And when did you obtain this birth certificate?
A July 2nd. No, not July 2nd. Oh, okay. December 14th.
Q December 19?
A Yeah, 2014.
Q Okay. And does this birth certificate indicate who your father is?
A Yes.
Q Who is that?
A John Gregg.
Q I'm going to show you another document that we'll mark as Plaintiff's Exhibit 2 --

(Plaintiff's Exhibit 2 was marked for identification.)

BY MS. BLOODGOOD:

Q -- and ask you if you can identify this document.

Ms. Reed, do you know what that document is?

A Yes, ma'am.

Q What is that?

A My mother's death certificate.

Q And a death certificate for whom?

A For my father.

Q No one at the delinquent tax office asked you for that document?

A No, they didn't.

Q I'm going to hand you another document that we'll mark as Plaintiff's Exhibit 3.

(Plaintiff's Exhibit 3 was marked for identification.)

BY MS. BLOODGOOD:

Q Ms. Reed, this is a title to real estate. Down on the bottom of the page -- of the first page of the title, it indicates that Elizabeth Perry was the defaulting taxpayer, in the last paragraph.

A Yes.

Q Elizabeth Perry is whom?

A My great-grandmother.

Q And she's been dead since when?

A Two-thousand -- I mean, 1984.

Q Who was the person who did not -- who failed to pay the taxes on this property?

A I was.

Q And then, on the second page --

THE COURT: Say that again. Who failed to pay the taxes?

BY MS. BLOODGOOD:

Q Would you repeat that?

A I was.

THE COURT: You were? Okay. All right.

BY MS. BLOODGOOD:

Q And then, on the second page, in the middle of the paragraph, there's a statement that says the property was posted on August 15th, 2012, by Bonita Daniels. And do you have any reason to believe that that's a false statement?

A Excuse me?

Q Do you believe that's a true statement?

A Yes. Yes, it is.

Q Okay. And then, on the same deed, down below the list of the Greggs, it says, "Whereas, within the 12-month period as provided by statute, the defaulting taxpayer or other interested parties, after due notice, fail to redeem."

Were you a party that was interested in this property?

A Yes, I was.

Q Are you still living on that property?

A Yes.

Q And then, on the last day, just for the record, there is a date above the signatures that indicate when this deed was prepared. And can you read the date that the deed was

THE COURT: Thank you. 1 through 3 are in evidence without objection.

(Plaintiff's Exhibits 1 through 3 were received into evidence.)

CROSS-EXAMINATION

BY MR. ANDERSON:

Q Good morning.

A Good morning.

Q As you know, my name is J.J. Anderson, and I represent the County in this matter. We have met before.

A Yes.

Q You indicated that you have been paying taxes for eight years prior to 2012.

A Yes.

Q Okay. And part of the -- or in some of those in 2010/2011, you had received late notices.

A Yes.

Q And then you went in and paid it?

A Mm-hmm.

Q All right. And then -- but, in 2012, you waited longer.

A I waited longer because they wouldn't accept the money the first time.

Q All right. So -- and they told you that they couldn't accept the money because you needed to be -- you needed to show that you had an ownership interest or an heir and were

either on a deed or a title or in a will. Is that not correct?

A Yes, yes.

Q Okay. And that was because the property had already been sold and the property was sold in December of 2012.

A Yes.

Q All right. And the rules change after the property is sold as to who can pay the taxes.

MS. BLOODGOOD: Objection as to the form.

Q Were you not told --

THE COURT: She probably doesn't know that.

MR. ANDERSON: What?

THE COURT: She probably doesn't know that, so you can -- you can --

MR. ANDERSON: That was going to be my question, Your Honor. I apologize. I'm sorry.

BY MR. ANDERSON:

Q And you were told that at the office?

A No.

Q No? Okay.

Now, your conversation with Bonita Daniels, she had a list of individuals who were eligible to redeem the property that she talked to you about?

A No.

Q Do you recall that, on July 9th of 2015 in

Ms. Bloodgood's office, I took your deposition?

A Mm-hmm.

Q All right.

THE COURT: Ms. Reed, if you don't mind, I hate -- I know you said --

THE WITNESS: Oh, I'm not speaking loud enough?

THE COURT: No, you just need to say yes or no for the record.

THE WITNESS: Oh, yes or not. Okay. I gotcha.

THE COURT: We're trying to keep the record.

THE WITNESS: Okay.

THE COURT: Thank you, ma'am.

BY MR. ANDERSON:

Q I'm going to hand you a copy of that deposition, the transcript that was taken.

A Okay.

Q Have you seen that before today?

A Yes.

Q All right. And you read that?

A No, I haven't, but...

Q All right. Well, is it -- okay.

Now, in that deposition, I had asked you a question about what Bonita Daniels had told you, and you indicated that, on page 25 at line 5 --

A Page 25, you said?

Q Yeah, at line 5.
A Okay.
Q And, at that point, I asked a question: "You indicated that your grandmother, Lucille Gregg, had a will."
A Yes, she did.
Q Okay. And I said, "Do you know where that will is?"
A No, I didn't.
Q Okay. And how do you know she had a will? And what was your response?
A My great-grandmother had the will. She willed everything --
Q No, my question is, what was your response when I asked you, "How do you know you had a will?" You need to read the response to me that you made at line 11, please.
A Okay.
Q And then --
A Okay. "Bonita told me she had a will."
Q And read the -- read the complete answer.
A "It's listed all the names that were there on the will, and my name wasn't on there."
Q And what did she tell you?
A "She told me that I had to have --"
Q What did you -- okay. Could you finish reading the answer down through line 14. Just start at line 11 and read through 14.

A Okay. "Bonita Daniels told me that there was a will and listed all the names that there was on the will. She's the one that told me that I had to have it -- have one of the names off the will to pay the taxes for me." Okay. All right.

But I couldn't have nobody on the will pay the taxes for me.

Q No, that's fine. And I'm sorry?

A I said, I couldn't have nobody else on the will pay the taxes for me because they all worked.

Q All right. But that's the information that Bonita told you?

A Yes, yes.

Q She had a list of individuals and she told you one of them could pay the taxes.

A Could pay the taxes, yes.

Q And -- now, you have talked to Bonita Daniels on the telephone a couple of times?

A Yes.

Q All right. You've talked with her twice?

A Yes.

Q And you saw her in the office once?

A Yes.

Q And then you had made one other stop at the office when it was closed?

A Yes.
Q Okay. Now, you did not get the exhibit -- Exhibit 1, your birth certificate.
A I got that.
Q Okay. No, you got that, but you got that after a hearing up here in Dorchester County in this courthouse with Judge Mullin; is that not correct?
A I have never been to a courtroom with Judge Mullin.
Q Okay. All right. But this was after a hearing that had been held.
A I don't know.
Q Okay.
A This is my first time coming to court.
Q Now, when you went --
MR. ANDERSON: I'm sorry; I didn't bring a sticker.
COURT REPORTER: That's all right. Defendant's 1 for ID?
MR. ANDERSON: Yes, ma'am.
(Defendant's Exhibit 1 was marked for identification.)
BY MR. ANDERSON:
Q I'm going to hand you what I've been marked as Exhibit 1 for identification and ask you, when where you went to the probate court, did they present you with a package that looked like that? Or is that the package they gave you?
A No. It was -- no, it wasn't like this.
Q Take a minute and look through. There's several pages

there.

A It was a packet, but it wasn't this packet.

Q Okay.

A It was a packet with a bunch of papers that looked like this, but it wasn't this.

Q Okay. It wasn't that specific packet?

A No.

Q And do you know whether or not -- do you recognize the forms that are in here? Are those the forms that they presented to you?

A No.

Q Now, you indicated that your father died in 2004; is that correct?

A Yes.

Q All right. And your property was sold in December of 2012?

A Yes.

Q All right. And so you had until -- let's see. Your father died in May?

A Mm-hmm.

THE COURT: That's a yes?

