

STATE OF SOUTH CAROLINA

HEALTH CARE POWER OF ATTORNEY

COUNTY OF COLLETON

I, Patricia E. Campbell of 331 Turner Lane, Round O, South Carolina, do hereby appoint Joanne Ahearn of 335 Turner Lane, Round O, South Carolina, Telephone Number: 843-603-0566 as my agent to make health care decisions for me as authorized in this document.

**2. EFFECTIVE DATE AND DURABILITY**

By this document, I intend to create a durable power of attorney effective upon, and only during, any period of mental incompetence.

**3. AGENT'S POWERS**

I GRANT TO MY AGENT FULL AUTHORITY TO MAKE DECISIONS FOR ME REGARDING MY HEALTH CARE. In exercising this authority, my agent shall follow my desires as stated in this document or otherwise expressed by me or known to my agent. In making any decision, my agent shall attempt to discuss the proposed decision with me to determine my desires if I am able to communicate in any way. If my agent cannot determine the choice I would want made, then my agent shall make a choice for me based upon what my agent believes to be in my best interests. My agent's authority to interpret my desires is intended to be as broad as possible, except for any limitations I may state below.

Accordingly, unless specifically limited by Section E, below, my agent is authorized as follows:

- A. To consent, refuse, or withdraw consent to any and all types of medical care, treatment, surgical procedures, diagnostic procedures, medication and the use of mechanical or other procedures that affect any bodily function, including but not limited to, artificial respiration, nutritional support and hydration, and cardiopulmonary resuscitation;
- B. To authorize, or refuse to authorize, any medication or procedure intended to relieve pain, even though such may lead to physical damage, addition, or hasten the moment of, but not intentionally cause, my death;
- C. To authorize my admission to or discharge, even against medical advice, from any hospital, nursing care facility, or similar facility or service;

PEC

- D. To take any other action necessary to making, documenting, and assuring implementation of decisions concerning my health care, including, but not limited to, granting and waiver or release from liability required by any hospital, physician, nursing care provider, or other health care provider; signing any documents relating to refusals of treatment or the leaving of a facility against medical advice, and pursuing any legal action in my name, and at the expense of my estate to force compliance with my wishes as determined by my agent or to seek actual or punitive damages for the failure to comply.
- E. The powers granted above do not include the following powers or are subject to the following rules or limitations: NONE

#### 4. ORGAN DONATION

My agents may PEC; may not \_\_\_\_\_ consent to the donation of all or any of my tissue or organs for purposes of transplantation.

#### 5. EFFECT ON DECLARATION OF A DESIRE FOR A NATURAL DEATH (LIVING WILL)

I understand that if I have a valid Declaration of a Desire for a Natural Death, the instructions contained in the Declaration will be given effect in any situation to which they are applicable. My agents will have authority to make decisions concerning my health care only in situations to which the Declaration does not apply.

#### 6. STATEMENT OF DESIRES AND SPECIAL PROVISIONS

With respect to any Life-Sustaining Treatment, I direct the following:

1. PEC GRANT OF DISCRETION TO AGENTS. I do not want my life to be prolonged nor do I want life-sustaining treatment to be provided or continued if my agents believe the burdens of the treatment outweigh the expected benefits. I want my agents to consider the relief of suffering, my personal beliefs, the expense involved and the quality as well as the possible extension of my life in making decisions concerning life-sustaining treatment.

OR

2. \_\_\_\_\_ DIRECTIVE TO WITHHOLD OR WITHDRAW TREATMENT. I do not want my life to be prolonged and I do not want life-sustaining treatment:
- A. If I have a condition that is incurable or irreversible and, without the administration of life-sustaining procedures, expected to result in death within a relatively short period of time; or

2 PEC

B. If I am in a state of permanent unconsciousness.

OR

3. \_\_\_\_\_ DIRECTIVE FOR MAXIMUM TREATMENT. I want my life to be prolonged to the greatest extent possible, within the standards of accepted medical practice, without regard to my condition, the chances I have for recovery, or the cost of the procedures.

