

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Honorable Mikell R. Scarborough, Master-in-Equity

RECEIVED  
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S.C. COURT OF APPEALS

Trial Court Case No. 2010-CP-10-8732

Lashanda Ravenel and Henry Lee Ravenel, II, Appellants,

v.

Equivest Financial, LLC, Respondent,

v.

Mary M. Scarborough, Delinquent Tax Collector for Charleston County; AAA Plumbing, LLC; Pep Boys, Manny, Moe and Jack; Monogram Credit Card Bank of Georgia; Discover Bank; SC Federal Credit Union; Alabama Credit Corp. d/b/a Preferred Teachers Association, Cross-Defendants.

**RECORD ON APPEAL**  
**Vol. 1 of 2, pp. 1-174**

Barry I. Baker  
One Carriage Lane, Bldg. H  
Charleston, South Carolina 29407  
(843) 766-9007

-and-

Benjamin Goldberg  
One Carriage Lane, Bldg. H  
Charleston, SC 29407  
(843) 769-4595  
Attorneys for Appellants

S.R. Anderson, Esquire  
Law Office of Steven R. Anderson  
2008 Marion Street, Suite J  
Post Office Box 12188 (29211)  
Columbia, SC 29201  
(803) 252-2828

-and-

James B. Richardson, Jr., Esquire  
Law Office of James B. Richardson, Jr.  
1229 Lincoln Street  
Columbia, SC 29201  
(803) 799-9412  
Attorneys for Respondent

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STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS  
C/A No.: 2010-CP-10-8732

Lashanda Ravenel and Henry Lee Ravenel, II, )  
 )  
Plaintiffs, )

vs. )

Equivest Financial, LLC, )  
 )  
Defendants, )

**CONSENT ORDER OF REFERENCE**

AND )  
Equivest Financial, LLC, )  
 )  
Cross-Plaintiff, )

vs. )

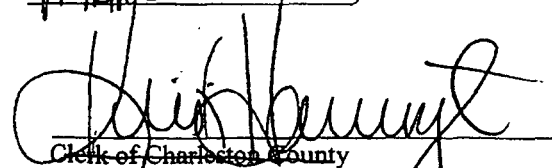
Mary M. Scarborough, Delinquent Tax Collector )  
for Charleston County; AAA Plumbing, LLC; Pep )  
Boys, Manny, Moe and Jack; Monogram Credit )  
Card, Bank of Georgia; Discover Bank; SC Federal )  
Credit Union; Alabama Credit Corp d/b/a )  
Preferred Teachers Association, )  
 )  
Cross-Defendants )

**FILED**  
2011 MAR 15 AM 9:22  
JULIE J. ARMSTRONG  
CLERK OF COURT  
BY \_\_\_\_\_

Pursuant to Circuit Court Rule 53 of the South Carolina Rule of Civil Procedure and that all parties not in default have consented hereto,

**IT IS ORDERED** that the issues in this action be referred to the Honorable Mikell R. Scarborough, as Master-in-Equity for Charleston County, to take the testimony arising under the pleadings and to thereafter render a final decision in the cause appealable directly to the South Carolina Court of Appeals.

AND IT IS SO ORDERED, this 14th day of March, 2011.

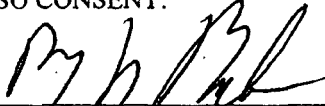
  
Clerk of Charleston County  
Kristi L. Harrington

I SO MOVE:



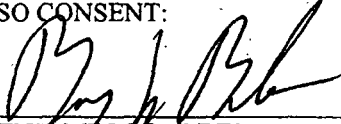
S.R. ANDERSON  
*Attorney for the Defendant/Cross-Plaintiff,  
Equivest Financial, LLC*

I SO CONSENT:



BARRY I. BAKER  
*Attorney for the Plaintiffs,  
Lashanda Ravenell and Henry Lee Ravenell, II*

I SO CONSENT:



EM

BENJAMIN GOLDBERG  
*Attorney for the Plaintiffs,  
Lashanda Ravenell and Henry Lee Ravenell, II*

I SO CONSENT:



SARAH DALONZO-BAKER  
*Attorney for the Cross-Defendant,  
Alabama Credit Corporation d/b/a Preferred Teachers Association*

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2010 CP-10-8732

LASHANDA RAVENEL, et al

EQUIVEST FINANCIAL, LLC

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input 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.
- 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
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

NOTE ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, 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 : ORDER DISMISSING MARY SCARBOROUGH AND CHARLESTON COUNTY

FILED  
 2012 FEB 15 AM 10:39  
 CLERK OF COURT  
 MARY SCARBOROUGH

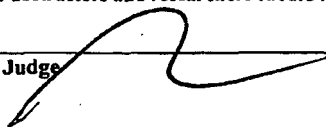
INFORMATION FOR THE PUBLIC INDEX

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.

Circuit Court Judge  Judge Code 3062 Date 2/8/2012

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**ATTORNEY(S) FOR THE PLAINTIFF(S)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**ATTORNEY(S) FOR THE DEFENDANT(S)**  
\_\_\_\_\_  
**CLERK OF COURT**

**Court Reporter:**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
CASE NO. 2010-CP-10-8732

Lashanda Ravenel and Henry Lee  
Ravenel, II, )

Plaintiffs, )

vs. )

Equivest Financial, LLC, )

Defendant, )

And )

Equivest Financial, LLC, )

Cross-Plaintiff, )

vs. )

Mary M. Scarborough, Delinquent Tax  
Collector for Charleston County; AAA  
Plumbing, LLC; Pep Boys, Manny,  
Moe and Jack; Monogram Credit  
Card, Bank of Georgia; Discover  
Bank; SC Federal Credit Union;  
Alabama Credit Corp d/b/a Preferred  
Teachers Association, )

Cross-Defendants. )

~~FINAL ORDER AND DECISION~~

*WAS*  
*Dismissing Mary Scarborough*  
*& Charleston County*  
*from Action*

BY \_\_\_\_\_

JULIE L. ARMSTRONG  
CLERK OF COURT

2012 FEB 15 AM 10:39

FILED

The Plaintiffs Lashanda Ravenel and Henry Lee Ravenel, II filed their complaint on October 20, 2010, against Defendant Equivest Financial, LLC, alleging a cause of action for avoidance of a tax sale and a second cause of action for gross inadequacy of consideration. On November 3, 2010, Cross-Plaintiff Equivest ("Equivest") filed its Answer, Counterclaim and

Cross-Complaint against Cross-Defendants Mary M. Scarborough, Delinquent Tax Collector for Charleston County; AAA Plumbing, LLC; Pep Boys, Manny, Moe and Jack; Monogram Credit Card Bank of Georgia; Discover Bank; SC Federal Credit Union; and Alabama Credit Corp. d/b/a Preferred Teachers Association.

On March 15, 2011, the Plaintiffs filed a motion for an order of reference accompanied by a consent order of reference consented to by the Defendant/Cross-Plaintiff, Plaintiffs, and Cross- Defendant Alabama Credit Corp. d/b/a Preferred Teachers Association. The Cross-Defendant Mary M. Scarborough, Delinquent Tax Collector for Charleston County ("Charleston County") did not consent to the reference nor was it given an opportunity to consent.

Charleston County filed its Answer on July 25, 2011, raising several affirmative defenses including among others that the Equivest fails to state facts sufficient to constitute a cause of action for which relief can be granted; therefore, its cross-complaint should be dismissed in accordance with Rule 12 (b)(6), S.C.R.C.P.