THE WITNESS: Yes, yes, yes.

THE COURT: I'm sorry to bother you, Ms. Reed.

THE WITNESS: Yes. Okay.

BY MR. ANDERSON:

Q He died in May of 2004; is that correct?
A Yes.
Q So you had until May of 2014 to probate his estate?
A Yes, correct.
Q All right. But you took no action to do that; is that correct?
A No, I didn't.
Q Okay. Now, prior to obtaining this Exhibit 1, your birth certificate, prior to obtaining that --
A Yes.
Q -- you never presented a birth certificate or other identifying documents about yourself to anyone at the delinquent tax collector's office or the probate court; is that correct?
A Yes, that was correct.
Q All right. And when you went to the probate court, you told them that they -- that your grandmother and great-grandmother had died; is that correct?
A Yes.
Q All right. But you did not give them their names?
A No.
Q You didn't. Okay. So you did not give them their names.
A They didn't ask.
Q And you did not give them your father's name either?
A They didn't ask.

Q That means that you did not give --
A No.
Q All right. And you only went the one time to the probate office?
A Yes.
Q Now, there was a form that was presented to you in your deposition, and it was not -- it was not this form that's been marked as Plaintiff's Exhibit 3. All right. So let me ask you, the form that you looked at in your deposition had the names that are on page 2, did it not?
A No.
Q The form that you looked at?
A No. Oh, you're talking about the form that I looked at?
Q That you looked at, yes, ma'am.
A Yes, yes.
Q But it had the same list of these --
A Yes.
Q Okay. All right. And those are your uncles?
A Yes.
Q And you indicated to us that everyone on that form was alive except for Walter Gregg, Sr. --
A And my father.
Q -- and your father, John L. Gregg?
A Yes.
Q Okay. All the rest of them -- and they live either in

Berkeley, Dorchester, or I think you said down here in Beaufort?

A Gaffney.

Q Gaffney?

A Yes.

Q Okay. And they are all still alive today?

A Yes.

Q Now, in fact, one of them, Leon Gregg --

A Yes.

Q -- came to your house and asked you about the sale of your property.

A Yes.

Q All right. And he did that in either late 2012 or in 2013.

A 2013.

Q Okay.

A Yes, sir.

Q And did you ask him to assist you in paying the taxes?

A Yes.

Q Okay. Do you still have your deposition in front of you?

A Yes, sir. What page?

Q If you would go to page 33, please. And at the bottom of that, you indicate that your uncle and I guess his wife, Annette, came to your house; is that correct?

A Yes. Annette is my aunt.

Q Okay. All right. And at the time that you talked to them, they wanted to know why you hadn't told them about the problem.

A Yes.

Q And if you would turn to page 36. All right. And if you go to line 10. We had already been talking about your aunt and uncle coming to see you.

A Uh-huh.

Q And at line 10, it says, "Did you discuss the problem with them?" And you said yes.

A Yes.

Q And then you had told them that you weren't sure what was happening with it?

A Yes, I did.

Q Okay. And then, when you found out that the property had been sold and so forth, my question -- I asked a question at 15 that says, "Okay. When you found out, did you go back to Leon and Annette and tell them what was happening?"

And what was your response?

A "No."

Q All right. And then I said, "Was there a reason you did not go back to them?" And you indicated --

A "No."

Q Okay. And then I asked, at 20, "Did you know that Leon and Annette could redeem the property?" And what was your

response?

A "No."

Q All right. And this occurred after you had spoken to Bonita Daniels; is that correct?

A No.

Q At the time they came by to see you, you knew that the property had been sold?

A They saw it in the papers and then that's when I saw it in the papers.

Q Okay.

A That's why they came to the house because they saw it in the newspaper.

Q In the newspaper?

A Yes.

Q All right. But you did not specifically ask them to go pay the taxes?

A No, I didn't.

Q Okay.

A Because I know what they would say.

Q I'm sorry?

A Because I know what they would say.

Q All right. And you went to the heir's property --

A To see Josh Walden.

Q -- to see Josh Walden.

A Yes.

Q Okay. And that was after the initial sale in December of 2012.

A Yes.

Q Okay. And how long after that sale was it?

A About a couple of months. A couple of months. Because he sent me to Nancy.

Q Okay. And so when did you first meet with Nancy then?

A I can't recall that date. I can't remember the date.

Q All right. So it was after you saw Josh -- you said a couple of months you learned about --

A Yes.

Q -- after December?

A Yes.

Q Okay. Would that be in February or March?

A Might be March.

Q March of 2013?

A Yeah.

Q Okay. And then he called Nancy from his office from you, did he not?

A He sent me there.

Q Okay. And sent you to her?

A Yes.

Q Her office.

And you went directly there?

A Yes.

Q Okay. And she started representing you on that day?
A Yes.
Q All right. And, again, you had not -- did you have any -- after you met with Ms. Bloodgood, did you have any other contact with the probate office or with the delinquent tax collector's office?
A No.
MR. ANDERSON: Your Honor, that's all the questions I have.
THE COURT: Anything on redirect?
MS. BLOODGOOD: No, Your Honor.
MR. ANDERSON: Your Honor, I don't know if Mr. Limehouse has questions.
MR. LIMEHOUSE: Thank you, Your Honor.
COURT REPORTER: Mr. Anderson, are you going to move this in or leave it for ID?
MR. ANDERSON: I'm not going to -- we can keep that as an ID or I can withdraw it.
COURT REPORTER: That's fine. I just wanted to know.
MR. ANDERSON: Okay.
COURT REPORTER: Thank you.
THE COURT: And, Mr. Limehouse, you said no questions?
MR. LIMEHOUSE: Correct, Your Honor.
THE COURT: All right. Ms. Reed, you may step down. Thank you, ma'am.

Ms. Bloodgood, your next witness.

MS. BLOODGOOD: Yes, Your Honor. I'd like to call Bonita Daniels.

THE CLERK: Please raise your right hand and state your full name for the record.

THE WITNESS: Bonita Daniels.

BONITA DANIELS,

the witness, after having been duly sworn, was examined and testified to as follows:

THE COURT: All right, Ms. Daniels. You know you need to speak up.

THE WITNESS: Yes, sir.

THE COURT: That's good. Thank you, ma'am.

Ms. Bloodgood, she's your witness.

DIRECT EXAMINATION

BY MS. BLOODGOOD:

Q Ms. Daniels, we met previously when I took your deposition. My name is Nancy Bloodgood, and I represent Ms. Reed.

Are you still the office clerk, field clerk in the delinquent tax office?

A Yes, ma'am.

Q How many years have you worked there?

A 14, soon to be 15.

Q And who is your current supervisor?

A Stephen Jones.
Q Okay. And is he the delinquent tax collector?
A Yes.
Q Now, in 2011, '12, '13, and '14, who was your supervisor?
A Suzie Davis was previous.
THE COURT: What was that? Ken Davis?
MS. BLOODGOOD: Suzie Davis.
THE COURT: Oh, Suzie. Thank you. Sorry.
BY MS. BLOODGOOD:
Q Ms. Daniels, is part of your job posting the property for a delinquent tax sale?
A Yes.
Q And you posted a sign indicating there would be a delinquent tax sale on Ms. Reed's property; correct?
A Yes.
Q Do you recall Ms. Reed, now that you see her in the courtroom, as someone who come in and paid taxes to you previously?
A I recalled her. But as far as whether she paid them, sometime I'm not in the office so I can't say.
Q Okay. But you knew who she was?
A Right.
Q Sitting here today, you can identify her?
A Once I see her, yes.
Q Okay. Thank you.

And have you had any training on heir's property since I took your deposition?

A No.

Q And when I took your deposition, at that point, you had not received any training on heir's property; correct?

A No.

Q Is it -- do you still agree, as you testified in your deposition, that a defaulting taxpayer is the person who owns the property?

A Can you rephrase that?

