

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2014 CP-45-208

JAMES F. DIMERY, ET AL

HENRYLAND FUNERAL HOME, LLC, ET AL

2014 11 13
 PLAINTIFF(S)

DEFENDANT(S)

Submitted by: WILLIAM M. O'BRYAN, JR.	Attorney for : <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> 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), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY**
- 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)
James F. Dimery, Esther Dimery Thomas, Johnny Randolph Dimery, Virgile Leroy Dimery, Carolyn Dimery McCown, Kevin Dimery and Edie Greenfield	The Estate of Johnnie C. Dimery, a/k/a Johnny C. Dimery, a/k/a Johnnie C. Dimery, Lorraine B. Dimery, a/k/a Lorraine Dimery Barr, Paul E. Green, Kimberly D. Page, Joe E. Green, & Jacqueline R. Cooper	\$30,723.60
If applicable, describe the property, including tax map information and address, referenced in the order: 50% undivided interest in Original Part of Greenlawn Cemetery designated as Williamsburg TM# 18-030-070; 56.7% in Lots 127, 66, 68, 20, 19, 18, 16, 15, 27, 28, 29, 97, 9, 52, & 40, Dimery Heights Subdivision designated as, Williamsburg TM#s 18-030-		

FORM 4C INSTRUCTIONS—JUDGMENT IN A CIVIL CASE
(Instructions for Information Only-Not to be filed with Form 4C)

1. Form 4C-Judgment in a Civil Case has been modified to add order information and enrollment instructions for the clerk of court. The purpose of Form 4 has not changed with the exception that judgment information is provided when applicable.
2. Please note that the Form 4C must be attached to all orders that include information to enroll in the judgment index. The clerk will not be responsible for reading the order to determine enrollment information.

The attorney or prevailing party will prepare and attach the Form 4C when submitting the proposed order that includes judgment enrollment information for the judgment index. The judge will review and sign Form 4C when he or she signs an order that includes judgment enrollment information for the judgment index.

3. Form 4C is not required to be submitted to the Court with orders that do not include information to enroll in the judgment index. If the clerk receives such an order without Form 4C attached, the clerk should enter and process the order pursuant to Rule 58 and Rule 77(d), SC Rules of Civil Procedure (i.e., the clerk should serve notice of entry of the judgment by mail or provide the attorneys with copies of the signed order by other means).
4. The “Information for the Judgment Index” section should be completed when the judgment affects title to real or personal property or if any amount should be enrolled. In the “Judgment in Favor of” column, enter the name of the party to whom the judgment is awarded. In the “Judgment Against” column, enter the name of the person to whom the judgment is against. The judgment amount to be enrolled should be noted in the “Judgment Amount” column. As necessary, describe any property referenced in the order if it is to be enrolled in the judgment index. If there is no judgment information to enroll, indicate “N/A” in one of the boxes in this section of the form.
5. To enter information to accommodate multiple parties, additional Form 4Cs may be used as necessary. Additional space may be inserted on the form as necessary.

6. The section "For the Clerk of Court Office Use Only" should be completed by the clerk as it has been with the previous version of Form 4.
7. If the matter is on appeal to the Circuit Court, then the parties on the form should be changed from Plaintiff and Defendant to Appellant and Respondent.
8. If an arbitrator prepares an order after arbitration, the arbitrator should strike through "Circuit Court Judge" and indicate "Arbitrator" in the signature block.
9. If a Special Circuit Court Judge, Master in Equity, or Special Referee prepares an order after hearing a Circuit Court matter, then he or she should strike through the title "Circuit Court Judge" below the signature line and indicate the appropriate title.
10. When an Order of Foreclosure is filed, neither the parties or debt owed should be listed in the Information for the Judgment Index Section, unless the foreclosure order specifically requires entry of the full judgment amount before the foreclosure sale, pursuant to Section 29-3-650 of the SC Code.
11. If the deficiency judgment is waived in a Foreclosure action, indicate N/A in the "Judgment Amount To Be Enrolled" box.
12. Foreclosure actions should be ended by the Clerk of Court upon receipt of the Order of Foreclosure. Subsequent information, including deficiency judgments, can be added to the action after the case is ended. The Master in Equity should end the action in the MIE system upon the receipt of the Order of Foreclosure.
13. When judgment enrollment information is included in the Information for the Judgment Index Section (for example, when there is a deficiency judgment), only the parties who the judgment is for and against should be included in the Section. Subordinate parties and lienholders should not be included in the box if there is not a judgment amount specifically for or against them.
14. Form 4C is not required to be attached to Transcripts of Judgment and Confession of Judgment.