Charleston County filed its Notice of Motion and Motion to Dismiss and to Continue on January 17, 2012. The Motion to Dismiss is based on the ground that the facts and inferences drawn from the facts alleged in the cross-complaint of Equivest viewed in the light most favorable to it would not entitle Equivest to relief on any theory

I held a motion hearing and status conference on February 3, 2012. Lashanda Ravenel and Henry Lee Ravenel, II were represented by their counsel; Equivest was represented by its counsel; Charleston County was by its counsel; and all of the other remaining cross-defendants did not appear.

I find that:

1. This Court has jurisdiction of the action.
2. The Plaintiffs Lashanda Ravenel and Henry Lee Ravenel, II do not allege a cause of action against the Cross-Defendant Mary M. Scarborough, Delinquent Tax Collector for Charleston County.
3. The Cross-Defendants AAA Plumbing, LLC; Pep Boys; Manny, Moe and Jack; Monogram Credit Card Bank of Georgia; Discover Bank; SC Federal Credit Union; and Alabama Credit Corp. d/b/a Preferred Teachers Association do not allege a cause of action against Charleston County.
4. The claims of the Defendant/Cross-Plaintiff Equivest against the Cross-Defendants seek to extinguish their liens against a property sold at the tax sale in November 2008 identified as tax map parcel number 099-00-00-085 that was purchased by Equivest. Equivest makes no claim against Charleston County, nor prays for relief in its pleadings.
5. Looking at the face of the cross-complaint of Equivest, it states no allegations against Charleston County for this Court to draw facts and inferences in the light most favorable to Equivest that would entitle it to relief on any theory.
6. Charleston County makes no claim of ownership of the property or liens on the property.
7. The only claim for relief requested by Equivest is to quiet title in the property. Charleston County concedes and stipulates to the relief requested by Equivest.

Now, therefore, it is

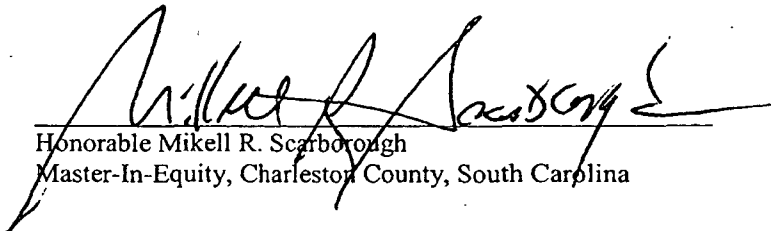
**ORDERED, ADJUDGED AND DECREED** that the facts and inferences drawn from the facts alleged in the cross-complaint of Equivest Financial, LLC, viewed in the light most



favorable to Equivest, does not entitle Equivest to relief on any theory; therefore; the motion of Mary M. Scarborough, Delinquent Tax Collector for Charleston County to dismiss pursuant to Rule 12(b)(6), S.C.R.C.P. for failure of Equivest to state a claim is granted. *Brazell v. Windsor*, 384 S.C. 512, 515, 682 S.E.2d 824, 826 (2009) citing *Gentry v. Yonce*, 337 S.C. 1, 522 S.E.2d 137, 139 (1999).

**ORDERED, ADJUDGED AND DECREED** that the action is continued until March 29, 2012.

**AND IT IS SO ORDERED.**



Honorable Mikell R. Scarborough  
Master-In-Equity, Charleston County, South Carolina

Charleston, South Carolina  
February 8, 2012

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2010 CP-10-8732

LASHANDA RAVENEL and HENRY LEE RAVENEL II

EQUIVEST FINANCIAL, LLC

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input 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.
- 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
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE):**  Affirmed;  Reversed;  Remanded;  Other

FILED  
 2012 APR 25 PM 1:28  
 JULIE J. ARMSTRONG  
 CLERK OF COURT

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 : ORDER TO DISMISS CHARLESTON COUNTY DELINQUENT TAX COLLECTOR FROM ACTION

INFORMATION FOR THE PUBLIC 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.

Circuit Court Judge	3062	4/20/2012
	Judge Code	Date

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**ATTORNEY(S) FOR THE PLAINTIFF(S)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**ATTORNEY(S) FOR THE DEFENDANT(S)**  
\_\_\_\_\_  
**CLERK OF COURT**

**Court Reporter:**



Charleston County; AAA Plumbing, LLC; Pep Boys, Manny, Moe and Jack; Monogram Credit Card Bank of Georgia; Discover Bank; SC Federal Credit Union; and Alabama Credit Corp. d/b/a Preferred Teachers Association.

On March 15, 2011, the Plaintiffs filed a motion for an order of reference accompanied by a consent order of reference consented to by the Defendant/Cross-Plaintiff, Plaintiffs, and Cross- Defendant Alabama Credit Corp. d/b/a Preferred Teachers Association. The Cross-Defendant Mary M. Scarborough, Delinquent Tax Collector for Charleston County ("Charleston County") did not consent to the reference nor was it given an opportunity to consent.

Charleston County filed its Answer on July 25, 2011, raising several affirmative defenses including among others that the Equivest fails to state facts sufficient to constitute a cause of action for which relief can be granted; therefore, its cross-complaint should be dismissed in accordance with Rule 12 (b)(6), S.C.R.C.P.

Charleston County filed its Notice of Motion and Motion to Dismiss and to Continue on January 17, 2012. The Motion to Dismiss is based on the ground that the facts and inferences drawn from the facts alleged in the cross-complaint of Equivest viewed in the light most favorable to it would not entitle Equivest to relief on any theory

I held a motion hearing and status conference on February 3, 2012. Lashanda Ravenel and Henry Lee Ravenel, II were represented by their counsel; Equivest was represented by its counsel; Charleston County was by its counsel; and all of the other remaining cross-defendants did not appear.

A handwritten signature in black ink, appearing to be "JRB", is located in the lower right quadrant of the page.

I find that:

1. This Court has jurisdiction of the action.
2. The Plaintiffs Lashanda Ravenel and Henry Lee Ravenel, II do not allege a cause of action against the Cross-Defendant Mary M. Scarborough, Delinquent Tax Collector for Charleston County.
3. The Cross-Defendants AAA Plumbing, LLC; Pep Boys, Manny, Moe and Jack; Monogram Credit Card Bank of Georgia; Discover Bank; SC Federal Credit Union; and Alabama Credit Corp. d/b/a Preferred Teachers Association do not allege a cause of action against Charleston County.
4. The claims of the Defendant/Cross-Plaintiff Equivest against the Cross-Defendants seek to extinguish their liens against a property sold at the tax sale in November 2008 identified as tax map parcel number 099-00-00-085 that was purchased by Equivest. Equivest makes no claim against Charleston County, nor prays for relief in its pleadings.
5. Looking at the face of the cross-complaint of Equivest, it states no allegations against Charleston County for this Court to draw facts and inferences in the light most favorable to Equivest that would entitle it to relief on any theory.
6. Charleston County makes no claim of ownership of the property or liens on the property.
7. The only claim for relief requested by Equivest is to quiet title in the property.
8. Should the Plaintiffs prevail in this action, Charleston County must pay to Equivest the amount of the bid plus interest and any taxes it paid on the property.