Q Yes. I'll represent to you that, when I took your deposition, I asked you what does "defaulting taxpayer" mean, and you said it was the person who owns the property. Do you recall that?

A Yes.

Q Is that still your opinion?

A Yes.

Q And when -- I understand that, when you do your job, you do what your supervisor tells you and what you're taught. Is it your understanding, with all the years that you have been in the delinquent tax office, that only the owner of property can redeem property?

A The owner of the property, the defaulting taxpayer, the grantee and the mortgage company, anybody has a judgment.

Q Okay. And is that information that you received since

your deposition was taken?

A Correct.

Q So when I took your deposition, was it your understanding that only the person on the deed could redeem property?

A Correct.

Q And did you send Ms. Reed to the probate court or do you recall if you did that?

A I don't recall.

Q If somebody came in and wanted to redeem property and their name was not on the deed, what would you normally -- what would you typically do?

A It would ask them was -- did they have the estate probated. If they say they have not, then I would send them to the probate court.

Q And I think I also asked you during your deposition if you knew what the term "tenants in common" means. And do you know today what that term means?

A No.

Q Does the County have any written policies about how to treat heir's property, to your knowledge?

A Yes.

Q When were those policies developed?

A They were there at that time, but I didn't know.

Q And how many people are in the office besides you?

A Three other people.

Q And you had worked there how long?
A 12 years.
Q But you were not -- at the time I took your deposition, you were not aware of any written policies at that time?
A No.
Q And so would you tell me today what your understanding is of the policy that the delinquent tax collector's office has?
A They have no -- the state law tells.
Q So let me be clear on the difference between state law and a policy, and I'm asking you about policies that might be a written document that tells employees how to handle matters. To your knowledge, does the Dorchester County delinquent tax office have any policies that are in writing about heir's property?
A Not that I know of.
Q You also testified during your deposition that mortgage companies can redeem property; correct?
A Right.
Q And they don't have to come to your office?
A No.
Q Okay. And it could even be an out-of-state bank who pays to redeem property?
A Correct.
Q And they can do that by mail?
A Correct.

Q Good morning, ma'am.
A Good morning.
Q In your job, what do you do if someone asks you can they redeem property that's just been sold due to delinquent taxes?
A I would pull the file and ask them what their relationship. I'll ask are you the homeowner or the taxpayer? If they say no, I'll say -- then I would ask them what is their relationship.
Q All right. And what do you do if someone asks if they can redeem property that's been sold? I'm sorry. When you -- when you pull the file, do you have a title check that's been done?
A Title search.
Q Okay. And do you talk to the customer at all about the -- about what's on the title search?
A If their names are not on that list, they're not allowed to redeem the property.
Q All right.

COURT REPORTER: Defendant's 2, Judge.

(Defendant's Exhibit 2 was marked for identification.)

BY MR. ANDERSON:

Q Ma'am, I'm going to hand you what's been marked as Defendant's Exhibit No. 2 and ask you, do you recognize that document?
A Yes, sir.

Q And was that in the file for Elizabeth Perry's property?
A I don't remember, but if it's attached to the deed, it was in the file.
Q All right. And have you seen that -- that particular form previously?
A Yes, sir.
Q All right. And do you recall whether or not it was in the file with the title search?
A I don't.
Q Do you recall having a conversation with Ms. Reed in your office?
A Somewhat. I can't say I remember everything but I do remember having this conversation.
Q Okay. And at the time of the conversation, when you spoke to her, did you discuss the heirs to that property that she was trying to redeem?
A I don't remember.

MR. ANDERSON: Your Honor, I do not intend on marking this entire file, but what I'd like to do is see if she can identify it. This is the delinquent tax collector's file. If I may present it to her.

THE COURT: Have you gone through the --

MS. BLOODGOOD: It's been produced to me, I believe.

MR. ANDERSON: Right, yes.

THE COURT: Okay. All right.

BY MR. ANDERSON:

Q I'm going to ask you to take just a moment and see if you see that -- if that form was in the file.

A Yes, it's attached to it. Yes, sir.

Q Okay. It is in the file?

A Yes, sir.

Q And if Ms. Reed had come in and you talked to her and looked at the file, would you have advised her who was on that list?

A Yes, sir.

Q And you would do that for anyone; is that correct?

A That's correct.

Q All right. Thank you.

All right. And that is the same form that is presented as Exhibit 2?

A Yes.

Q Okay. Would you have actually given her the names of the people on that list?

A I would have read the names off to her.

Q All right. And then what would you have told her? After you read the names, what -- what reason would you have for giving her those names?

A To inform her who could redeem the property.

Q All right. And since you were looking at those particular documents, her visit to you in the office that

she's describing would have been after the sale?

A Yes, sir.

MR. ANDERSON: And, Your Honor, we would offer Defendant's Exhibit 2 into evidence.

THE COURT: Did you have a chance to --

MS. BLOODGOOD: No objection.

THE COURT: Defendant's No. 2 is in evidence without objection.

(Defendant's Exhibit 2 was received into evidence.)

BY MR. ANDERSON:

Q At the time that she spoke to you in the office, did she offer to pay the taxes?

A Yes, sir.

THE COURT: I'm sorry; what was the -- what was your answer to that?

THE WITNESS: Yes.

THE COURT: She offer to pay it?

THE WITNESS: Yes.

THE COURT: Okay.

BY MR. ANDERSON:

Q And you explained to her that you could not accept it?

A Correct.

Q When you read the list of names, did you get any response from Mr. Reed?

A I don't remember.

MR. ANDERSON: Your Honor, that's all the questions I have for this witness.

THE COURT: Okay.

MS. BLOODGOOD: I don't have any, Your Honor.

THE COURT: Mr. Limehouse, any questions?

MR. LIMEHOUSE: No, Your Honor.

THE COURT: Okay. All right.

Ms. Daniels, let me make sure I have got something straight. You said, when you visited -- or when Ms. Reed visited with you, that was after the sale?

THE WITNESS: Yes.

THE COURT: And do you have a date for that?

THE WITNESS: No, sir.

THE COURT: Okay. And you said she offered to pay the taxes at that time?

THE WITNESS: Yes, sir.

THE COURT: And you told her that only the people that were on that list could redeem it.

THE WITNESS: Correct.

THE COURT: Okay. All right. Did my questions lead you to ask any questions of --

MS. BLOODGOOD: No, Your Honor.

THE COURT: Mr. Anderson?

MR. ANDERSON: Nothing further, thank you.

THE COURT: Thank you, ma'am. You may step down.

full name for the record.

THE WITNESS: Sidney B. Jones, III.

SIDNEY B. JONES, III,

the witness, after having been duly sworn, was examined and testified to as follows:

THE COURT: All right. Mr. Anderson, this is your witness.

MR. ANDERSON: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. ANDERSON:

Q Could you please state your full name.

A Sidney B. Jones, III.

Q Mr. Jones, what's your occupation?

A I'm the delinquent tax collector for Dorchester County.

Q And how long have you held that position?

A This July, it will be four years.

Q And how does one become the delinquent tax collector?

A They are appointed by County council.

Q And what did you do prior to becoming employed as a tax collector?

A I was a title abstractor for 39 years.

THE COURT: Abstractor?

THE WITNESS: Yes, sir.

BY MR. ANDERSON:

Q And can you give us a brief overview of what your job

entails, please.

A Well, I oversee the delinquent tax office to make sure everybody is carrying out all their duties, answer questions, have a good relationship with my County attorney.

Q Now, are you familiar the property and the action that we're here in court for?

A Yes, sir.

Q All right. And you have in front of you, I believe, your file from your office; is that correct?

A Yes, I do.

MR. ANDERSON: Okay. And with the Court's permission, I'd give him permission to review the file to the extent he needs to make reference.

THE COURT: Okay. This is the same file that Ms. Daniels --

MR. ANDERSON: Exactly, it's the same one. And the same one that was produced during discovery.