OR

4. \_\_\_\_\_ DIRECTIVE IN MY OWN WORDS. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. STATEMENT OF DESIRES REGARDING TUBE FEEDING

With respect to Nutrition and Hydration provided by means of a nasogastric tube or tube into the stomach, intestines, or veins, I wish to make clear that:

PEC I do not want to receive these forms of artificial nutrition and hydration, and they may be withheld or withdrawn under the conditions given above.

OR

\_\_\_\_\_ I do want to receive these forms of artificial nutrition and hydration.

IF YOU DO NOT INITIAL EITHER OF THE ABOVE STATEMENTS, YOUR AGENTS WILL NOT HAVE AUTHORITY TO DIRECT THAT NUTRITION AND HYDRATION NECESSARY FOR COMFORT, CARE OR ALLEVIATION OF PAIN BE WITHDRAWN.

8. ADMINISTRATIVE PROVISIONS

- A. I revoke any prior Health Care Power of Attorney and any provisions relating to health care of any other prior power of attorney.
- B. This power of attorney is intended to be valid in any jurisdiction in which it is presented.

3PEC

8. SUCCESSOR AGENT

In the event that my daughter Joanne Ahearn is unable or unwilling to serve, then and in that event I nominate, constitute and appoint Robert J. Plum as my agent to take care of my health care decisions. His address is 418 Falcon Avenue, Edgewater, Florida 32141, Telephone Number: 386-402-5268.

9. UNAVAILABILITY OF AGENT

If, at any relevant time the agents named herein are unable or unwilling to make decisions concerning my health care, and those decisions are to be made by a guardian, by the Probate Court, or by a surrogate pursuant to the Adult Health Care Consent Act, it is my intention that the guardian, Probate Court, or surrogate make those decisions in accordance with my directions as stated in this document.

BY SIGNING HERE, I INDICATE THAT I UNDERSTAND THE CONTENTS OF THIS DOCUMENT AND THE EFFECT OF THIS GRANT OF POWERS TO MY AGENT.

I SIGN MY NAME TO THIS HEALTH CARE POWER OF ATTORNEY ON THE 18<sup>th</sup> DAY OF DECEMBER 2018. My current home address is 331 Turner Lane Round O, South Carolina.

Signature: Patricia E. Campbell  
Name: Patricia E. Campbell

4/PEC

I declare, on the basis of information and belief, that the person who signed or acknowledged this document (the principal ) is personally known to me, that she signed or acknowledged this Health Care Power of Attorney in my presence, and that she appears to be of sound mind and under no duress, fraud, or undue influence. I am not related to the principal by blood, marriage, or adoption, either as a spouse, a lineal ancestor, descendant of the parents of the principal, or spouse of any of them. I am not directly financially responsible for the principal's medical care. I am not entitled to any portion of the principal's estate upon her decease, whether under any will or as an heir by intestate succession, nor am I the beneficiary of an insurance policy on the principal's life, nor do I have a claim against the principal's estate as of this time. I am not the principal's attending physician, nor an employee of the attending physician. No more than one witness is an employee of a health facility in which the principal is a patient. I am not appointed as Health Care Agent or Successor Health Care Agent by this document.

Witness No. 1

SIGNATURE Deborah B. Kane DATE 12-18-18  
PRINT NAME Deborah B. Kane TELEPHONE (843) 549-1060  
RESIDENCE ADDRESS 1832 CAVANAUGH ROAD  
WALTERBORD, SC 29488

Witness No. 2

SIGNATURE Sarah Kinard DATE 12/18/18  
PRINT NAME Sarah Kinard TELEPHONE 843-549-1060  
RESIDENCE ADDRESS 112 Forest Hills Rd  
Walterboro, SC 29488

5 PEC





Exhibit A

All that certain piece, parcel or tract of land located in Colleton County, South Carolina, containing three (3) acres, more or less, and being measuring and bounded as reference to the plat prepared by W. Gene Whetsell, RLS, and recorded in Plat Book 25 at Page 50 in the Colleton County RMC Office will more fully show.