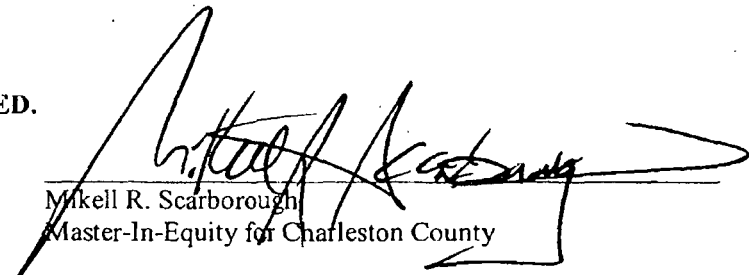


Now, therefore, it is

**ORDERED, ADJUDGED AND DECREED** that the facts and inferences drawn from the facts alleged in the cross-complaint of Equivest Financial, LLC, viewed in the light most favorable to Equivest, does not entitle Equivest to relief on any theory; therefore, the motion of Mary M. Scarborough, Delinquent Tax Collector for Charleston County to dismiss pursuant to Rule 12(b)(6), S.C.R.C.P. for failure of Equivest to state a claim is granted. *Brazell v. Windsor*, 384 S.C. 512, 515, 682 S.E.2d 824, 826 (2009) citing *Gentry v. Yonce*, 337 S.C. 1, 522 S.E.2d 137, 139 (1999).

**ORDERED, ADJUDGED AND DECREED** should the Plaintiffs prevail in this action, Charleston County must pay to Equivest the amount of the bid plus interest and any taxes it paid on the property.

**AND IT IS SO ORDERED.**

  
Mikell R. Scarborough  
Master-In-Equity for Charleston County

Charleston, South Carolina  
April 20, 2012

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2010 CP-10-8732

LASHANDA RAVENEL

EQUIVEST FINANCIAL LLC

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input 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.
- 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
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

FILED  
 2012 JUN -5 AM 11:09  
 JULIE J. ARMSTRONG  
 CLERK OF COURT

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 PUBLIC 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.

Circuit Court Judge	3062	05/30/2012
	Judge Code	Date

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

\_\_\_\_\_  
\_\_\_\_\_  
**ATTORNEY(S) FOR THE PLAINTIFF(S)**

\_\_\_\_\_  
\_\_\_\_\_  
**ATTORNEY(S) FOR THE DEFENDANT(S)**  
\_\_\_\_\_  
**CLERK OF COURT**

**Court Reporter:**

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
 )  
COUNTY OF CHARLESTON ) C/A No.: 2010-CP-10-8732

Lashanda Ravenel and Henry Lee Ravenel, II, )  
 )  
 ) Plaintiffs, )

vs. )

FINAL ORDER QUIETING TITLE

Equivest Financial, LLC, )  
 )  
 ) Defendant/Cross-Plaintiff, )

vs. )

Mary M. Scarborough, Delinquent Tax Collector )  
for Charleston County; AAA Plumbing, LLC; Pep )  
Boys, Manny, Moe and Jack; Monogram Credit )  
Card Bank of Georgia; Discover Bank; SC Federal )  
Credit Union; Alabama Credit Corp. d/b/a )  
Preferred Teachers Association, )  
 )  
 ) Cross-Defendants, )

FILED  
2012 JUN -5 AM 11:09  
JULIE J. ARMSTRONG  
CLERK OF COURT  
BY \_\_\_\_\_

This is an action to set aside a tax deed heard by the undersigned on March 29, 2012. The Defendant counterclaimed against the Plaintiffs to confirm the tax deed and cross-claimed against certain Defendants who could claim an interest in the property via judgments of record.

The Plaintiffs were represented by Barry I. Baker and Benjamin Goldberg. The Defendant and Cross-Plaintiff were represented by S.R. Anderson.

William A. Scott filed an Answer to the Cross-Complaint on behalf of AAA Plumbing, LLC. Sarah Dolonzo-Baker filed an Answer to the Cross-Complaint on behalf of the Alabama Credit Corporation d/b/a Preferred Teachers Association.

This matter was referred to the undersigned via an Order of Reference with authority to enter a final judgment appealable directly to the South Carolina Court of Appeals.

A hearing was held on March 29, 2012, and attended by Mr. Baker, Mr. Goldberg, and Mr. Anderson.

The subject real property is a dwelling home which was originally conveyed to Mary Ravenel a/k/a Mary Brooks Ravenel via a deed dated October 22, 2001 as recorded in Book W386 at Page 813 and Book 520 at Page 646. Thereafter, Ms. Ravenel conveyed the subject real property to her daughter and son, Lashanda Ravenel and Henry Lee Ravenel, II, via a deed dated November 6, 2007, as recorded on November 6, 2007, in Deed Book 643 at Page 159.

When the 2007 real estate taxes remained unpaid, the Charleston County Delinquent Tax Collector levied upon the property in accordance with a levy notice dated May 22, 2008. When the levy notice was returned unclaimed, the property was posted on August 1, 2008. When the taxes remained unpaid, the property was sold at the November 3, 2008, tax sale. When the year anniversary of the sale date approached, notice of redemption was sent to the Plaintiffs; these notices were returned to the Delinquent Tax Collector unclaimed. Courtesy notices were sent to the Plaintiffs via regular mail.

When the property was not redeemed, a tax deed was delivered to the Cross-Plaintiff's predecessor dated July 28, 2010, as recorded in Book 137 at Page 821. The Cross-Plaintiff's predecessor then conveyed the subject real property to the Cross-Plaintiff via a deed recorded on October 4, 2010, in Book 147 at Page 241.

The Plaintiffs commenced this action on October 20, 2010. A Lis Pendens was filed on October 20, 2010.

The Plaintiffs allege that the Delinquent Tax Collector failed to follow the mandates as required by § 12-51-10 et seq. of the 1976 South Carolina Code of Laws as amended.

The Delinquent Tax Collector sent to the Plaintiffs the requisite notices at the address denoted on the deed conveying the subject real property to the Plaintiffs. This is the same Post Office box shown as the address on the Deed conveying the property to Mary Ravenel; P.O. Box 455, Hollywood, SC 29449. This Post Office box belonged to Mary Ravenel's mother and she would collect the mail and bring it to her daughter. At some point, Ms. Ravenel's mother obtained a new Post Office Box and it was to that address that the courtesy redemption letters were forwarded by the Post Office.

Upon receipt of the courtesy redemption letter which was addressed to her children, Ms. Ravenel called the Delinquent Tax Collector in an effort to save the property. The Delinquent Tax Collector advised Ms. Ravenel that in order to save the property from being deeded to the Cross-Plaintiff's predecessor she would have to pay the full redemption amount of \$27,849.06. Ms. Ravenel did not have the money, nor could she raise it in the nine (9) days remaining in the redemption period.

Although the subject real property was titled in her children's names, Ms. Ravenel had never delivered the deed to them, nor had she even told them about the conveyance. The Plaintiffs stated that they only learned about the deed and their ownership of the property when this law suit was commenced.

Ms. Ravenel, in her testimony, referred to the property as her property and she continued to reside in it throughout the pendency of this action. Lashanda Ravenel resided in her own home while Henry Lee Ravenel moved from the subject property to his father's home and back again.

Ms. Ravenel also considered the other four (4) properties conveyed to the Plaintiffs as being hers and referred to them as "my property".

The reason given by Ms. Ravenel for the transfer of the property to her children was to protect these assets from her creditors. Shortly after the conveyance, Ms. Ravenel filed for bankruptcy and on her sworn schedules she did not denote that she had recently conveyed the property to her children.