THE COURT: Okay. All right.

BY MR. ANDERSON:

Q Now, could you give us a brief overview as to why a person is required to be an owner or a grantee of record prior to being able to redeem a piece of property that's been sold in a tax sale?

A Well, first of all, that's a state law. Second of all, you have to realize that when you have the bidder's interest

that you have to look after also. Meaning the fact that he has an interest, since he's put up this money and bid on it in a tax sale, and if someone else came in and redeemed it, it would undercut what he was trying to achieve.

Q And what do you mean by when you say "redeem it"? What's the process of redemption?

A The redemption process is a year after the sale has happened. Anyone who is a -- who -- let me start off again -- who is a defaulting taxpayer, a grantee of the defaulting taxpayer, a mortgage holder, or a judgment creditor can redeem the property because they have an interest in the property.

Q All right. And how is their interest determined? I mean, can I walk into your office and say, Hey, I have got an interest in No. 9 Walnut Street?

A Well, then we say, Mr. Anderson, can you -- can you prove that you do? You know, if it's not the defaulting taxpayer, then they have to give us some kind of proof, maybe a deed, maybe the defaulting taxpayer conveyed down the property after the redemption period. Maybe they're an heir. But they would have to come up with some information that proved that they were an heir of the defaulting taxpayer.

Q Is there a burden at all on your office or on any of the county offices to make that proof?

A No.

Q Or investigate?

A No, there's not.

Q And is there any distinction between the handling of heir's property or an intestate property and the other delinquent sales?

A I'm not sure about what you're asking.

Q Okay. There was some questions earlier about if an heir's property was handled differently within your office than other types of property.

A Okay. Well, of course, like I said, they have to make proof that they -- that someone is a natural heir and that they can redeem it.

Q And would that be true of all intestate property?

A Yes.

Q Okay. Now, why would a mortgage company be able to mail in their payments?

A Well, we would have -- we do a title exam prior to the end of redemption, and we would pick up any mortgage and we have to notify them so that -- let's say Wells Fargo held the mortgage, so Wells Fargo calls us up and get the amount of redemption. We would let them redeem it because we know that they are a mortgage creditor.

Q And how do you know that?

A Because we found the mortgage within the records of the ROD.

THE COURT: Mr. Anderson, do you mind if I interrupt and

ask him a question right now?

MR. ANDERSON: No, not another all, Your Honor.

THE COURT: All right.

Mr. Jones, did I hear you just say that, before you put a property up for sale, y'all do a title --

THE WITNESS: No, sir. No, sir. It's prior to redemption.

THE COURT: Prior to redemption?

THE WITNESS: Right.

THE COURT: And y'all do the title search?

THE WITNESS: No, sir. We have an outside source.

THE COURT: So anybody that comes in and wants to redeem the property, if they come and say, I have got the check or cash or something like that, does it delay time prior to y'all getting the title updated?

THE WITNESS: Right. We don't do it -- the law requires us to give the mortgage companies no less than 20 days and no more than 45 days prior to the redemption due date.

THE COURT: Right.

THE WITNESS: So we have to kind of schedule it out during the summertime to get all title work done so that we can get the letters out to any other people that we find.

THE COURT: A month and a half before the sales are final.

THE WITNESS: Correct, yeah, yeah.

THE COURT: Okay. Yeah. Did y'all do that in this case?

THE WITNESS: Yes, sir.

THE COURT: And so you have a title opinion or title abstract in the file?

THE WITNESS: Yes. These are not in-depth, to say the least. I mean, they're more like an equity. Let's say if I had lost my property, they would search my name. Okay? And we do check the probate records. So if I died and had my probate done, then we would have pick that up and they would pick the heirs up.

THE COURT: Okay.

THE WITNESS: And also if they -- let's say if somebody conveys it after the sale, they'd pick that up.

THE COURT: Right.

THE WITNESS: And then the mortgages -- because the mortgage companies have to be notified, if we find one.

THE COURT: Okay. But you have some kind of report in your file --

THE WITNESS: That is correct.

THE COURT: -- that indicates who y'all believe were owners or heirs to this property; is that correct?

THE WITNESS: Yes, sir.

THE COURT: Okay. And does that match the names that are on page 2 of this lease?

THE WITNESS: No, because that -- we would not have known

who gives the information to you?

A Correct.

Q And do you do any independent verification of the names on the dockets that you're sending out from your office?

A Well, we do a limited title exam prior to the end of redemption. That's when we sent out the notices.

Q And if -- do you know what heir's property is?

A Yes, ma'am.

Q What is it?

A That would be when someone dies intestate and leaves no will so that there are heirs.

Q Okay. And if someone dies without a will, when you do a title search, are you going to be able to identify the heirs to that property?

A If someone dies without a will?

Q Correct.

A If they probate their estate --

Q No, I'm talking about if they die without a will and they do not -- that might have been a bad question on my part --

A And they do not --

Q -- and they do not probate their estate, will you be able to determine who the heirs are?

A Me personally or my office? Is that what you're saying?

Q Your office.

A No, ma'am.

Q I don't have other questions. Thank you.
A You're welcome.
THE COURT: Mr. Limehouse, any questions?
MR. LIMEHOUSE: None, Your Honor.
THE COURT: Mr. Anderson, anything?
MR. ANDERSON: Just redirect, just one question, Your Honor.

REDIRECT EXAMINATION

BY MR. ANDERSON:
Q Let me hand you what's been marked Plaintiff's Exhibit No. 3 and ask you if you recognize that document.
THE COURT: Plaintiff's 3?
THE WITNESS: Three. Yes, Your Honor.
A This is the deed from my office to Thomas Limehouse for the property that we're discussing at 13702 (indiscernible).
Q And did you personally issue that deed?
A I did.
THE WITNESS: That's all the questions, Your Honor. Thank you.
THE COURT: Anything on recross?
MS. BLOODGOOD: Just one question.

RECROSS-EXAMINATION

BY MS. BLOODGOOD:
Q I know you signed the deed in 2014. Did you have personal knowledge at the time that you signed it that

Elizabeth Perry was a defaulting taxpayer on this property? And the reason I'm asking you that -- you may want to look at the document again. On the first page, on the bottom, there's a statement in the deed that Elizabeth Perry, on the last paragraph, is the defaulting taxpayer.

A So you're asking me if Elizabeth Perry was actually the defaulting taxpayer.

Q Do you know that, right?

A Yes. Well, from what I see here in this file, yes.

Q Do you know Elizabeth Perry died in 1984?

A Do I know that for a fact? No, ma'am.

Q Would you have found that out from your file?

A No, ma'am. I don't think she had an estate.

Q If Elizabeth Perry probated her will and died in 1984, would that have shown up in your title search?

A Yes.

Q And if Elizabeth Perry has been dead since 1984, would you still consider her to be the defaulting taxpayer in the year 2011?

A Well, did she probate her estate? Is that what you're saying? Are we supposing that she did?

Q Assume that she did, yes.

A Assume that she did?

Q Yes.

A Yes, because she is the one that's on the taxes that we

have gotten. We would notify other people, but the fact is that she was the defaulting taxpayer.

Q So your testimony is that a woman who's been dead since 1984 is the defaulting taxpayer in 2011 for the property known as 817 West Richardson Street in Summerville?

A Yes.

THE COURT: No questions, Mr. Limehouse?

All right. You may step down.

All right. We're going to go back to our regularly scheduled program.

MS. BLOODGOOD: Your Honor, I'd call Ms. Davis to the stand.

THE CLERK: Please raise your right hand and state your full name for the record.

THE WITNESS: Susanna Henry Davis.

SUSANNA DAVIS,

the witness, after having been duly sworn, was examined and testified to as follows:

THE COURT: Ms. Davis, glad you're able to make it here from work. Sorry to bother you like we did.

THE WITNESS: Nasty weather.

THE COURT: Oh, it is. It is. Now, you need to speak up please, ma'am.