STATE OF SOUTH CAROLINA,)

COUNTY OF WILLIAMSBURG)

James F. Dimery, Jr., Esther Dimery Thomas, Johnny Randolph Dimery, Virgile Leroy Dimery, Carolyn Dimery McCown, Kevin Dimery, and Edie Greenfield.)

Plaintiffs,)

vs.)

Henryhand Funeral Home, L.L.C., Lorraine B. Dimery, a/k/a Lorraine Dimery Barr, Individually and in her Capacity as Personal Representative of the Estate of Johnie C. Dimery, a/k/a Johnny C. Dimery, a/k/a Johnnie C. Dimery; Paul E. Green; Kimberly D. Page, Individually and d/b/a Dimery & Rogers Funeral Home; Joe E. Green; Jacqueline R. Cooper; Bank of Greeleyville; Beree F. Harmon; Maggie Wilson; South Carolina Department of Revenue, John Doe and Mary Doe, designating all Unborn and Unknown Children, Grandchildren, or Legal Heirs (Whether Minor or Adult, Competent or Incompetent, or Their Deceased Children and Any and All Unknown Defendants Under the Age of 14 Years and The Persons With Whom said Infant Defendants Reside, and any Individual Class of Persons Under Any Legal Disability) of Willie Meta Dimery, a/k/a Willie Mae Dimery, a/k/a Jacqueline K. Dimery, deceased; Johnie C. Dimery, a/k/a Johnny C. Dimery, a/k/a Johnnie C. Dimery, deceased; James F. Dimery, a/k/a Furman Dimery, deceased; Inez P. Dimery, deceased; and/or his or her deceased children; and Richard Roe and Mary Roe, Being Fictitious Names Used to Designate Any and All Infants, Minors, Incompetents, Persons in Prison or Under Legal Disability, Unborn, Including Persons Protected Under the Soldiers and Sailors Relief Act and/or Persons or Entities Whomever or Whatsoever Claiming Any Right, Title or Interest in the Real Estate Described in the Complaint and Lis Pendants of This Action.)

Defendants)

IN THE COURT OF COMMON PLEAS OF THE THIRD JUDICIAL CIRCUIT FILE NO. 2014CP4500208

PARTITION ORDER

FILED IN COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT
WILLIAMSBURG COUNTY, SOUTH CAROLINA
OCT 16 2019

PRESIDING JUDGE: Joseph S. Mendelsohn, Special Referee

DATE OF HEARING: October 16, 2019

TIME OF HEARING: 11:00 AM

PLACE OF HEARING: Williamsburg County Courthouse, Kingstree, South Carolina

COURT REPORTER: Andrea Kelly
APPEARANCES: FOR PLAINTIFF: William M. O'Bryan, Jr.
FOR DEFENDANTS: Doward Keith Karval Harvin for Henryhand
Funeral Home, LLC
GUARDIAN AD LITEM: Carson J. Askins

A hearing was held in the above entitled matter before me on October 16, 2019. This Court issued an Interim Order on October 31, 2019 and a First Supplement to the Interim Order on January 6, 2020 to address matters of immediate concern.

Henryhand Funeral Home, L.L.C. and Kimberly Page, a/k/a Kimberly Kennedy a/k/a Kimberly D. Page have failed to fully comply with the October 31, 2019 Interim Order of this Court, in spite of having been granted ample time and opportunity by this Court and the Plaintiffs. The record, however, is otherwise complete and this Court finds that further delays due to attempts at additional prosecution or enforcement will serve only to unduly burden the Plaintiffs.