It is clear to the Court that Ms. Ravenel regarded the property as her own and the conveyance to the Plaintiffs was made in order to keep her creditors from collecting any amounts due them from the subject real property. The conveyance from Ms. Ravenel to the Plaintiffs is clearly in violation of § 27-23-10 of the South Carolina Code of Laws. In accordance with § 27-23-10, the deed from Mary Ravenel to the Plaintiffs, by her own admission, was intended to defraud her creditors. Such a deed is utterly void and of no effect or color. Ms. Ravenel's intent was to defraud her creditors is imputable to the Plaintiffs because of the lack of valuable consideration for the conveyance unto them.

With regard to the tax sale itself, South Carolina Code § 12-51-10 et seq. proscribes the steps which must be taken to sell property for the payment of real estate taxes. § 12-51-40 provides that the required notice be sent to the best address available. This code section does not require the Delinquent Tax Collector to comb through all public filings to determine the defaulting taxpayer's address. In this regard, the taxpayer also has an obligation to keep the County current with the correct address. It was not until October 26, 2009, that the Delinquent Tax Collector received notice from the Post Office that the taxpayer's address had been changed to P.O. Box 263, Hollywood, SC. Even then, the address was that of Ms. Ravenel's mother and where she also received mail. This

address had no connection with the Plaintiffs. It is undisputed that Ms. Ravenel did receive a copy of the redemption letter and tried to act upon it.

South Carolina Code § 12-51-120 requires that the redemption letter be sent not less than twenty (20) nor more than forty five (45) days prior to the end of the redemption period. When the Delinquent Tax Collector received the updated address, it was nine (9) days prior to the end of the redemption period and to send a new notice would not have complied with the requisites of § 12-51-120. Even if a new redemption letter was sent, it would have gone to Ms. Ravenel's address and not that of the Plaintiffs. It was not the Plaintiffs nor Ms. Ravenel who changed the Post Office Box; it was Ms. Ravenel's mother's action.

After the running of the redemption period and prior to the issuance of a deed, neither the Plaintiffs nor Ms. Ravenel advised the Delinquent Tax Collector that the notices had been sent to an incorrect address.

The Plaintiffs also contend that the tax sale should be set aside because of the inadequacy of the bid. The Plaintiffs assert that the subject real property is worth in excess of one million (\$1,000,000.00) dollars and that the Cross-Plaintiff only paid \$130,000.00 at the sale. The inadequacy of a bid, however, is not sufficient, in and of itself, to upset a tax sale. The question is whether or not the bid is so inadequate so as to shock the conscious of the Court.

#### **FINDINGS OF FACTS AND CONCLUSIONS OF LAW**

I hereby specifically find from the testimony and exhibits presented at trial:

1. Tax sales are governed by § 12-51-10 at seq. and all requisites mandated by these statutes must be performed.

2. The statutory requirements protecting against tax sale forfeiture of real property are to be strictly construed. Smith vs. Barr, 650 S.E.2d. 486 (SC App. 2007).

3. A tax deed must be held and taken as prima facie evidence of good title in the holder and that all proceedings have been regular and that all legal requirements have been complied with. § 12-51-160, Leysath vs. Leysath, 209 S.C. 342, 40 S.E.2d. 233 (1946). The burden of proving the title is defective is on the party attacking the deed. Leysath, supra.

4. The title to the property remains in the taxpayer for the twelve (12) months immediately following the tax sale. However, that title is defeatable upon failure to redeem the property during the twelve (12) months following the sale. Von Elbrecht vs. Jacobs, 286 S.C. 240, 332 S.E.2d. 568 (SC App. 1983). If the property is not redeemed, the defaulting taxpayer's title is defeated and the property is transferred to the successful bidder. §§ 12-51-90, 100, & 130.

5. Ms. Mary Ravenel conveyed the subject real property and four (4) other parcels to her children for five (\$5.00) dollars, love and affection.

6. The Plaintiffs were never made aware of the deed unto them, nor was the deed ever delivered to them.

7. Ms. Mary Ravenel clearly regarded all of the properties as hers and testified that the property was hers.

8. Ms. Mary Ravenel was the individual who tried to strike a deal with the Delinquent Tax Collector and it was she who attempted to raise the money to redeem the property.

9. The Plaintiffs had no knowledge or any concern with regard to the property until this action was commenced.

10. Ms. Mary Ravenel is the real individual in interest with regard to the subject real property. She used her money to build the house and it served as her primary residence.

11. It is Ms. Mary Ravenel who will benefit if the tax deed is set aside, not the Plaintiffs, who are simply straw owners.

12. If the tax deed is set aside, it is Ms. Mary Ravenel whose asset is protected.

13. In Wachovia Bank vs. Coffey 389 S.C. 68, 698 S.E.2d. 244 (SC App. 2010), our Court stated that no person should be permitted to acquire a right of action from their own unlawful action and that one who participates in an unlawful action cannot recover damages for the consequence of that action.

14. When the Plaintiffs became aware that their mother intended to defraud her creditors they then elected to participate in her fraud by bringing the present action. They should not now be granted the relief they seek as the actions of their mother are imputable to them. § 27-23-30 sets forth criminal prosecution for parties in privity to fraudulent conveyances and by the maintenance of this action, the Plaintiffs are now in privity with Ms. Ravenel.

15. Ms. Mary Ravenel and the Plaintiffs come to Court with unclean hands and thus they are barred from seeking equitable relief.

16. In Haynes Federal Credit Union vs. Bailey 327 S.C. 242, 489 S.E.2d. 472 (1977), a party testified at one trial that he had no interest in certain property. At a second trial, the same party stated that he owned the subject property. The Supreme Court stopped the party from testifying contrary to that presented at the first hearing.

17. In Southmark Corp. vs. Trotter 12165 A. App. 454, 422 S.E.2d. 265 (1994), our sister state of Georgia decided a case similar to the matter at hand. In bankruptcy proceedings, a Plaintiff

failed to include in its schedules a potential malpractice claim against its attorneys. The Court threw out the malpractice claim as it swore on the bankruptcy schedules it had no such claim.

18. In her bankruptcy filings, Ms. Mary Ravenel asserted she owned no real estate. She now claims that the tax deed to the property which is the subject of this action should be set aside as the Delinquent Tax Collector failed to follow the appropriate code sections.

19. The Plaintiffs seek to void the tax sale to property claimed by them which was conveyed by one having unclean hands.

20. To allow the Plaintiffs to void the tax sale would validate the conduct of Ms. Mary Ravenel; that same conduct is imputed on the Plaintiffs.

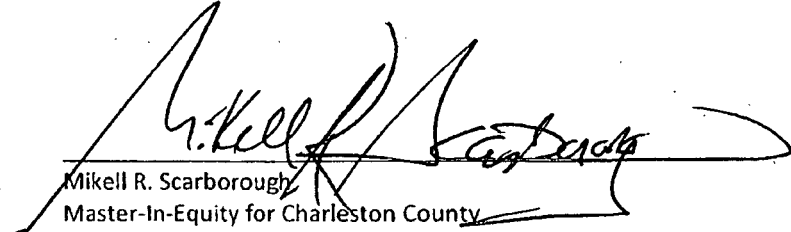
*See Also McMillan v Equivest,  
Op. No. 2005-UP-581  
(SC Ct App filed Nov. 16, 2005)*

IT IS THEREFORE ORDERED as follows:

1. The title to the subject real property is quieted in the Cross-Plaintiff Equivest Financial, LLC, to the complete exclusion of the Plaintiffs and the Defendants named in the Cross-Complaint. Any interest held by the Plaintiffs or the Cross-Defendants in the subject real property is voided, ended, and terminated.