THE WITNESS: Okay.

THE COURT: Okay. Thank you, ma'am.

treasurer's office and use that name when you send out your notices; correct?

A Yes.

Q And your office didn't actually do the title searches; correct?

A Correct.

Q And isn't it true that your office considered the defaulting taxpayer as the last person who was on a deed in a probate form?

A On a probate form?

Q Yes.

Tell me if you disagree, that's fine --

A I don't know what you're asking. All I know is that the person's name was on the tax bill as the owner.

Q And that's who you would send your documents to?

A Correct.

Q And you didn't look behind that name?

A No.

Q Okay. While you were working in the delinquent tax office, did you know what heir's property was?

A I'm familiar with it, yes.

Q Can you define it, sitting here today?

A Heiress property, in my opinion or information, is property that was handed down -- not handed down, not probated, but is claimed by children or grandchildren of

someone who owned property and never probated it.

Q Never probated a will.

A Correct.

Q And do you know what the term "tenants in common" means?

A No.

Q And while you were in the -- your office, you did not allow people who were heir's property owners, who had paid taxes to redeem property unless their name was on the deed or their name was on a will; correct?

A Yes.

Q And while you were in office, were you aware that, after ten years in South Carolina, an estate cannot be probated?

A No.

Q And isn't it true that, while you were delinquent tax collector, even though you were would require proof of ownership for individuals, you would not require it for mortgage companies?

A Proof of ownership for --

Q For redeeming property.

A The company would want to redeem the property?

Q Yes. If a mortgage company wanted to redeem property, you wouldn't make the mortgage company come into your office and show proof of ownership, would you?

A No.

Q I don't have any other questions. Thank you.

it be admitted.

THE COURT: Oh, I didn't know she did.

COURT REPORTER: That would be your email without the attachment.

MS. BLOODGOOD: Oh, no. His Defendant's 3 is fine. We can just --

COURT REPORTER: Want to withdraw it?

MS. BLOODGOOD: I will withdraw it. And I think I already did take it back to my desk.

THE COURT: Okay. You're withdrawing Plaintiff's --

MS. BLOODGOOD: Plaintiff's 5.

COURT REPORTER: The email without the attachment has been withdrawn.

(Plaintiff's Exhibit No. 5 was withdrawn.)

THE COURT: Okay. And so now, just looking at -- Defendant's what?

COURT REPORTER: Three. It's the email with the attachment.

THE COURT: And we're waiting anxiously from Mr. Frampton to identify --

MR. FRAMPTON: And that would be Defendant's 3. Okay.

THE COURT: Okay. All right. And I don't know -- have we got those questions from Judge (indiscernible)?

All right. Are you ready to proceed?

MR. ANDERSON: I am, Your Honor.

THE COURT: Okay.

MR. ANDERSON: At this time, we would call John Frampton.

THE COURT: Okay. Mr. Frampton?

Mr. Frampton, what happened?

MR. FRAMPTON: I had ten hours of back surgery in July, but I got left with a dropped left foot.

THE COURT: I'm sorry.

MR. FRAMPTON: Thank you. I wear a brace and --

THE COURT: I didn't realize -- I would have picked on you if I would have seen you walking around --

MR. FRAMPTON: My wife picks on me all the time, so...

THE COURT: Okay. All right.

MR. FRAMPTON: Thank you, sir.

THE COURT: Yes, sir.

THE CLERK: If you can raise your right hand, please. State your full name for the record.

THE WITNESS: John G. Frampton.

JOHN G. FRAMPTON,

the witness, after having been duly sworn, was examined and testified to as follows:

DIRECT EXAMINATION

BY MR. ANDERSON:

Q Would you please state your name, please.

A John G. Frampton.

Q And what is your current position?

A I am the Dorchester County attorney.
Q And how long have you had that position?
A I was a contract attorney for the County. I was the only County attorney starting in January of 1989. My partner and I dissolved our law firm in July of 2013, at which time I became full time.
Q For the County?
A For the County, that's correct.
Q And as a result of being the County attorney, do you occasionally get questions from the delinquent tax --
A More than occasionally.
Q Okay. And are you familiar the current case?
A Yes, I am.
Q All right. What has been your involvement?
A If I'm not mistaken, I think Ms. Bloodgood contacted me before filing suit concerning this case as well as the companion case -- I'll call it the companion case -- which is the Gregg, which I'm handling for the County in terms of what she believed were errors or a failure of the County to provide or follow the state law.

With respect to this case, we discovered, in the Gregg file, if I'm not mistaken, a devise and descent form, which I then forwarded to Nancy via email, advising her that, since there was a probate that reflected ownership of the property by virtue of devise and descent from the probate court listing

the devisees of that intestacy, that those individuals would be free to redeem the property.

Q I'm going to hand you what's been marked as Defendant's Exhibit No. 3 and ask you if this is the email that you were speaking of.

A It is. I sent this on October the 8th of 2013. This was before, if I'm not mistaken, before suit was filed, advising her that, based upon this Lucille Gregg, a devise and descent form that any of those individuals listed were determined to be heirs by virtue of devise and descent and a description of the real property attached to it or enclosed with it, and, therefore, they could redeem.

Q Did you get a response?

A No, I did not.

Q And do you know, from your dealings with this file, if the redemption period ran through or into December -- into December 4th of 2013?

A Well, it would have run it or ended one year after the date of sale. I hear this morning the sale was in December of 2012, so I don't have any independent recollection without looking at the file, but that's what I have heard this morning.

Q Okay.

A So the email would say prior to end of redemption.

Q And did you have any other contact regarding this file?

A Only when she filed suit. I think I told Nancy I would accept service on behalf of the County.

Q All right. Did you ever receive any information either from Ms. Bloodgood or Ms. Reed or anyone in your office that had -- what Ms. Reed's relationship was?

A I believe my email says I'm not sure what the relationship of Ms. Reed is to any of the individuals, however, any of the individuals could redeem.

Q Thank you. That's all the questions I have.

THE COURT: Ms. Bloodgood?

MS. BLOODGOOD: I have a few.

THE COURT: All right.

CROSS-EXAMINATION

BY MS. BLOODGOOD:

Q Let me take the opportunity to ask you questions. Mr. Frampton, I know you have knowledge as to what heir's property is; correct?

A Yes, ma'am.

Q And it is possible that there would be heirs to property who are not listed on a devise and descent form; correct?

A Well, from a lawyer that did a lot of real estate, I have always been able to rely upon a devise and descent form as a determination of who the heirs are.

Q Well, if one of the heirs on the devise and descent form, such as Ms. Reed's father, died without a will, then she would

be an heir to his property but her name would not appear on that form; right?

A Not on that form, that's correct, because, apparently, his estate was not probated.

Q That's right. And so you would agree with me that there are such a thing as testate and heirs and intestate heirs?

A That's correct. Testate heirs would be by will; intestate heirs would be no will.

Q Okay. And would you also agree with me that a defaulting taxpayer could be an heir that is not on the devise and descent?

A I don't believe so.

Q Well, if Ms. Reed is paying the taxes for eight years and she stops paying the taxes, would she be the defaulting taxpayer?

A No, she would not.

Q What is your definition of somebody who is a defaulting taxpayer?

A Under Title XII of the code, it defines who is liable for taxes and when taxes -- that liability is determined. And it says -- I don't have Title XII in front of me -- I think it's 12-37-610 or 12-39-610 --

MR. ANDERSON: I have got a copy --

THE COURT: Oh, you have got a copy?

MR. ANDERSON: I have got an independent copy.

internet.

THE COURT: All right. Thank you, sir.

THE WITNESS: 12-67-610 in the 2014 annotated revised code --

THE COURT: 12-67-

THE WITNESS: 610. "Each person is liable to pay taxes and assessments on the real property that is of December 31st of the year preceding the tax year. He owns in fee for life for his trustee as recorded in the public records for deeds of the county in which the property is located." Therefore, the defaulting taxpayer would be the person who did not pay the taxes as the liable party under that code section is the way I interpret it.