This being the same property conveyed to Clifford C. Campbell and Patricia E. Campbell, as joint tenants, with right of survivorship, by deed of Margaret Dianne Hill dated 25 July 2005 and recorded in Record Book 1124 at Page 174 in the Colleton County Register of Deeds Office. Clifford C. Campbell died 20 February 2015.

TMS#168-00-00-056.

STATE OF SOUTH CAROLINA )  
COUNTY OF Colleton )

**AFFIDAVIT FOR EXEMPT TRANSFERS**

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on the back of this affidavit and I understand such information.

2. The property being transferred is located at \_\_\_\_\_,  
bearing Colleton \_\_\_\_\_ County Tax Map Number 168-00-00-056  
was transferred by Patricia E. Campbell  
to Patricia E. Campbell, Joanne Ahearn & Robert J. Plem  
\_\_\_\_\_ on  
12/18/2018

3. The deed is exempt from the deed recording fee because (See information section of affidavit):  
# 1 to myself and family  
\_\_\_\_\_  
\_\_\_\_\_

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes \_\_\_\_\_ or No \_\_\_\_\_

4. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as:  
Attorney for Grantee(s)  
\_\_\_\_\_

5. 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.

Deborah B. Kane  
Responsible Person Connected with the Transaction

Deborah B. Kane  
Print or Type Name Here

SWORN to and subscribed before me this  
18th day of December 2018  
Notary Public for South Carolina  
My Commission Expires 03/29/2028  
Notary (L.S.): Sarah Kinard  
Notary (printed name): Sarah Kinard

## **INFORMATION**

Except as provided in this paragraph, the term "value" means "the consideration paid or to be paid in money or money's worth for the realty." Consideration paid or to be paid in money's worth includes, but is not limited to, other realty, personal property, stocks, bonds, partnership interest and other intangible property, the forgiveness or cancellation of a debt, the assumption of a debt, and the surrendering of any right. The fair market value of the consideration must be used in calculating the consideration paid in money's worth. Taxpayers may elect to use the fair market value of the realty being transferred in determining fair market value of the consideration. In the case of realty transferred between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, and in the case of realty transferred to a trust or as a distribution to a trust beneficiary, "value" means the realty's fair market value. A deduction from value is allowed for the amount of any lien or encumbrance existing on the land, tenement, or realty before the transfer and remaining on the land, tenement, or realty after the transfer. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before the transfer.) Taxpayers may elect to use the fair market value for property tax purposes in determining fair market value under the provisions of the law.

### **Exempted from the fee are deeds:**

- (1) transferring realty in which the value of the realty, as defined in Code Section 12-24-30, is equal to or less than one hundred dollars;
- (2) transferring realty to the federal government or to a state, its agencies and departments, and its political subdivisions, including school districts;
- (3) that are otherwise exempted under the laws and Constitution of this State or of the United States;
- (4) transferring realty in which no gain or loss is recognized by reason of Section 1041 of the Internal Revenue Code as defined in Section 12-6-40(A);
- (5) transferring realty in order to partition realty as long as no consideration is paid for the transfer other than the interests in the realty that are being exchanged in order to partition the realty;
- (6) transferring an individual grave space at a cemetery owned by a cemetery company licensed under Chapter 55 of Title 39;
- (7) that constitute a contract for the sale of timber to be cut;
- (8) transferring realty to a corporation, a partnership, or a trust as a stockholder, partner, or trust beneficiary of the entity or so as to become a stockholder, partner, or trust beneficiary of the entity as long as no consideration is paid for the transfer other than stock in the corporation, interest in the partnership, beneficiary interest in the trust, or the increase in value in the stock or interest held by the grantor. However, except for transfers from one family trust to another family trust without consideration or transfers from a trust established for the benefit of a religious organization to the religious organization, the transfer of realty from a corporation, a partnership, or a trust to a stockholder, partner, or trust beneficiary of the entity is subject to the fee, even if the realty is transferred to another corporation, a partnership, or trust;
- (9) transferring realty from a family partnership to a partner or from a family trust to a beneficiary, provided no consideration is paid for the transfer other than a reduction in the grantee's interest in the partnership or trust. A "family partnership" is a partnership whose partners are all members of the same family. A "family trust" is a trust, in which the beneficiaries are all members of the same family. The beneficiaries of a family trust may also include charitable entities. "Family" means the grantor and the grantor's spouse, parents, grandparents, sisters, brothers, children, stepchildren, grandchildren, and the spouses and lineal descendants of any the above. A "charitable entity" means an entity which may receive deductible contributions under Section 170 of the Internal Revenue Code as defined in Section 12-6-40(A);
- (10) transferring realty in a statutory merger or consolidation from a constituent corporation to the continuing or new corporation;
- (11) transferring realty in a merger or consolidation from a constituent partnership to the continuing or new partnership;
- (12) that constitute a corrective deed or a quitclaim deed used to confirm title already vested in the grantee, provided that no consideration of any kind is paid or is to be paid under the corrective or quitclaim deed;
- (13) transferring realty subject to a mortgage to the mortgagee whether by a deed in lieu of foreclosure executed by the mortgagor or deed pursuant to foreclosure proceedings;
- (14) transferring realty from an agent to the agent's principal in which the realty was purchased with funds of the principal, provided that a notarized document is also filed with the deed that establishes the fact that the agent and principal relationship existed at the time of the original purchase as well as for the purpose of purchasing the realty; and
- (15) transferring title to facilities for transmitting electricity that is transferred, sold, or exchanged by electrical utilities, municipalities, electric cooperatives, or political subdivisions to a limited liability company which is subject to regulation under the Federal Power Act (16 U.S.C. Section 791(a)) and which is formed to operate or to take functional control of electric transmission assets as defined in the Federal Power Act.