2. Title to the below described real property is quieted in Equivest Financial, LLC, to the exclusion of the Plaintiffs or Cross-Defendants.

AND IT IS SO ORDERED.

  
Mikell R. Scarborough  
Master-In-Equity for Charleston County

  
\_\_\_\_\_, 2012  
Charleston, South Carolina.

The premises covered and affected by this action are described as follows:

All that certain piece, parcel or tract of land, situate, lying and being in the St. Pauls Parish, Charleston County, South Carolina, Measuring and containing 5.096 acres more or less, known as Lot 3 as shown on a plat entitled "Subdivision Plat of 11.235 acres,..." prepared by Lawrence J. Kennerty, Jr. SC Reg. No 12520 dated 12/05/01 and recorded in Plat Book EF at Page 536 in the RMC Office for Charleston County.

Said Lot having such size, shape, dimensions, buttings and boundings as will more fully appear by review of the above described plat.

Being the same property conveyed to Lashanda Ravenel and Henry Lee Ravenel, II by deed of Mary Ravenel a/k/a Mary Brooks Ravenel dated 11/6/2007, and recorded 11/6/2007, in Book H643, Page 159.

TMS # 099-00-00-085

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

FORM 4

JUDGMENT IN A CIVIL CASE  
 CASE NO. 2010 CP-10-8732

LASHANDA RAVENEL and HENRY LEE RAVENEL II

EQUIVEST FINANCIAL, et al

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input 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.
- 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
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

2012 JUL 12 AM 8:37  
 JULIE J. ARMSTRONG  
 CLERK OF COURT  
 FILED

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: THE COURT HAVING CONSIDERED PLAINTIFF'S MOTION FOR RECONSIDERATION PURSUANT TO SCRPC RULE 59(e), RESPECTFULLY DENIES SAME.

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE PUBLIC 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.

Circuit Court Judge

3062

Judge Code

Date

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

\_\_\_\_\_  
\_\_\_\_\_

**ATTORNEY(S) FOR THE PLAINTIFF(S)**

\_\_\_\_\_  
\_\_\_\_\_

**ATTORNEY(S) FOR THE DEFENDANT(S)**

**CLERK OF COURT**

**Court Reporter:**

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2010 CP-10-8732

LASHANDA RAVENEL, et al

EQUIVEST FINANCIAL, LLC

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input 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.
- 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
- 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: This Court confirms and supplements the Form Order denying plaintiff's Rule 60(b) motion. The Court further rules that consideration paid at tax sale does not constitute the consciousness of the court.

ORDER INFORMATION

This order  ends  does not end the case.  
 Additional Information for the Clerk :

**FILED**  
 JUL 15 2012  
 JULIE J. ARMSTRONG  
 CLERK, C.P. & G.S.

INFORMATION FOR THE PUBLIC 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.

Circuit Court Judge \_\_\_\_\_ 3062 \_\_\_\_\_ 7/12/2012  
 SCRPC Form 4C (10/2011) Judge Code Date Page 1 of 2

10-20-2010  
9:24am

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT  
CASE NO.: 10-CP-10-0732

Lashanda Ravenel and Henry Lee )  
Ravenel, II, )

Plaintiffs, )

vs. )

Equivest Financial, LLC, )

Defendant. )

LIS PENDENS

BY \_\_\_\_\_

JULIE J. ARMSTRONG  
CLERK OF COURT

2010 OCT 20 AM 9:16

FILED

TO THE DEFENDANT ABOVE NAMED:

10081-01

Please take notice that an action has been commenced and is now pending between Lashanda Ravenel and Henry Lee Ravenel, II, Plaintiffs, vs. Equivest Financial, LLC, to have the Court declare a tax sale, dated November 3, 2008, void and the Plaintiffs' right of redemption restored concerning the property described as follows:

All that certain piece, parcel or tract of land situate, lying and being in the St. Pauls Parish, Charleston County, South Carolina, measuring and containing 5.096 acres more or less, known as Lot 3 as shown on a plat entitled "Subdivision Plat of 11.235 acres, ..." prepared by Lawrence J. Kennerty, Jr., SC Reg. No 12520 dated 12/05/01 and recorded in Plat Book EF at Page 536 in the RMC Office for Charleston County.

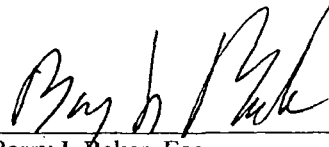
Said Lot having such size, shape, dimensions, buttings and boundings as will more fully appear by review of the above described plat.

Being a portion of the property conveyed to the Plaintiffs by deed dated November 6, 2007, and recorded in the RMC Office of Charleston County in Book H-643, Page 159, on the same date.

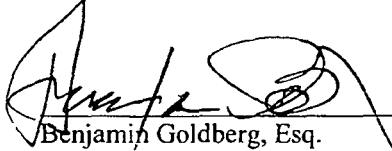
Being the same property conveyed by the Delinquent Tax Collector of Charleston County to Equifunding, Inc., by deed dated July 28, 2010, and recorded in the RMC Office of Charleston County on August 12, 2010, in Book O-137, Page 821.

Also being the same property conveyed by Equifunding, Inc., to Equivest Financial, LLC, by deed dated September 13, 2010, recorded in the RMC Office of Charleston County on October 6, 2010, in Book O-147, Page 241.

TMS # 099-00-00-085



Barry I. Baker, Esq.  
One Carriage Lane  
Building H  
Charleston, SC 29407  
(843)766-9007



Benjamin Goldberg, Esq.  
One Carriage Lane  
Building H  
Charleston, SC 29407  
(843)769-4595

October 19<sup>th</sup>, 2010  
Charleston, South Carolina

Attorneys for Plaintiffs

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )  
)

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT  
CASE NO.: 10-CP-10-0732

Lashanda Ravenel and Henry Lee )  
Ravenel, II, )  
)

Plaintiffs, )  
)

vs. )  
)

Equivest Financial, LLC, )  
)

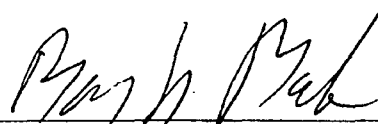
Defendant. )  
)

SUMMONS

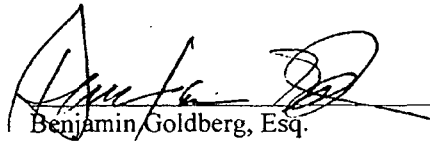
FILED  
2010 OCT 20 AM 9:16  
JULIE J. ARKSTRONG  
CLERK OF COURT  
RY

TO THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action and to serve a copy of your answer to the Complaint on the undersigned Barry I. Baker, Esq., at his address, One Carriage Lane, Building H, Charleston, SC 29407, within thirty (30) days after service hereof, exclusive of the day of such service, and, if you fail to answer the Complaint within the time aforesaid, the Plaintiffs in this action will apply to the Court for a judgment by default for the relief demanded in this action.



Barry I. Baker, Esq.  
One Carriage Lane  
Building H  
Charleston, SC 29407  
(843)766-9007



Benjamin Goldberg, Esq.  
One Carriage Lane  
Building H  
Charleston, SC 29407  
(843)769-4595

October 17<sup>th</sup>, 2010  
Charleston, South Carolina

Attorneys for Plaintiffs

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )  
 )

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT  
CASE NO.: 10-CP-10-8732

Lashanda Ravenel and Henry Lee )  
Ravenel, II, )  
 )

Plaintiffs, )

vs. )

Equivest Financial, LLC, )  
 )

Defendant. )

COMPLAINT

FILED  
2010 OCT 20 AM 9:16  
JULIE J. ARMSTRONG  
CLERK OF COURT  
BY \_\_\_\_\_

I  
AVOIDANCE OF TAX SALE  
FIRST CAUSE OF ACTION

The Plaintiffs for their complaint allege:

FIRST: The Defendant, Equivest Financial, LLC, is a foreign corporation registered to do business in South Carolina and doing business in the County of Charleston.