BY MS. BLOODGOOD:

Q And I understand your interpretation and I appreciate that. We have already argued that legal issue previously, but would you disagree with me that tenants in common have a fee interest in property?

A Generally speaking, tenants in common share an undivided interest in real estate.

Q Thank you.

And heir's property owners are tenants in common, aren't they?

A Heir's property owners would be tenants in common if you know who they are, that's correct.

MR. ANDERSON: No, Your Honor.

THE COURT: Mr. Limehouse?

CROSS-EXAMINATION

BY MR. LIMEHOUSE:

Q Mr. Frampton, what would the burden be on the County to try to handle selling delinquent properties in a fashion that you were trying to know who all the heirs were and who had passed?

MS. BLOODGOOD: Objection to the form, Your Honor. There's no evidence that he's the right person to answer that question as the attorney.

MR. LIMEHOUSE: As an attorney who practiced real estate law in the past and as County attorney --

MS. BLOODGOOD: Same objection.

THE COURT: I'm going to note your objection and I'm going to let him ask it.

BY MR. LIMEHOUSE:

Q -- to determine who the owner was of record, whether that owner had passed, and who the heirs were.

A I can only answer by saying that 12-51-40 specifically provides for how to enforce the collection of taxes that are delinquent when there is not a probated estate. And what the statute says is you sell it in the name of the deceased owner of record. So that's what happens if property is to be sold and the decedent was the defaulting taxpayer and there is no

probate. You sell it in the name of the owner of record.

Q Yes, sir. I agree.

A So that's the only answer I can give you.

Q If you had to do another step further to make the determinations as to who was alive or who the heirs were, that the County did, would that create an economic burden?

A I'm not sure how the County would do that. First of all, I'm not sure they would have standing to initiate a suit of quiet title. And that's really the only methodology that would be out there. That or a suit to determine heirs through the probate court, which could be done, as far as I can -- as far as I know, ten years after probate -- after death, rather.

Q And the County would incur some expense?

A I don't think the County would do that, not when we're not required to under the state law.

Q Thank you, sir.

THE COURT: Any other questions?

MS. BLOODGOOD: No, Your Honor.

THE WITNESS: I had one question in follow-up.

THE COURT: Okay. You're on redirect, Mr. Anderson.

MR. ANDERSON: Thank you.

REDIRECT EXAMINATION

BY MR. ANDERSON:

Q Are you familiar with the procedure for petitioning to determine heirs?

FORM NO. 160 — Petition For Letters of Administration
234567890 Rev. June 1983

STATE OF SOUTH CAROLINA,

County of DORCHESTOR

Ex Parte LEON C. GREGG

Petitioner.

IN THE PROBATE COURT
PETITION FOR LETTERS OF ADMINISTRATION
AND ORDER FOR CITATION TO ISSUE

In Re Estate of:

LUCILLE B. GREGG
Deceased.

To HON. SHELTON J. PARKER Probate Judge for said county:

The petition of the undersigned respectfully represents:

1. That LUCILLE B. GREGG Age 62 who last dwelt in RIDGEVILLE in said County of DORCHESTER State aforesaid, died intestate on the 1st day of AUGUST in the year of our Lord one thousand nine hundred and eighty-three possessed of goods and estate remaining to be administered leaving as her only heirs at law and next of kin, the following:

(Show by subdivision into family group the names of persons taking through any predeceased heir at law.)

Name	Age*	Residence	Relationship to Decedent
WALTER L. GREGG, SR.	sui juris	RIDGEVILLE, SC	HUSBAND
LEON C. GREGG	" "	SUMMERVILLE, SC	SON
WALTER L. GREGG, JR.	" "	" "	"
JAMES A. GREGG	" "	RIDGEVILLE, SC	"
ORIN S. GREGG	" "	SUMMERVILLE, SC	"
JOHN L. GREGG	" "	" "	"
ANGIE E. GREGG	" "	RIDGEVILLE, SC	DAUGHTER
ANNETTE GREGG	" "	" "	"
KENNETH GREGG	" "	" "	SON
JEANNETTE GREGG	" "	" "	DAUGHTER

*Enter the exact age at date of decedent's death if then living; if not then living, enter in the age column the word (deceased).

This Form Revised By The South Carolina Tax Commission June 1983.

2. That the intestate died seized and possessed of a personal estate of about the value of ONE THOUSAND FIFTEEN ($1,015.00) Dollars consisting of the following moneys, goods and chattels:

(a) Cash on hand and in banks $ 15.00

(b) Moneys due intestate on account of bonds, mortgages and other securities $ -0-

(c) Corporate and governmental bonds and stocks $ -0-

(d) Life or other insurance made payable to the estate $ -0-

(e) Open accounts due intestate $ -0-

(f) Value of all other personal property not listed above household goods $ 1,000.00

Farming implements, machinery and equipment - farm products, automobiles, livestock, household goods, jewelry, etc.

(g) Tangible personal property having a situs outside of South Carolina

Description	
NONE	$ -0-
	$
	$

Attach list if necessary

3. That the intestate died seized and possessed of real estate of about the value of TWENTY-SIX THOUSAND FOUR HUNDRED ($ 26,400.00) Dollars, as follows:

DESCRIPTION OF REAL ESTATE AND APPROXIMATE VALUES

(Enter each tract and lot on a separate line)

This item includes all Real Estate in S. C.

No. of acres or lots. (State whether acres or lots)	No. of buildings	Total Value of each lot and tract including buildings	Decedent's Interest	Exact location. (Show County, Township and School District) All S. C. Property
1/8 acre	1	$ 9,600.00	100%	DORCHESTER COUNTY, SUMMERVILLE, SCHOC
1 lot	-0-	$ 3,000.00	100%	" " " " DIST. #
1 acre	1	$27,600.00	50%	DORCHESTER COUNTY, RIDGEVILLE (NEAR GIVHANS)

4. Description and approximate value of real property having a situs outside of South Carolina.

Number of Acres or Lots	Number of Buildings	Total Value	Decedent's Interest	Exact Location
NONE				

5. That the intestate made transfers and gifts within three (3) years prior to date of death as follows: (If None - so state)

(Include all gifts within three years prior to death and all other transfers, real and personal, either where the consideration may appear to have been inadequate or where the transfer was to a relative or personal friend or to any person, firm, association, or corporation in which the decedent was interested, regardless of consideration. Describe the transfer in full; state the approximate value of the property transferred and the amount of the consideration stated or claimed, if any.)

NONE

6. Life Insurance, Annuities and/or Endowment Contracts payable to beneficiaries other than the decedent's estate.

Face Value	Contract Number	Name of Company	Beneficiary
$1,000.00		INDEPENDENT	WALTER L. GREGG, SR.
$1,000.00		LIFE OF GEORGIA	" " "

Pg (3) of (5

INVENTORY AND APPRAISEMENT OF REAL ESTATE OF ESTATE

OF LUCILLE B. GREGG **DECEASED**

ITEM 3.
The Personal Representative is to insert description of property under Item 3, and the Appraisers are to complete this form in detail.

REAL ESTATE DESCRIPTION (Show County, Township and School District) Tenants - In- Common	1 ASSESSED VALUE FOR YEAR OF DECEDENT'S DEATH	2 APPRAISED VALUE	3 APPRAISED VALUE OF DECEDENT'S INTEREST	4 CAUTION (Do not write in this space)
*1/8 acre, 817 W. Richardson Avenue, Summerville, SC 29483 (Dorchester County, Summerville Township, School District #2)		$ 9,600.00	$ 9,600.00	
*Inherited from Elizabeth Perry, who died intestate in February, 1983 - Decedent was daughter of Intestate Elizabeth Perry, and sole heir-at-law - vested with 100% interest pursuant to South Carolina Statute of Descent and Distribution, Section 21-3-20, 1976 South Carolina Code				
1 lot behind 819 W. Richardson Avenue, Summerville, SC 29483 (Dorchester County, Summerville Township, School District #2)		3,000.00	3,000.00	
TOTAL		$ 12,600.00	$ 12,600.00	

...Owned Real Estate with Rights of Survivorship. If none-so state.

