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SC Court of Appeals

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.

REPLY OF APPELLANT TO RESPONDENT'S AMENDED RESPONSE

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TABLE OF CITATIONS

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LEGAL ARGUMENT

- I. The recent Court of Appeals case cited by Respondent County of Dorchester in its Amended Response is currently on appeal to the Supreme Court and is not on point factually so it should not be considered as precedent in this case.**

Respondent County of Dorchester contends in its Amended Response that the case of *Halsey v. Simmons*, 429 S.C. 385, 837 S.E.2d 919 (Ct. App. 2019) is relevant and/or determinative in this case. That is not true. First, a Petition for Writ of Certiorari has been filed with the Supreme Court in the *Halsey* case.

Second, even if the Supreme Court upholds *Halsey*, the case is distinguished on its facts.

1. In *Halsey*, the property was not Heirs property so the property was not held as a tenancy in common as was Appellant's property. (*Halsey v. Simmons*, 429 S.C. at 389-390, 837 S.E.2d at 922; R. p.p. 53-54, 331-332.)
2. The house on the property in *Halsey* was unoccupied, whereas Appellant had lived in the house all of her life. (*Halsey v. Simmons*, 429 S.C. at 389, 837 S.E.2d at 922; R. p. 280.)
3. In *Halsey*, the property was sold at a Delinquent Tax Sale before the estate was probated and there was a dispute between family members as to who owned the property. (*Halsey v. Simmons*, 429 S.C. at 390, 837 S.E.2d at 922.)
4. This case involves the redemption of property after a tax sale by the grantee of record who paid the taxes on the property for years and was known to an employee in the Delinquent Tax Office. (R. pp. 281-282, 283-285, 305-306, 308.)
5. In *Halsey*, the tax collector did a thorough review of the title. *Halsey v. Simmons*, 429 S.C. at 391, 394-400; 837 S.E.2d at 923-928.
6. Only a limited title search was done regarding Appellant's property. (R. pp. 321, 325.)

7. In *Halsey*, the plaintiff never claimed title and she was not a grantee of record. (*Halsey v. Simmons*, 429 S.C. at 395-398, 837 S.E.2d at 926.)
8. Appellant claimed title and is a grantee of record. (R. p.p. 331-332, 336-340.)
9. In *Halsey*, the County had no notice that the plaintiff claimed title to the property. (*Id.*)
In this case, Appellant paid the taxes and lived on the property. (R. p.p. 280-281.)
10. In *Halsey*, the plaintiffs' property interest was never documented. (*Halsey v. Simmons*, 429 S.C. at 396-397, 837 S.E.2d at 926.)
11. In this case, Appellant did not need to document her interest as she was a tenant in common as the heir of her father, and yet, because her name was not on a devise and descent form, in other words, only because her father did not probate his estate, she was forbidden from redeeming her property. (R. pp. 281-282, 308, 330-331, 333, 336-341.)

CONCLUSION

As a Petition for Writ of Certiorari has been filed in *Halsey* and the case is distinguished factually from Appellant's case, the *Halsey* case is not precedent in this case.

Respectfully submitted,

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