SECOND: The Plaintiffs obtained title to five (5) parcels of land by deed dated November 6, 2007, and recorded in the RMC Office of Charleston County in Book H-643, Page 159, on the same date.

THIRD: The five (5) parcels of land are described by TMS #s 099-00-00-085, 113, 114, 116 and TMS # 164-00-00-304.

FOURTH: Taxes on the five (5) parcels were not paid for the year 2007, and the Delinquent Tax Collector for Charleston County (DTC) began the statutory process for the sale of the five (5) parcels unless the delinquent taxes were paid prior to the tax sale scheduled for November 3, 2008.

FIFTH: On April 7, 2008, the DTC by regular mail sent to Plaintiffs an EXECUTION NOTICE for each parcel addressed to P.O. Box 455, Hollywood, SC 29449-0455.

SIXTH:

The only subsequent statutory notice sent by the DTC had to do only with TMS # 099-00-00-085. The other four (4) parcels were omitted from any other required statutory notices other than the DELINQUENT TAX SALE publication in the newspaper and were not offered for sale on November 3, 2008.

SEVENTH:

The property sold at the tax sale on November 3, 2008, is described as follows:

All that certain piece, parcel or tract of land situate, lying and being in the St. Pauls Parish, Charleston County, South Carolina, measuring and containing 5.096 acres more or less, known as Lot 3 as shown on a plat entitled "Subdivision Plat of 11.235 acres, ..." prepared by Lawrence J. Kennerty, Jr., SC Reg. No 12520 dated 12/05/01 and recorded in Plat Book EF at Page 536 in the RMC Office for Charleston County.

Said Lot having such size, shape, dimensions, buttings and boundings as will more fully appear by review of the above described plat.

Being a portion of the property conveyed to the Plaintiffs by deed dated November 6, 2007, and recorded in the RMC Office of Charleston County in H-643, Page 159, on the same date.

Being the same property conveyed by the Delinquent Tax Collector of Charleston County to Equifunding, Inc., by deed dated July 28, 2010, and recorded in the RMC Office of Charleston County on August 12, 2010, in Book O-137, Page 821.

Also being the same property conveyed by Equifunding, Inc. to Equivest Financial, LLC, by deed dated September 13, 2010, recorded in the RMC Office of Charleston County on October 6, 2010, in book O-147, Page 241.

TMS # 099-00-00-085

EIGHTH:

The EXECUTION NOTICE (Exhibit A) provides, among other things, the delinquent tax was \$5982.80, solid waste disposal fee \$99.00, and levy cost \$25.00, for a total amount due of \$6,106.90.

NINTH:

It further stated:

"YOUR BILL INCLUDES A SOLID WASTE DISPOSAL FEE OF : \$99.00"

TENTH:

It further sets forth:

“

<u>PAY THIS AMOUNT</u>	
\$	6,106.90

”

ELEVENTH:

On May 22, 2008, the DTC mailed to Plaintiffs, again at P.O. Box 455, Hollywood, SC 29449-0455, an OFFICIAL NOTICE OF LEVY by certified mail restricted delivery (Exhibits B and C).

TWELFTH:

The notice provided, among other things:

“Amount Due After:            Total Taxes Due:

May 18, 2008	\$6,057.90
August 08, 2008	\$6,097.90
October 31, 2008	\$6,167.90 and 2008 Taxes”

THIRTEENTH:

The notice further states:

“ALL REAL PROPERTY TAXES MUST BE PAID ON OR BEFORE 5:00 P.M., OCTOBER 31, 2008 TO AVOID TAX SALE ON NOVEMBER 03, 2008...”

FOURTEENTH:

The certified receipts were returned unsigned (Exhibit D), and the envelope containing the notice was returned to the DTC, marked “received June 26, 2008,” by the DTC with a note from the post office (Exhibit E) “RETURN TO SENDER UNABLE TO FORWARD.”

FIFTEENTH:

A real property posting slip for the 2008 TAX SALE was apparently affixed to a tree on the property on October 1, 2008, in the name of “Ravenel Mary E.”

SIXTEENTH:

The property at the time of posting was occupied by parties still in occupancy today, who assert they never saw such a poster.

SEVENTEENTH:

The Delinquent Tax Sale notice was published in the Post & Courier on August 15, 22 and 29, 2008, in which all five (5) properties were listed for sale.

EIGHTEENTH:

The DELINQUENT TAX notice stated, among other things:

“All real property owing delinquent taxes for the tax years 1998-2007 is subject to sale.”

“Personal or company checks unaccepted since sufficient time must be allowed for the checks to clear. Only cash, money order, attorney’s trust/escrow account checks or certified checks will be accepted for payment of taxes.”

NINETEENTH:

The DELINQUENT TAX notice further stated:

“Anyone interested in bidding on the property should register with the Delinquent Tax Collector by October 1, 2008.”

TWENTIETH:

It further stated:

“Property will be auctioned in tax map number order to the highest bidder and must be paid for with cash, money order, or certified check by the close of business.”

TWENTY-FIRST:

It further stated:

“Bids will be recognized only from registered bidders who are seated in the chairs provided...”

TWENTY-SECOND:

On October 14, 2009, the DTC sent to each Plaintiff by certified mail return receipt a “Final Notice of Property Redemption,” a copy of which is attached as Exhibit F.

TWENTY-THIRD:

The notices were again sent to P.O. Box 455, Hollywood, SC 29449-0455, and the return receipts were again received unsigned by the DTC with a note from the post office dated 10/16/09 “Return to Sender” “Ravenel, P.O. Box 263, Hollywood, SC 29449-0263.” (Exhibit G)

TWENTY-FOURTH:

A second “FINAL NOTICE OF PROPERTY REDEMPTION”, dated 10/27/09, (Exhibit H) was sent to each Plaintiff, again at P.O. Box 455, and returned unsigned to the DTC with a note from the post office, “Notify Sender of New Address, Ravenel, P.O. Box 263, Hollywood, SC 29449.” (Exhibit I)

TWENTY-FIFTH:

The property was bid in by the Defendant on October 3, 2008, for \$130,000.00.

TWENTY-SIXTH:

Plaintiffs are informed and believe that the value of the property on November 3, 2008, was approximately \$1 million.

TWENTY-SEVENTH:

They are further informed and believe that the value of the four (4) parcels unsold exceeded by a considerable amount the delinquent taxes due.

TWENTY-EIGHTH:

As a result of the foregoing, the DTC failed to strictly adhere to the statutory requirements of § 15-51-40 et seq and created mandates not required or authorized by statute, resulting in jurisdictional defects as follows:

A. Plaintiffs received no required statutory notices and were therefore deprived of due process.

B. The DTC admits that neither the Execution Notice or Notice of Redemption were received by Plaintiffs.

C. Notices sent by the DTC by certified mail return receipt were sent back to the DTC unsigned and the DTC failed to exercise diligence to ascertain the correct address of the Plaintiffs.