Last Will and Testament  
Of  
Patricia E. Campbell

I, Patricia E. Campbell of 331 Turner Lane, Round O, South Carolina, being of sound and disposing mind and memory, and considering the uncertainty of this frail and transitory life, do hereby make, publish and declare this to be my Last Will and Testament hereby revoking any and all Wills or codicils heretofore made by me.

I.

I will and direct that all of my just debts, if any there be at the time of my death, be paid out of my estate, by my Personal Representative named, as soon as practicable after my death.

II.

I will, devise and bequeath all of my estate, whether real, personal or mixed, and wheresoever situate, to my daughter, Joanne Ahearn and her fiancé Robert J. Plum,, share and share alike, absolutely and in fee simple.

III.

I am specifically omitting my children Nanette Hill and Charles B. Ricci, Jr. from receiving any assets from my estate.

IV.

I hereby nominate, constitute and appoint Joanne Ahearn and Robert J. Plum as my joint Personal Representatives of this, my Last Will and Testament, to serve without bond. In the event that one is unable or unwilling to serve, then and in that event, the remaining individual may serve solely.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS 18TH DAY OF DECEMBER 2018.

Patricia E. Campbell  
Patricia E. Campbell

SIGNED, SEALED, PUBLISHED AND DECLARED BY Patricia E. Campbell to be her Last Will and Testament in the presence of us, who at her request and in her presence and in the presence of each other do hereunto set our hands as witnesses.

Deborah B Kane ADDRESS Walterboro, SC  
Sarah Kinard ADDRESS Walterboro, SC

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF COLLETON	)	CASE NO. 2019-CP-15-__
PATRICIA E. CAMPBELL,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	COMPLAINT
	)	
JOANNE AHEARN AND	)	
ROBERT J. FLUM,	)	
	)	
Defendants,	)	
	)	

The Plaintiff, above named, would respectfully show unto the Court:

1. That the Plaintiff is a citizen and resident of the County of Colleton, State of South Carolina.
2. That the whereabouts of the Defendants are unknown.
3. The real property which is the subject of this lawsuit is located in Colleton County, South Carolina and is described as follows:

All that certain piece, parcel or tract of land located in Colleton County, South Carolina, containing three (3) acres, more or less, and being measuring and bounded as reference to the plat prepared by W. Gene Whetsell, R.L.S, and recorded in Plat Book 25 at Page 50 in the Colleton County RMC Office will more fully show.  
TMS#168-00-00-056

The said tract is hereinafter referred to as the "Property".