THEREFORE, HAVING TAKEN TESTIMONY, CONSIDERED ORAL MOTIONS MADE, AND REVIEWED THE EVIDENCE AND RECORD OF THIS PARTITION ACTION, THE FINDINGS OF PRIOR ORDERS OF THE COURT ARE INCORPORATED HEREIN BY REFERENCE AND THIS COURT FINDS AND ORDERS:

1. This Court has jurisdiction of the parties and the subject matter;
2. All parties have been properly served;
3. All parties have been properly notified of the hearing;
4. Lot 115, Dimery Heights Subdivision, designated as Williamsburg County Tax Map Parcel Number 18-030-011 is not subject to this action and is released from the Lis Pendens and any Amendments thereto of record.
5. The Heirs at Law of James F. Dimery, a/k/a Furman Dimery and his widow, Willie Meta Dimery, a/k/a Willie Mae J. Dimery, a/k/a Jacqueline K. Dimery are: Edie Greenfield, James F. Dimery, Jr., Esther Dimery Thomas, Johnny Randolph Dimery, Virgil Leroy Dimery, Carolyn Dimery McCown, Kevin

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Dimery, and Rita Dimery Edwards. Rita Dimery Edwards has conveyed all of her interest in all property subject to this action to her siblings, Carolyn Dimery McCown, James F. Dimery, Jr., Esther Thomas, Johnny Dimery and Kevin Dimery, and is therefore not a Plaintiff in or party to this action.

6. The Heirs at Law of Johnnie C. Dimery, a/k/a Johnny C. Dimery, a/k/a Johnnie C. Dimery are not being determined by this Court as an Estate was opened, administratively dismissed, and may be subject to administration in the Probate Court for Williamsburg County in Case/File Number 1994ES4500210.
7. Plaintiffs are fee simple owners and tenants in common of lots on Antelope Lane and Donnelly Street near Hemingway, South Carolina, designated as Williamsburg County Tax Map Parcel Numbers 24-017-049 & 24-018-165 in the following interests:

Eddie Greenfield	6.1%	Virgil Leroy Dimery	13.4%
James F. Dimery, Jr.	16.1%	Carolyn Dimery McCown	16.1%
Esther Dimery Thomas	16.1%	Kevin Dimery	16.1%
Johnny Randolph Dimery	16.1%		

and the Defendants and all others are forever barred and foreclosed of any right, title or interest in the same.

8. Plaintiffs James F. Dimery, Jr., Esther Dimery Thomas, Johnny Randolph Dimery, Virgil Leroy Dimery, Carolyn Dimery McCown, and Kevin Dimery are fee simple owners and tenants in common of a lot on Madison Avenue in Kingstree, South Carolina, designated as Williamsburg County Tax Map Parcel Number 11-037-071, owned by their mother, Willie Meta Dimery, a/k/a Willie Mae J. Dimery, a/k/a Jacqueline K. Dimery at the time of her death in the following interests:

James F. Dimery, Jr.	17.16%	Virgil Leroy Dimery	14.2%
Esther Dimery Thomas	17.16%	Carolyn Dimery McCown	17.16%
Johnny Randolph Dimery	17.16%	Kevin Dimery	17.16%

and the Defendants and all others are forever barred and foreclosed of any right, title or interest in the same.



9. The following mortgages secured by properties subject to this action are barred by statute: (a) Mortgage from Johnnie C. Dimery to Bank of Greeleyville filed for record May 18, 1985 in the Office of the Clerk of Court for Williamsburg County in Mortgage Book 203, Page 720; and, (b) Mortgage from Maggie Shaw Wilson to Beree F. Harmon filed for record September 18, 1967 in the Office of the Clerk of Court for Williamsburg County in Mortgage Book 118, Page 36.