D. In requiring the payment of a waste disposal fee when the DTC had authority only to collect delinquent taxes and was without authority to collect a waste disposal fee.

E. In requiring the payment of 2008 taxes on or before 5:00 p.m., October 31, 2008.

F. In failing to sell as much of the four (4) parcels as was necessary to collect delinquent taxes due before selling the most expensive parcel.

G. In reportedly posting the required notice in the name of Ravenel Mary

H. In requiring the pre-registration of tax sale bidders, which is not a statutory requirement.

I. Permitting only registered bidders to purchase at the tax sale.

J. The DTC did not void the tax sale when she knew before November 3, 2008, of the failure of action required to be properly performed.

K. In failing to publish the tax proceedings pursuant to publication statutes, when she knew statutory notices were not received by Plaintiffs.

L. The first and second Notices of Redemption dated October 14, 2009 and October 27, 2009 respectively were not received and both were defective, being in violation of § 12-51-120 Code of Laws of South Carolina.

TWENTY-NINTH: As a result of the DTC's jurisdictional failure to give the required NOTICE OF REDEMPTION, Plaintiffs' right could not be cut.

THIRTIETH: The DTC did not strictly adhere to the tax sale statutes resulting in jurisdictional defects, rendering the tax sale void.

II  
FOR A SECOND CAUSE OF ACTION  
GROSS INADEQUACY OF CONSIDERATION

THIRTY-FIRST: They reallege paragraphs ONE through THIRTIETH as if here set forth.

THIRTY-SECOND: The bid by the Defendant of \$130,000.00 on the property valued at \$1 million was grossly inadequate.

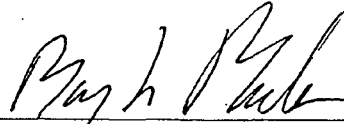
THIRTY-THIRD: There was an error in understanding, for the DTC knew or should have known that the four (4) parcels which were not sold had a value considerably in excess of the delinquent taxes of \$6,167.90.

THIRTY-FOURTH: In addition, the Plaintiffs were deprived of due process of law and the DTC committed other statutory violations as above set forth which requires the tax sale to be set aside as a matter of equity.

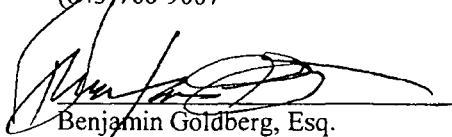
THIRTY-FIFTH: As a result of such gross inadequacy of consideration, together with the other matters set forth above, the sale should be set aside.

WHEREFORE, Plaintiffs pray:

- A. That this Court authorize Plaintiffs' right to redeem the property.
- B. That the Court declare the tax sale to be void and
- C. For such other and further relief as this Court deems proper.



Barry I. Baker, Esq.  
One Carriage Lane  
Building H  
Charleston, SC 29407  
(843)766-9007



Benjamin Goldberg, Esq.  
One Carriage Lane  
Building H  
Charleston, SC 29407  
(843)769-4595

October 19<sup>th</sup>, 2010  
Charleston, South Carolina

Attorneys for Plaintiffs

**EXECUTION NOTICE**

County of Charleston, S.C. -

APRIL 07, 2008

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

**UNIFIED TAXES ARE DUE ON THE FOLLOWING DESCRIBED REAL PROP**

Property Description	Tax Year	Receipt#	Amount Due
<b>PARCEL ID: 099-00-00-085</b> 5559 MARY RAVENEL RD OSBORN <b>PROPERTY DESCRIPTION:</b> LOT 3 TRACT N	2007	2007-170745	\$ 5,982.90
9725 2 AV 0.437 009725 RAVENEL LASHANDA RAVENEL HENRY LEE II RE: RAVENEL MARY 41 PO BOX 455 R HOLLYWOOD SC 29449-0455  *099-00-00-085*			SOLID WASTE DISPOSAL FEE 99.00 LEVY COST \$ 25.00
<b>Amount Due</b>			<b>\$ 6,108.90</b>

AMOUNT DUE AFTER 05-16-2008 \$ 6,156.90  
 08-08-2008 \$ 8,198.90

YOUR BILL INCLUDES A SOLID WASTE DISPOSAL FEE OF: \$ 99.00

PLEASE NOTE: AFTER JUNE 13, 2008 ONLY CASH, MONEY ORDERS, OR CERTIFIED CHECKS WILL BE ACCEPTED FOR PAYMENT OF DELINQUENT REAL PROPERTY TAXES.

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

1. AN "OFFICIAL NOTICE OF LIEN" WILL BE MAILED TO YOU.
2. YOUR PROPERTY WILL BE ADVERTISED IN THE "CHARLESTON POST & COURIER".
3. A SIGN MAY BE PLACED ON YOUR PROPERTY ANNOUNCING THAT THE PROPERTY IS TO BE SOLD FOR NON-PAYMENT OF TAXES.
4. YOUR PROPERTY WILL BE SOLD AT PUBLIC AUCTION BEGINNING ON NOVEMBER 03, 2008.

ALL REAL ESTATE TAXES MUST BE PAID ON OR BEFORE 5:00 P.M. ON OCTOBER 31, 2008 IN ORDER TO AVOID HAVING THE PROPERTY SOLD AT TAX SALE.



COPY

IF YOU HAVE ANY QUESTIONS REGARDING THIS BILL, PLEASE CALL 843-958-4570

TEAR AT PERFORATION AND RETURN BOTTOM PORTION

RECEIPT NUMBER(S) 2007-170745

PARCEL I.D. 099-00-00-085

AMOUNT DUE AFTER 05-16-2008 MESSAGE \$ 6,156.90  
 08-08-2008 \$ 8,198.90

LEGAL DESCRIPTION: 5559 MARY RAVENEL RD  
 OSBORN

PROPERTY DESCRIPTION:  
 LOT 3 TRACT N

RAVENEL LASHANDA RAVENEL HENRY LEE II

**PAID**  
**WITH PROCEEDS FROM**  
**TAX SALE**

NOV 03 2008

PAY THIS AMOUNT	
\$	6,108.90

**DELINQUENT TAX**  
**CHARLESTON COUNTY**

MAKE PAYMENTS TO:

DELINQUENT TAX COLLECTOR R  
 P.O. BOX 605  
 CHARLESTON, SC 29402-0605

**EXHIBIT A**

MARY M. SCARBOROUGH  
Delinquent Tax Director



DELINQUENT TAX DEPARTMENT  
101 MEETING STREET, SUITE 230  
CHARLESTON SC 29401  
Ph: (843) 958-4570  
Fax: (843) 958-4577

MAY 22, 2008  
\*0990000085\*

## OFFICIAL NOTICE OF LEVY

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

Current Owner: RAVENEL LASHANDA RAVENEL HENRY LEE II  
Previous Owner: RAVENEL MARY

RAVENEL LASHANDA RAVENEL HENRY LEE      PARCEL ID: 0990000085

Total taxes, penalties and costs:

Amount Due After:

Total Taxes Due:

MAY 16, 2008  
AUGUST 08, 2008  
OCTOBER 31, 2008

\$6,057.90  
\$6,097.90  
\$6,167.90 and 2008 Taxes

COPY

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

ALL REAL PROPERTY TAXES MUST BE PAID ON OR BEFORE 5:00 P.M. OCTOBER 31, 2008 TO AVOID TAX SALE ON NOVEMBER 03, 2008. RETURN RECEIPT OF THIS NOTICE SHALL BE DEEMED EQUIVALENT TO "LEVYING BY DISTRESS".