4. This Court has both personal and subject matter jurisdiction and venue is proper in Colleton County, South Carolina.
5. On or about December 18, 2018 the Plaintiff executed a general warranty deed

transferring the Property to her daughter, Joanne Ahearn, and her daughter's boyfriend, Robert J. Plum as shown on the Title to Real Estate that was filed with the Colleton County Register of Deeds Office on the same date in Book 2702 at Page 271.

6. At all times hereto the Plaintiff was under duress and lacked the mental capacity to lawfully make the transaction complained of herein.

7. The Plaintiff made the conveyance complained of herein to the Defendants as a result of the Defendants undue influence.

8. As a result of the Plaintiff's lack of capacity and/or Defendants actions, the Plaintiff is entitled to an order setting aside and annulling the conveyance of real estate complained of herein.

WHEREFORE, Plaintiff prays that this Court:

(a) Issue an order setting aside and annulling the conveyance recorded with the Colleton County Register of Deeds Office on December 18, 2018 in Book 2702 at Page 271.

(b) Issue an order requiring that the Defendants pay reasonable attorney's fees and costs to the Plaintiff's attorney along with such and further relief as the Court deems necessary.

Walterboro, South Carolina

10th day of April, 2019

s/Benjamin C.P. Sapp  
Benjamin C.P. Sapp, Attorney for the Plaintiff  
Sapp Law Firm  
Post Office Box 258  
Walterboro, South Carolina, 29488  
(843) 549-5923  
(843) 549-3269 Facsimile

**MOTION TO FILE RULE NO. 60(b)(3)**

**THE STATE OF SOUTH CAROLINA**

**In The Court of Appeals**

**APPEAL FROM COLLETON COUNTY**

**Court of Common Pleas**

**Kenneth A. Campbell, Jr., Special Referee**

**Appellate Case No. 2019-001886**

**Patricia E. Campbell**

**Respondent.**

**v.**

**Joanne Ahearn and Robert J. Plum**

**Appellant.**

**MOTION TO FILE RULE NO. 60(b)(3)**

## **DISCUSSION**

### **I. RESPONDENTS PATRICIA E. CAMPBELLS UNEXCUSABLE NEGLIGENCE AND FRAUD**

The Appellants Joanne Ahearn and Robert J. Plum are requesting the Appellate Court of South Carolina to grant permission appellants Joanne Ahearn And Robert J. Plum to file rule 60 (b)(3) with the 14<sup>th</sup> Judicial Court In Walterboro, South Carolina. The reason for requesting to file this rule, the appellants Joanne Ahearn and Robert J. Plum were not given service of process. The respondent, Patricia E. Campbell even though stating the appellants whereabouts were unknown, the respondent Patricia E. Campbell was in contact with the appellants Joanne Ahearn and Robert J. Plum prior to and after filing the lawsuit to remove the appellants Joanne Ahearn And Robert J. Plum from the respondents deeded property located at 331 Turner Lane, Round O, South Carolina, Colleton County, 29474. The respondent Patricia E. Campbell also claimed to be under duress and lacked the mental capacity to lawfully make the transaction, (Exhibit C). The respondent Patricia E. Campbell also claimed to make the transaction as a result of the appellants undue influence, (Exhibit C).

### **II. PRESENTATION OF FACTS**

The respondent Patricia E. Campbell, executed General Warranty Deed on December 18, 2018, transferring the appellants Joanne Ahearn and Robert J. Plum as shown on the title to real estate that was filed with the Colleton County Register of Deeds on the same date in Book 2702 on page 271 (Exhibit A). The transfer and filing of the deed was performed by Attorney Deborah B. Kane O'Quinn. On the same date, respondent Patricia E. Campbell instructed Attorney Deborah B. Kane O'Quinn to name appellant Joanne Ahearn as the