10. The Estate of Johnnie C. Dimery, a/k/a Johnny C. Dimery, a/k/a Johnnie C. Dimery and Plaintiffs, James F. Dimery, Jr., Esther Dimery Thomas, Johnny Randolph Dimery, Virgil Leroy Dimery, Carolyn Dimery McCown, and Kevin Dimery are fee simple owners and tenants in common of a lot on Randolph Street in the Town of Kingstree, known as Lot 102, Dimery Heights Subdivision and designated as Williamsburg County Tax Map Parcel Number 18-030-036 and the cemetery property known as "Greenlawn Cemetery" and designated as Williamsburg County Tax Map Parcel Number 18-030-070 in the following interests:

- | | | | |
|------------------------|-------|-----------------------------|-------|
| Edie Greenfield | 3.05% | Estate of Johnnie C. Dimery | 50% |
| James F. Dimery, Jr. | 8.05% | Virgil Leroy Dimery | 6.7% |
| Esther Dimery Thomas | 8.05% | Carolyn Dimery McCown | 8.05% |
| Johnny Randolph Dimery | 8.05% | Kevin Dimery | 8.05% |

11. The Estate of Johnnie C. Dimery, a/k/a Johnny C. Dimery, a/k/a Johnnie C. Dimery and Plaintiffs, James F. Dimery, Jr., Esther Dimery Thomas, Johnny Randolph Dimery, Carolyn Dimery McCown, and Kevin Dimery are fee simple owners and tenants in common of

- Tax Map # 18-030-005:** 4 Acres, more or less /Also part of cemetery
- Tax Map # 18-030-007:** Lot 119, Dimery Heights
- Tax Map # 18-030-014:** Westernmost half of Lot 113, Dimery Heights
- Tax Map # 18-030-015:** Lot 121 Dimery Heights
- Tax Map # 18-030-016:** Lot 127 Dimery Heights
- Tax Map # 18-030-017:** Lot 66 Dimery Heights
- Tax Map # 18-030-019:** Lot 68 Dimery Heights
- Tax Map # 18-030-025:** Lot 123, Dimery Heights
- Tax Map # 18-030-026:** Lot 122, Dimery Heights

Tax Map # 18-030-028: Lot 20, Dimery Heights
Tax Map # 18-030-029: Lot 19, Dimery Heights
Tax Map # 18-030-030: Lot 18, Dimery Heights
Tax Map # 18-030-037: Lot 101, Dimery Heights
Tax Map # 18-030-038: Lot 100, Dimery Heights
Tax Map # 18-030-039: Lot 99, Dimery Heights
Tax Map # 18-030-042: Lot 110, Dimery Heights
Tax Map # 18-030-049: Lot 16, Dimery Heights
Tax Map # 18-030-050: Lot 15, Dimery Heights
Tax Map # 18-030-056: Lot 27, Dimery Heights
Tax Map # 18-030-057: Lot 28, Dimery Heights
Tax Map # 18-030-058: Lot 29, Dimery Heights
Tax Map # 18-030-075: Lot 97, Dimery Heights
Tax Map # 18-046-005: Lot 9, Dimery Heights
Tax Map # 18-046-019: Lot 52, Dimery Heights
Tax Map # 18-046-024: Lot 40, Dimery Heights

in the following interests:

Edie Greenfield	3.05%	Estate of Johnnie C. Dimery	56.7%
James F. Dimery, Jr.	8.05%	Carolyn Dimery McCown	8.05%
Esther Dimery Thomas	8.05%	Kevin Dimery	8.05%
Johnny Randolph Dimery	8.05%		