Real Estate Description	Appraised Value	Decedent's Contribution
1 acre, 1 building, near	$27,600.00	$ -0-
Givhans, SC (Dorchester County)		$ (Decedent has 1/2 interest,
		$ but no contribution)

ITEM 5. Jointly owned property with right of survivorship. (If none-so state) (Section 12-15-40 South Carolina Code of Laws 1976 as amended)

A. Jointly owned bank accounts, building and loan, other depository accounts with right of survivorship.

Amount	Name & Location of Institution	Exact Names	Decedent's Contribution
NONE			$
			$
			$
			$
			$
			$

B. Jointly owned stocks, bonds, U. S. Government Bonds, and other property with right of survivorship.

Number of Shares	Unit Value Series	Description or Name of Corporation	Exact Names in Which Standing	Decedent's Contribution
	NONE			$
				$

With reference to property listed under Item 4 & 5 above, where the survivor can positively establish original ownership to any part thereof in such joint tenancy arrangements, such part as can be identified as having originally belonged to the survivor is not subject to tax. Attested affidavits and other information necessary to establish original ownership, in whole or in part, must be furnished directly to the Estate Tax Division, South Carolina Tax Commission.

ITEM 6. Life Insurance, Annuities, and/or Endowment Contracts payable to Beneficiaries other than Decedent's estate.

Face Value	Contract #	Name of Company	Beneficiary
$ 1,000.00		INDEPENDENT	WALTER L. GREGG, SR.
$ 1,000.00		LIFE OF GEORGIA	WALTER L. GREGG, SR.
$			

ITEM 7. Transfers intended to take effect at death (If none-so state) United States Government Bonds "Payable on Death"; Trust created by Decedent in which income for life was retained; Power to revoke or other incidents of ownership retained which would preclude a fee simple title passing until death of the Transferor; Lifetime transfers of real property in which Decedent retained a life estate or other incidents of ownership.

Description and Location	Transferee	Value at Date of Death
NONE		$
		$
		$

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

IN THE PROBATE COURT

Pg(5) of (5)

DEVISE/DESCENT OF REAL ESTATE AND DESCRIPTION

Estate Classification Intestate
Testate or Intestate

BY LUCILLE W. GREGG
8355/800 106
DECEASED OWNER AS GRANTOR

TO: DEVISEE/HEIR AT LAW
– as Grantee –

Items 1. and 2.:
WALTER L. GREGG, SR., 1/7
LEON C. GREGG, 1/15
WALTER L. GREGG, JR., 1/15
JAMES A. GREGG, 1/15
ORIN S. GREGG, 1/15
JOHN L. GREGG, 1/15
ANGIE E. GREGG, 1/15
ANNETTE GREGG, 1/15
KENNETH GREGG, 1/15
JEANNETTE GREGG, 1/15
CORNELIUS GREGG, 1/15
Above-named Heirs-at-Law take pursuant to South Carolina Statute of Descent and Distribution, Section 21-3-20, 1976, South Carolina Code re Items 1. and 2.

DESCRIPTION OF REAL ESTATE

Briefly include sufficient information to designate and locate real estate, such as number of acres or lots, lot numbers, name of subdivision, street address, City, County, Block Map Reference Number, Deed Book, etc.

1. 1/3 acre, with one building, 817 W. Richardson Avenue, Summerville, SC 29483 (Dorchester County, Summerville Township, School District #2)

2. 1 lot (no building), behind 819 W. Richardson Avenue, Summerville, SC 29483 (Dorchester County, Summerville Township, School District #2)

Item 3.:
WALTER L. GREGG, SR., 100%

Takes by virtue of being co-grantee with Decedent under Right of Survivorship deed

3. 1 acre, with one building, Dorchester County, School District #2, near Givhans, SC (reference is craved to a plat dated May 10, 1971, surveyed by Bobby M. Long, recorded on September 7, 1971, at the Clerk of Court's Office for Dorchester County, Book 18, Page 349)

FILED BY: LEON C. GREGG AS ADMINISTRATOR OF THE SUBJECT ESTATE

June 29, 1984

Leon C Gregg (SEAL)

(SEAL)

Probate Judge, County, S.C.

COMPLETE IN TRIPLICATE AND FILE WITH THE PROBATE COURT
When realty is located in another county, file separate form in triplicate for each such County (1976 S.C. Code References Section 14-23-610 and 30-9-60)

Suzanna Davis

Perry Elizabeth

From:	John Frampton
Sent:	Tuesday, October 08, 2013 10:52 AM
To:	'nbloodgood@fosterfoster.com'
Cc:	Suzanna Davis
Subject:	Redemption of TMS#s 137-02-10-005 & 137-02-10-019
Attachments:	20131008103749696.pdf

Nancy,

Attached is a Devise/Descent from the estate package of Lucille Gregg who was the owner of the above subject TMS numbers at the time of her death. I do not know the relationship of your client, Wendy Reed, to any of the devisees but as far as the County is concerned any of the named the devisees listed on the Devise/Descent would be eligible to redeem the properties. Give me a call if you would like to discuss this further.

-----Original Message-----
From: John Frampton [mailto:jframpton@dorchestercounty.net]
Sent: Tuesday, October 08, 2013 10:38 AM
To: John Frampton
Subject: Message from "RNP0026732BA04D"

This E-mail was sent from "RNP0026732BA04D" (Aficio MP C4501).

Scan Date: 10.08.2013 10:37:49 (-0400)

Recording Date: 10/29/2014 Instrument: 108 Book: 9494 Page: 276-280

FILED-RECORDED
RMC / ROD

2014 Oct 29 PM 4:00:34

DORCHESTER COUNTY
SC Deed Rec Fee: 5.20
Dor Co Deed Rec Fee: 2.20
Filing Fee: 10.00
Exemption #:
MARGARET L. BAILEY
Register of Deeds

THIS PAGE IS HEREBY ATTACHED AND MADE PART OF THE PERMANENT RECORD OF THIS DOCUMENT. IT IS NOT TO BE DETACHED OR REMOVED AND MUST BE CITED AS THE FIRST PAGE OF THE RECORDED DOCUMENT. THE TOP OF THE PAGE IS TO BE USED FOR RECORDING PURPOSES AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.

REGISTER OF DEEDS
DORCHESTER COUNTY SOUTH CAROLINA
MARGARET L. BAILEY, REGISTER
POST OFFICE BOX 38
ST. GEORGE, SC 29477
843-563-0181 or 843-832-0181

Plaintiff - 021

FILED/RECORDED
OCTOBER 29, 2014
DORCHESTER COUNTY
REGISTER OF DEEDS

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

TITLE TO REAL ESTATE BY THE TAX COLLECTOR REVISED 2007

TO ALL WHOM THESE PRSENTS MAY CONCERN:

Whereas, it is provided by Section 12-51-40, *et seq.*, Code of Laws of South Carolina (1976), as amended that the county treasurer shall issue his execution against a defaulting taxpayer as provided in Section 12-45-180, signed by him or his agent in his official capacity, directed to the office authorized to collect delinquent, taxes, assessments, penalties and costs, requiring him to levy the execution by distress and sale of so much of the defaulting taxpayer's estate, real or personal, or both, as m ay be sufficient to satisfy the taxes, assessments, penalties and costs; and

Whereas, it is further provided by said section and acts that the officer to which the execution is delivered shall on April 1, or as soon thereafter as practicable, mail a notice of delinquent property taxes, penalties, assessments, and costs to the owner of record at the best address available which is either the address shown on the deed conveying the property to him, the property address, or such other corrected forwarding address that the owner of record has filed with the appropriate tax authority and to a known grantee of the delinquent taxpayer of the property on which the delinquency exists; and