respondent's primary healthcare power of attorney (exhibit B), and named appellant Robert J. Plum as successor healthcare power of attorney, (exhibit B). Within the respondent's complaint dated April 10, 2019 (exhibit C, page 1, number 2), the respondent Patricia E. Campbell claimed the whereabouts of the appellants Joanne Ahearn and Robert J. Plum were unknown, even though the appellants names, addresses and cell phone numbers were written in the healthcare power of attorney (exhibit B, page 1 lines 2 and 3, page 4 number 8 successor agent) dated December 18, 2018. The respondent Patricia E. Campbell declared she was of sound mind and under no duress, fraud or undue influence (exhibit B, page 5 line 4). Legal notices were placed in the Colletonian on April 25, 2019, May 2, 2019 and May 9, 2019, exhibit C), even though the respondent knew the appellants was not residing in the state of South Carolina, and were residing in the State of Florida, which the address was recorded in the healthcare power of attorney, (exhibit B). After the appellants filed the appeal in the South Carolina Court of Appeals, appellant Robert J. Plum received a disturbing text message from respondent Patricia E. Campbell, (exhibit D), proving once again the respondent and her attorney had the means to contact the appellants prior to filing.

#### **SUMMARY**

The appellants Joanne Ahearn and Robert J. Plum were not given service of process. The respondent Patricia E Campbell was in contact with the appellants Joanne Ahearn and Robert J. Plum prior to and after the respondent filed the lawsuit. The appellants possess text messages, (exhibit D), voicemails, healthcare power of attorney, (exhibit B), and successor healthcare power of attorney, (exhibit B), proving the respondent Patricia E. Campbell had means to contact the appellants Joanne Ahearn and Robert J. Plum. The respondent's attorney



AT&T

25% 11:43 AM

**Details**

**Type: Text message**

**From: Patricia E. Campbell**

**Sent: Nov 7, 1:32 AM**

**CLOSE**



AT&T



4G



65%



9:07 PM



Patricia E. C...

+1 843-599-0606



Nov 7



you after I die  
well I told her  
I would like to  
see it burn you  
are acting like  
the biggest  
asshole walking  
I should have  
knowen.. all the  
time you said

1:32 AM

What are you

Enter message



Send



STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF COLLETON )  
 )  
 PATRICIA E. CAMPBELL, )  
 )  
 Plaintiff, )  
 )  
 -vs- )  
 )  
 JOANNE AHEARN AND )  
 )  
 ROBERT J. PLUM, )  
 )  
 Defendants, )  
 )  
 )

IN THE COURT OF COMMON PLEAS

CASE NO. 2019-CP-15-00285

RECORD OF HEARING

Pursuant to Order of Reference filed July 3, 2019, reference was held this 7th day of October, 2019 in the Office of Kenneth A. Campbell, Jr., Special Referee to hear the within case.

The hearing was held before Kenneth A. Campbell, Jr., Special Referee, and attended by the following: Benjamin C.P. Sapp, counsel for the Plaintiff.

**WHEREUPON, COUNSEL FOR PLAINTIFF DOES HEREIN REPORT AS FOLLOWS:**

I am an attorney for Plaintiff in this action and report upon information and belief and the best of my knowledge as follows:

The Summons and Complaint were filed with the Office of the Clerk of Court for Colleton County on April 11, 2019.

The Petition for Publication and an Affidavit for Publication were filed with the Office of the Clerk of Court for Colleton County on April 15, 2019.

An Order for Publication was signed by the Clerk of Court for Colleton County and filed on April 16, 2019. The Affidavit of Publication showing that the Defendants were served by publication in *The Colletonian* on April 25, 2019, May 2, 2019 and May 9, 2019 was filed with the Court on

May 22, 2019. An Affidavit of Default against the Defendants, Joanne Ahearn and Robert J. Plum, was filed with the Court on July 1, 2019.

The Order of Reference was filed on July 3, 2019 and the Amended Order of Reference was filed on August 26, 2019.

The Notice of Hearing was filed on September 18, 2019.

On or about December 18, 2018 the Plaintiff executed a general warranty deed transferring the Property to her daughter, Joanne Ahearn, and her daughter's boyfriend, Robert J. Plum as shown on the Title to Real Estate that was filed with the Colleton County Register of Deeds Office on the same date in Book 2702 at Page 271.