12. The liens of the South Carolina Department of Revenue against Lorraine Dimery Barr are valid and enforceable only against her interest in the property; an interest not to be determined by this Court. A copy of this Order and the liens referenced in the Plaintiffs' initial filing (as amended) is to be filed as a claim/claims and part of the record of the uncompleted Estate of Johnnie C. Dimery and may be subject to administration in the Probate Court for Williamsburg County in Case/File Number 1994ES4500210.
13. The 29 residential lots to be Partitioned have a total market value of \$89,250.00.
14. The cemetery (Tax Map #18-030-070) and the 4 Acres adjacent to it (Tax Map #18-030-005) have a combined market value of \$36,000.00. The cemetery has only long-term potential of producing income commensurate with the value of the residential lots at this time. Numerous plots may have been sold



under pre-paid funeral plans for which there is no record and/or no records have been provided to Plaintiffs despite multiple requests for the same and the funds for which have not been accounted for and most likely have been misappropriated or misused. The cemetery, in its present state, is in need of extensive maintenance and will require regular maintenance in the future. The Court notes that subsequent to this hearing, but prior to the execution of this Order, claims have been made of the Plaintiffs for fees collected but not paid to contractors for grave digging and for burials in plots not recorded as having been sold under prearranged funeral plans. Unfortunately, these conditions may all but eliminate any earnings of the cemetery in the very near future.

15. The Plaintiffs have paid the majority of the property taxes in an effort to protect the property as much as possible, benefiting all cotenants in the amount of \$8,810.42. They have also paid survey and cemetery lawn care expenses totaling \$1,375.00 and shall be reimbursed proportionally from the Defendant owners for (56.7%) of this amount.
16. The Plaintiffs' attorney submitted an affidavit of attorney's fees and costs incurred in the prosecution of this action at the time of initial hearing on the merits. Since that time Plaintiffs' counsel has expended significant amounts of time in seeking information from the Defendants about funds received from the sale of burial lots in Greenlawn Cemetery and issues related to opening and closing graves and grounds maintenance I find the sum of \$16,500.00 is an appropriate fee to be paid to the Plaintiffs' attorney, in addition to costs in the amount of \$5,256.57 (which include Court Reporter's charges) for services subsequent to the hearing and through the filing of this Order. The Plaintiffs have paid a total of \$11,750.00 of these fees and costs to-date, and a balance of \$10,006.57 remains.
17. The Guardian *ad Litem*, Carson J. Askins, has represented the interests of all unknown or unascertained Defendants, or those persons suffering under minority or other disability, and the sum of Three hundred fifty and no/100 (\$350.00) Dollars is an appropriate amount to be paid to him as Guardian *ad Litem*.
18. The hearing fees due the Special Referee in this matter total \$1,500.00 have been paid by the Plaintiffs.



19. All fees and costs set forth above are properly chargeable to the property as a whole pursuant to Rule 71(d)(3), *South Carolina Rules of Civil Procedure*, and shall be assessed and apportioned among the owners of the property in proportion to their respective interests.
20. None of the Defendants/heirs/owners have expressed an interest in exercising their first right of refusal to purchase Plaintiffs' interest in the property throughout the duration of this action (which the Court notes was originally filed in 2014), nor have any presented evidence of any contribution towards the maintenance, upkeep, taxes and insurance to protect the property, nor have they filed with this court a request to purchase the property or any portion thereof within the time allocated by statute.
21. I find the life estate reserved by Maggie S Wilson in the deed to Viola B Walker *et al* filed for record May 22, 1959 in the Office of the Clerk of Court for Williamsburg County in Deed Book A61, Page 437 has expired and is of no further force and effect.

22. I find that the properties owned by the parties as tenants in common shall be allocated as follows:

Tax Map # 18-030-005: 4 Acres, more or less /Also part of cemetery (undeveloped)

Tax Map # 18-030-007: Lot 119, Dimery Heights

Tax Map # 18-030-014: Westernmost half of Lot 113, Dimery Heights

Tax Map # 18-030-015: Lot 121 Dimery Heights

Tax Map # 18-030-025: Lot 123, Dimery Heights

Tax Map # 18-030-026: Lot 122, Dimery Heights

Tax Map # 18-030-036: Lot 102, Dimery Heights

Tax Map # 18-030-037: Lot 101, Dimery Heights

Tax Map # 18-030-038: Lot 100, Dimery Heights

Tax Map # 18-030-039: Lot 99, Dimery Heights

Tax Map # 18-030-042: Lot 110, Dimery Heights

as tenants in common to:

Edie Greenfield 7.60%

James F. Dimery, Jr. 18.48%

Esther Dimery Thomas 18.48%

Johnny Randolph Dimery 18.48%

Carolyn Dimery McCown 18.48%

Kevin Dimery 18.48%



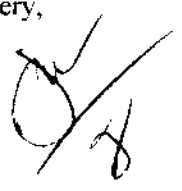
Tax Map # 18-030-016: Lot 127 Dimery Heights
Tax Map # 18-030-017: Lot 66 Dimery Heights
Tax Map # 18-030-019: Lot 68 Dimery Heights
Tax Map # 18-030-028: Lot 20, Dimery Heights
Tax Map # 18-030-029: Lot 19, Dimery Heights
Tax Map # 18-030-030: Lot 18, Dimery Heights
Tax Map # 18-030-049: Lot 16, Dimery Heights
Tax Map # 18-030-050: Lot 15, Dimery Heights
Tax Map # 18-030-056: Lot 27, Dimery Heights
Tax Map # 18-030-057: Lot 28, Dimery Heights
Tax Map # 18-030-058: Lot 29, Dimery Heights
Tax Map # 18-030-075: Lot 97, Dimery Heights
Tax Map # 18-046-005: Lot 9, Dimery Heights
Tax Map # 18-046-019: Lot 52, Dimery Heights
Tax Map # 18-046-024: Lot 40, Dimery Heights

to the Estate of Johnnie C. Dimery, a/k/a Johnny C. Dimery, a/k/a Johnnie C. Dimery

23. I find the original part of the cemetery (Tax Map #18-030-070) known as "Greenlawn Cemetery" is owned and will continue to be owned as tenants in common (in the percentages indicated) by:

Edie Greenfield	3.05%	Estate of Johnnie C. Dimery	50%
James F. Dimery, Jr.	8.05%	Virgil Leroy Dimery	6.7%
Esther Dimery Thomas	8.05%	Carolyn Dimery McCown	8.05%
Johnny Randolph Dimery	8.05%	Kevin Dimery	8.05%

subject to the following terms and conditions: The above-named Plaintiffs and the heirs at law of Johnnie C. Dimery, a/k/a Johnny C. Dimery, a/k/a Johnnie C. Dimery(or its Personal Representative if one shall be appointed) shall each designate, in writing, a representative/family member manager of Greenlawn Cemetery. The two representatives will work together to coordinate the sale of all open/available burial plots and will create a record keeping system for each and every sold plot, to include those which were sold prior hereto under prepaid arrangements. All funds derived from the sale of the burial plots will be deposited in the existing bank account, from which costs and expenses of maintaining the cemetery,



including annual property taxes, will be paid, proportionately, 50.00% by the Estate of Johnnie Dimery and 50% (collectively) by the above-named Plaintiffs. Monthly reports of income and expenses will be prepared and copies of the same will be made available to all cotenant owners in common upon request. Distribution of profits, if any, will only be made at the end of each year to each tenant in common in the percentages set forth hereinabove, after taxes have been paid and will be delivered with an annual report to the tenants in common. Funds representing the 50.00% share of profits of the Estate of Johnnie C. Dimery are to be deposited with the Probate Court, pending a complete administration of the estate or a determination of heirs.