Whereas, if the taxes remain unpaid after thirty days from the date of mailing of the delinquent notice, or as soon thereafter as practicable, the officer authorized to collect delinquent taxes, assessments, penalties, and costs shall take exclusive possession of the property necessary to satisfy the payment of the taxes, assessments, penalties, and costs by mailing a notice of delinquent property taxes, assessments, penalties, and costs to the delinquent taxpayer and any grantee of record of the property at the address shown on the tax receipt or to an address of which the officer has actual notice, by "certified mail, return receipt requested-restricted delivery"; and

Whereas, return receipt of the "Certified Mail" notice is equivalent to "levying by distress"; and

Whereas, in the event the "Certified Mail" notice has been returned, take exclusive physical possession of the property against which the taxes, assessments, penalties, and costs were assessed by posting a notice at one or more conspicuous places on the premises and the posting of the required notice shall be equivalent to levying by distress, seizing, and taking exclusive possession thereof; and

Whereas, upon compliance with all of the required procedures and acts, and upon failure of taxes, assessments, penalties and costs to be paid in full, the property duly advertised must be sold by the person officially charged with the collection of delinquent taxes at public auction at the courthouse or other convenient place within the county on a legal sales date during regular hours for legal tender payable in full on the date of the sale; and

Whereas, upon the successful bidder at said delinquent tax sale complying with the terms of the sale, the person officially charged with the collection of delinquent taxes shall furnish the purchaser a receipt for the purchase money and attach a copy of the receipt to the execution with the endorsement of his actions, and all delinquent tax sales moneys collected shall be turned over to the Treasurer as now provided by law; but

Whereas, said person is not to make title to the purchaser until the expiration of twelve months from the date of the delinquent tax sale, if the property sold is not redeemed; and

Whereas, the County Treasurer of Dorchester County, has issued an execution, dated March 17, 2012 directed to the Tax Collector of Dorchester County, by authority of above said procedures and acts against ELIZABETH PERRY defaulting taxpayer, strictly charging and commanding the Tax Collector to levy by distress, and to cause the sale of the property of said defaulter the sum of ONE HUNDRED

TWELVE AND 37/100 ($112.37) DOLLARS (taxes, assessments, penalties, and costs) pursuant to the state and county statutes; and

Whereas, by virtue of said execution, the Tax Collector of Dorchester County and the State of South Carolina did on April 4, 2012 send notice to the aforesaid defaulting taxpayer stating that if the taxes, penalties, assessments, and costs are not paid, the property must be duly advertised and sold to satisfy the delinquency; and

Whereas, said taxes, penalties, assessments and costs were not paid thirty days after the mailing of the above notice, and the Tax Collector did on May 4, 2012 send notice by certified notice to the aforesaid defaulting taxpayer stating that if the taxes, penalties, assessments, and costs are not paid on or before November 30, 2012, the property would be duly advertised and sold for delinquent property taxes, penalties, assessments and costs, and such notice was returned unclaimed; and

Whereas, the property was posted on August 15, 2012 by Bonita Daniels.

Whereas, the Tax Collector of Dorchester County, did, after due advertisement, sell the above property on December 3, 2012 to THOMAS LIMEHOUSE, the highest bidder for the sum of TWO THOUSAND ($2,000.00) DOLLARS, and issued a receipt for the same; and

Whereas, pursuant to Section 12-51-120 of the Code of Laws of South Carolina (1976), as amended, certified notices have been sent to the following parties with an interest in the property sold:

SENT TO	DATE	RECEIVED
Elizabeth Perry	10/25/13	Returned Unclaimed
Walter L. Gregg, Sr.	10/25/13	Returned Unclaimed
Leon C. Gregg	10/25/13	Returned Unclaimed
Walter L. Gregg, Jr.	10/25/13	Returned Unclaimed
James A. Gregg	10/25/13	Returned Unclaimed
Orin S. Gregg	10/25/13	Returned Unclaimed
John L. Gregg	10/25/13	Returned Unclaimed
Angie E. Gregg	10/25/13	Returned Unclaimed
Annette Gregg	10/25/13	Returned Unclaimed
Kenneth Gregg	10/25/13	Returned Unclaimed
Jeannette Gregg	10/25/13	Returned Unclaimed
Cornelius Gregg	10/25/13	Returned Unclaimed

Whereas, within the 12-month period, as provided by statute, the defaulting taxpayer or other interested parties after due notice failed to redeem said property sold for taxes.

Now, therefore I, the Tax Collector of Dorchester County, South Carolina acting under and by virtue of all laws, procedures, and amendatory acts currently governing the enforcement of tax collection, for and in consideration of the premises, and the sum of TWO THOUSAND ($2,000.00) DOLLARS, the receipt of which is hereby acknowledged, paid by the said THOMAS LIMEHOUSE have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said THOMAS LIMEHOUSE the following described real estate, to wit:

ALL that lot, parcel or piece of land lying west of the Town of Summerville on Richardson Street extension, measuring and containing about one eighth of one acre and with the buildings and improvements thereon and butting and bounding as follows:

North: On lands now or formerly of Ann Jenkins 52.5 feet
East: On lands now or formerly of Colontine Bradley 110 feet
South: On Richardson St Ext (New Hwy 165) 52.5 feet
West: On lands now or formerly of Walter Allan but about to be conveyed to Gregg 110 feet

STATE OF SOUTH CAROLINA)
) AFFIDAVIT
COUNTY OF DORCHESTER)

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 Sidney B. Jones, III, Tax Collector of Dorchester County, South Carolina to [illegible] on 10-29, 2014

3. Check one of the following:
(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 ____).

(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 $ 3000.00
(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 of $7.40 is computed as follows:
(a) The amount listed in item 4 above $ 3000.00
(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: Grantor.

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.

SIDNEY B. JONES, III, Tax Collector for
Dorchester County, South Carolina

SWORN to before me this
29th day of Oct, 2014
Kelley Patrick (SEAL)
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 2-28-17

Plaintiff - 025

BEING the same property conveyed to Elizabeth Perry by deed recorded September 3, 1957 in the Register of Deeds Office for Dorchester County in Book 115, Page 478.

TMS #137-02-10-005

Grantee's Mailing Address: Post Office Box 2005, Summerville, SC 29484

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

To have and to hold all and singular the premises hereby granted, with the appurtenances, unto the Said THOMAS LIMEHOUSE according to the form, force and effect of the laws and usages of the State of South Carolina in such cases made and provided.

Witness my hand and seal, this 29th day of Oct in the year of our Lord two thousand 14.

Signed, Sealed and Delivered

In the Presence Of:

Lisa R Johnston

Kelly A. Patrick

Tax Collector of Dorchester County, South Carolina

State of South Carolina)
)
County of Dorchester)

FILED/RECORDED
OCTOBER 29, 2014
DORCHESTER COUNTY
REGISTER OF DEEDS

Personally appeared before me Lisa R Johnston and made oath that she/he saw the above named Sidney B. Jones, III, Tax Collector of Dorchester County, sign, seal, and as an act and deed deliver the above Deed and Conveyance; and that she/he, with Kelly A. Patrick witnessed the execution thereof.

Sworn before me this 29th day of Oct A. D., 20 14

Kelly A. Patrick (L.S.) Lisa R Johnston

Notary Public for South Carolina
My Commission expires: 2-28-17

Plaintiff - 024

CERTIFICATE OF APPELLANT

The undersigned hereby certifies, in accordance with Rule 210 (g), SCACR, the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Nancy Bloodgood, SC Bar No.: 6459
Bloodgood & Sanders, LLC
242 Mathis Ferry Road, Suite 201
Mt. Pleasant, SC 29464
Telephone: (843) 972-0313
Email: nbloodgood@bloodgoodsanders.com

Attorneys for the Appellant

Charleston, South Carolina

Date: February 6, 2020