The Plaintiff was under duress and lacked the mental capacity to lawfully make the transaction complained of herein.

The Plaintiff made the conveyance to the Defendants as a result of the Defendants undue influence.

As a result of the Plaintiff's lack of capacity and/or Defendants actions, the Plaintiff is entitled to an order setting aside and annulling the conveyance of real estate complained of herein.

That any interest the Defendants may have in and to the Property should be extinguished and they should be barred from any future claims they may assert.

That the Plaintiff should be deemed the true and rightful owners of this property.

s/Benjamin C.P. Sapp  
Benjamin C.P. Sapp, Attorney for the Plaintiffs

October 7, 2019

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF COLLETON	)	CASE NO. 2019-CP-15-00285
	)	
PATRICIA E. CAMPBELL,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	ORDER QUIETING TITLE TO PROPERTY
	)	
JOANNE AHEARN AND	)	
ROBERT J. PLUM,	)	
	)	
Defendants,	)	
	)	
	)	

This is a matter initiated by the Plaintiff herein by a Summons and Complaint filed in the Office of the Clerk of Court for Colleton County on April 11, 2019.

The Defendants were served by publication in The Colletonian on April 25, 2019, May 2, 2019 and May 9, 2019. The Defendants did not file any responsive pleadings and an Affidavit of Default was filed with the Court on July 1, 2019.

This matter comes before the undersigned, pursuant to an Amended Order of Reference filed August 26, 2019, which granted unto the undersigned Special Referee the authority to make a final determination in this matter based upon the pleadings filed and the testimony presented.

FINDINGS OF FACT

The Plaintiff is citizen and resident of the County of Colleton, State of South Carolina.

That the Defendants' residency is unknown.

That the real property which is the subject of this lawsuit is located in Colleton County, South Carolina and is described as follows:

All that certain piece, parcel or tract of land located in Colleton County, South Carolina, containing three (3) acres, more or less, and being measuring and bounded as reference to the plat prepared by W. Gene Whetsell, RLS, and recorded in Plat Book 25 at Page 50 in the Colleton County RMC Office will more fully show.  
TMS#168-00-00-056

The said tract is hereinafter referred to as the "Property".

This Court has subject matter jurisdiction over this action and venue is proper in Colleton County, South Carolina.

That on or about December 18, 2018 the Plaintiff executed a general warranty deed transferring the Property to her daughter, Joanne Ahearn, and her daughter's boyfriend, Robert J. Plum as shown on the Title to Real Estate that was filed with the Colleton County Register of Deeds Office on the same date in Book 2702 at Page 271.

At all times hereto the Plaintiff was under duress and lacked the mental capacity to lawfully make the transaction complained of herein.

The Plaintiff made the conveyance complained of herein to the Defendants as a result of the Defendants undue influence.

It is, therefore, ORDERED:

That the Deed recorded in the Colleton County Register of Deeds Office on December 18, 2018 in Book 2702 at Page 271 is hereby set aside and annulled.

That the Plaintiff is seized in fee simple of a good, marketable and indefeasible title to the property which is the subject of this action, herein the "Property," and that it is entitled to the quiet and peaceful possession of the Property, against any and all other persons whomsoever, including but not limited to the Defendants named herein, and all adverse claims to the Property which might

be asserted by the Defendants or any of them, or by anyone else, other than persons claiming by or through the Plaintiff, are hereby declared to be without any right whatsoever.

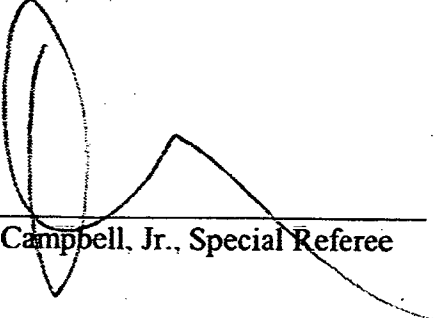
That the Title to the Property which is the subject of this suit be, and the same hereby is, quieted in the name of the Plaintiff.