24. The Plaintiffs have borne all costs and expenses in this action as set out above and are entitled to be reimbursed from the cotenant Defendants, based on their proportional share of the ownership in the real property. The Plaintiffs collectively own an undivided 43.3% interest and the Estate of Johnnie Dimery owns an undivided 56.7% interest in all property held as tenants in common between the two families except the vacant plots of Greenlawn Cemetery, therefore the Estate of Johnnie Dimery will be responsible for 56.7% of the total costs in the amount of \$12,335.97 together with reimbursement to the Plaintiffs of 56.7% of the taxes and maintenance as set out in Paragraph 15 in the amount of \$5,775.13. The total amount of \$18,111.10 shall constitute a lien against property allocated the Estate of Johnnie Dimery's in this partition and is to be paid the Plaintiffs' attorney's office within 120 days from the date of this Order. In the event the \$16,895.96 is not paid in full within the time prescribed, Plaintiffs' attorney will file an Affidavit with this Court and the property allocated the Estate of Johnnie Dimery will be sold at public auction in the Court's discretion as to whether to sell said property by lot, by groups of lots, or as a single package of multiple lots. and the net proceeds of the sale, after payment of costs of the sale, shall be applied to the costs of this action and the surplus, if any, paid to the Probate Court of Williamsburg County for the Estate of Johnnie R. Dimery. The Court may set a minimum bid. If a minimum bid is not received, then said property shall be re-advertised and resold at a subsequent sales date.

A handwritten signature in black ink, appearing to be a stylized name, possibly "Johnnie Dimery" or similar, written over a horizontal line.

25. Accounting evidence being somewhat sparse, and the Defendants having been noncompliant in providing detailed information, evidence indicates the sum of \$25,225.00 was received by the Defendants from Henryhand Funeral Home, L.L.C. for the sale of plots in Greenlawn Cemetery from December 6, 2016 to March 1, 2019. The Plaintiffs received no portion of these funds. The Estate of Johnnie Dimery is hereby Ordered to pay 50% of these funds (\$12,612.50) to Plaintiffs' attorney within 120 days. This amount will constitute an additional lien on the property allocated to the Estate of Johnnie Dimery and, if it is not paid within the time aforesaid, this lien will be enforced by the sale of the property pursuant to Paragraph 24. The total amount due from the Defendants is \$30,723.60.
26. All funds held in trust by Plaintiffs' attorney pursuant to interim order dated October 31, 2019, subject to any funds held for the opening/closing of graves in said account as well as those funds currently frozen in First Citizens Bank identified as account number xxxxxx8201 in the amount of \$3,744.47 are to be allocated proportionally as follows: 50% of the funds are allocated to the Plaintiffs' share; 50.00% to the Defendants' share. These funds are to be applied as follows: (a) from the Plaintiffs' share, first to their remaining fees and cost of this action and the balance, if any, to be paid over to the Plaintiffs proportionately according to their individual ownership interests; (b) from the Defendant's share, first to their portion of the fees and cost of this action as hereinabove ordered; then, to any reimbursement due to the Plaintiffs under this Order; and lastly, the surplus, if any, will be distributed to the Estate of Johnnie C. Dimery as set forth in Paragraph 23 above.
27. Plaintiffs' attorney will file an accounting with the Court of receipts and disbursements into/from its trust account on behalf of Greenlawn Cemetery from the October 31, 2019 order through the filing of this Order.
28. Plaintiffs' attorney has received a cashier's check payable to Greenlawn Cemetery in the amount of \$975.00 for a burial plot and opening and closing grave for Kenneth Moultrie. Plaintiffs' attorney has also received a check from the Williamsburg County Treasurer for \$100.00 representing an overpayment of 2019 property taxes which is also payable to Greenlawn Cemetery. LaRon Nelson is owed \$350.00 for the opening and closing of the grave for Kenneth Moultrie. These checks are to be deposited in the

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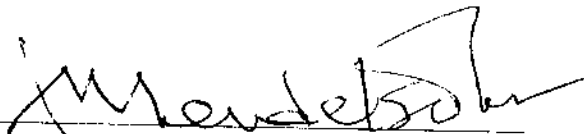
First Citizens Bank account identified as number xxxxxx8201 and, after LaRon Nelson is paid the \$350.00, the funds are to be disbursed as hereinabove set out.

29. The undersigned will retain jurisdiction to do all necessary acts incident to this partition.

AND IT IS SO ORDERED

Charleston, South Carolina

5/31/ 2020



Joseph S. Mendelsohn, Special Referee