That the undersigned Special Referee shall issue a Deed to the Plaintiff confirming title in the name of the Plaintiff to the Property which is the subject of this action and which is more fully described hereinabove.

**AND IT IS SO ORDERED.**

Walterboro, South Carolina

7th day of September, 2019



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Kenneth A. Campbell, Jr., Special Referee



2019006535

DEED	
RECORDING FEES	\$15.00
STATE TAX	\$0.00
COUNTY TAX	\$0.00

PRESENTED & RECORDED: 10-09-2019 02:17 PM

**BK: RB 2785**

**PG: 290 - 293**

SAPP LAW FIRM

DEBORAH H. GUSLER  
REGISTER OF DEEDS  
COLLETON COUNTY, SC

19-93  
 STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF COLLETON )

**CONFIRMATORY DEED**

**TO ALL WHOM THESE PRESENTS SHALL CONCERN:**

I, Kenneth A. Campbell, Jr., as Special Referee for Colleton County, in the said State, send Greetings:

WHEREAS, in an action in the Court of Common Pleas for Colleton County between Patricia E. Campbell, Plaintiff vs. Joanne Ahearn and Robert J. Plum, Case Number 2019-CP-15-285, by an Order dated August 13, 2019 it was ordered that title to the property hereinafter described be confirmed in the Grantee named below and that a Confirmatory Deed from the Special Referee be issued to the said Grantee confirming title on the said terms and for the purposes mentioned in the Order granted in this case as by reference thereto will appear.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that I, Kenneth A. Campbell, Jr., as Special Referee for Colleton County, pursuant to the foregoing Order dated August 13, 2019, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto Patricia E. Campbell, her heirs and assigns, 331 Tuner Lane, Round O, South Carolina 29474, the following described property:

All that certain piece, parcel or tract of land located in Colleton

County, South Carolina, containing three (3) acres, more or less, and being measuring and bounded as reference to the plat prepared by W. Gene Whetsell, RLS, and recorded in Plat Book 25 at Page 50 in the Colleton County RMC Office will more fully show.  
TMS#168-00-00-056

Subject to all easements, restrictions and rights-of-way of record.

This being the same property conveyed to Patricia E. Campbell, Joanne Ahearn and Robert J. Plum by Deed of Patricia E. Campbell dated December 18, 2018 and recorded the same date in the Colleton County Register of Deeds Office in Book 2702 at Page 271:

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining, and the reversions and remainders, rents, issues, and profits thereof, and also any estate, right, title, interest, dower, possession, benefit, claim or demand therein whatsoever of all parties to the said suit and of all other persons who might rightfully claim the same or any part thereof, by, from, or under them, or either of them.

TO HAVE AND TO HOLD unto the said Patricia E. Campbell, her heirs and assigns forever.

IN WITNESS WHEREOF, I the said Special Referee, under and by virtue of said Order, have hereunto set my hand and seal this 7 day of October, in the year of our Lord two thousand nineteen and in the two hundred and forty-fourth year of the Sovereignty and Independence of the United States of America.



STATE OF SOUTH CAROLINA )  
COUNTY OF COLLETON ) AFFIDAVIT FOR EXEMPT TRANSFERS

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

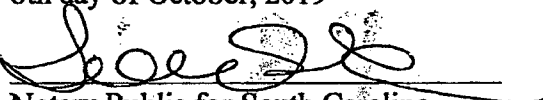
1. I have read the information on the back of this affidavit and I understand such information.
2. The property being transferred is located at Turner Lane, bearing Colleton County Tax Map Number 168-00-00-056 was transferred by Kenneth A. Campbell, Jr., Special Referee to Patricia E. Campbell on August 13, 2019.
3. The deed is exempt from the deed recording fee because (See Information section of affidavit): This is a Confirmatory Deed used to confirm title already vested in the Grantee, #12.

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes or No

4. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Attorney
5. 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.

  
\_\_\_\_\_  
Benjamin C.P. Sapp, Attorney

SWORN to before me this  
8th day of October, 2019

  
\_\_\_\_\_  
Notary Public for South Carolina  
Print Name: Lori A. Smoak  
My Commission Expires: 2-19-20