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

Delivery payment to:

Charleston County Delinquent Tax Department  
101 Meeting Street, Suite 230  
Charleston SC 29401

Mail payment to:

Charleston County Delinquent Tax Department  
PO Box 605  
Charleston SC 29402-0605

Business Hours:

8:30 AM to 5:00 PM  
Monday - Friday  
Delinquent Tax Phone  
Number:  
(843) 958-4570

COPY

UNITED STATE POSTAL SERVICE



FIRST-CLASS  
MAIL  
POSTAGE &  
FEES PAID  
LPP  
29292

CHARLESTON COUNTY DELINQUENT TAX DEPARTMENT  
PO BOX 605  
CHARLESTON SC 29402-0605





CHARLESON COUNTY DELINQUENT TAX DEPARTMENT  
 101 MEETING STREET, SUITE 230  
 CHARLESTON SC 29401

FIRST-CLASS  
 MAIL  
 POSTAGE &  
 FEES PAID  
 LPP  
 28252

7184 9158 3733 0674 2813

RETURN RECEIPT REQUESTED  
 RESTRICTED DELIVERY

**IMPORTANT NOTICE**

000310

RAVENEL LASHANDA RAVENEL HENRY LEE II  
 RE: RAVENEL MARY  
 PO BOX 455  
 HOLLYWOOD SC 29449-0455

COPY

COPY


POSTMAN TEAR ALONG PERFORATION TO REMOVE CARD

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Received by (Please Print Clearly)   B. Date of Delivery</p> <hr/> <p>C. Signature</p> <p>X _____ <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Agent        If YES, enter delivery address below <input type="checkbox"/> Addressee</p> <p>II</p>
<p>1. Article Addressed to:</p> <p>RAVENEL LASHANDA RAVENEL HENRY LEE II          RE: RAVENEL MARY          PO BOX 455          HOLLYWOOD SC 29449-0455</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered Mail <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>*0990000085*</p> <p>PARCEL ID: 0990000085 000310          05/22/2008 04:00 P.M.</p>	<p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>
<p>2. Article Number          71849158373308742813</p>	

PS Form 3811, JULY 1999

Domestic Return Receipt

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

<b>2. Article Number</b>  7184 9158 3733 0801 0316	<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<b>1. Article Addressed to:</b>  RAVENEL, HENRY LEE II 0067 PO BOX 455  HOLLYWOOD SC 29449  10/15/2009 2:48 PM  Code: 0990000089	<b>A. Signature</b> <input checked="" type="checkbox"/> _____ <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	<b>B. Received by (Printed Name)</b>	<b>C. Date of Delivery</b>
<b>D. Is delivery address different from item 1?</b> <input type="checkbox"/> Yes If YES enter delivery address below: <input type="checkbox"/> No		
<b>3. Service Type</b> <input checked="" type="checkbox"/> Certified		
<b>4. Restricted Delivery? (Extra Fee)</b> <input checked="" type="checkbox"/> Yes		

Reorder Form LCD-811R rev. 01/07

47

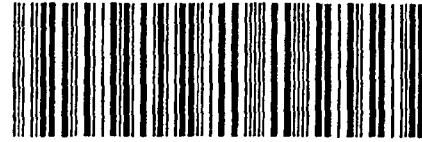
COPY

EXHIBIT D

COPY



**CERTIFIED MAIL**  
CHARLESON COUNTY DELINQUENT TAX DEPARTMENT  
101 MEETING STREET, SUITE 230  
CHARLESTON SC 29401



7184 9158 3733 0674 2813

FIRST-CLASS  
MAIL  
POSTAGE &  
FEES PAID  
LPP  
29292

RETURN RECEIPT REQUESTED  
RESTRICTED DELIVERY

**IMPORTANT NOTICE**

RECEIVED  
JUN 20 2003

000310

BY: \_\_\_\_\_

RAVENEL LASHANDA RAVENEL HENRY LEE II  
RE: RAVENEL MARY  
PO BOX 455  
HOLLYWOOD E

524

NIXIE 294 CE 1 01 05/24/03

RETURN TO SENDER

UNABLE TO FORWARD

BC: 29401224901 \*0554-09571-23-38

2944930455 8004  
29401@2249



48

EXHIBIT E

Mary Scarborough  
Delinquent Tax Collector



Delinquent Tax Collector  
4045 Bridgeview Drive, 1st Floor  
North Charleston, SC 29405  
Ofc: (843) 958-4570  
Fax: (843) 958-4577



0990000085 67  
RAVENEL, HENRY LEE II  
PO BOX 455  
HOLLYWOOD SC 29449

October 14, 2009

COPY

### FINAL NOTICE OF PROPERTY REDEMPTION

RE: RAVENEL LASHANDA RAVENEL HENRY LEE II  
TAX ADDRESS: 5559 MARY RAVENEL RD CSC5

NOTICE is hereby given that the real property described on this notice has been sold for non-payment of taxes by the Delinquent Tax Collector for Charleston County. In order to protect any interest that you may have in this property, you must pay the redemption amount, which includes delinquent taxes, penalties, assessments, costs, interest on the tax sale bid, and the 2008 taxes on or before 5:00 pm, **Wednesday, November 4, 2009** to the office of the Delinquent Tax Collector located at 4045 Bridgeview Drive, 1st Floor, North Charleston, SC 29405.

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

<u>Tax Map Number</u>	<u>Redemption Amount</u>	<u>Due By</u>
0990000085	\$27,849.06	November 4, 2009

If you have any questions about this **IMPORTANT** matter, please feel free to contact our office directly at (843) 958-4570.

**ONLY CASH, MONEY ORDERS OR CERTIFIED FUNDS WILL BE ACCEPTED**

**THIS IS YOUR FINAL NOTICE OF PROPERTY SOLD!**

Mary M. Scarborough  
Delinquent Tax Collector

EXHIBIT F  
49



DELINQUENT TAX COLLECTOR  
Post Office Box 605  
Charleston, S.C. 29402-0605  
RETURN SERVICE REQUESTED

**CERTIFIED MAIL™**



7184 9158 3733 0801 0309

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE PAID  
LPP  
29201

COPY

0990000085

RAVENEL, LASHANDA  
PO BOX 455  
HOLLYWOOD SC 29449

294490455 BOX  
294020605

RR

292 NFE 1 2091 00 10/16/09  
RETURN TO SENDER  
RAVENEL  
PO BOX 253  
HOLLYWOOD SC 29449-0253

RETURN TO SENDER



RECEIVED  
OCT 16 2009

50 EXHIBIT G

MARY M. SCARBOROUGH  
Delinquent Tax Collector



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

Ph: (843) 958-4570  
Fax: (843) 958-4577

## FINAL NOTICES OF PROPERTY REDEMPTION

RE: RAVENEL LASHANDA RAVENEL HENRY LEE II

TAX ADDRESS: 5559 MARY RAVENEL RD CSC5

NOTICE is hereby given that the real property described on this notice has been sold for non-payment of taxes by the Delinquent Tax Collector for Charleston County. In order to protect any interest that you may have in this property, you must pay the redemption amount, which includes delinquent taxes, penalties, assessments, costs, interest on the tax sale bid, and the 2008 taxes on or before 5:00 pm, **Wednesday, November 4, 2009** to the office of the Delinquent Tax Collector located at 4045 Bridgeview Drive, 1st Floor, North Charleston, SC 29405.

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

Tax Map Number  
0990000085

Redemption Amount  
\$27,849.06

Due By  
November 4, 2009

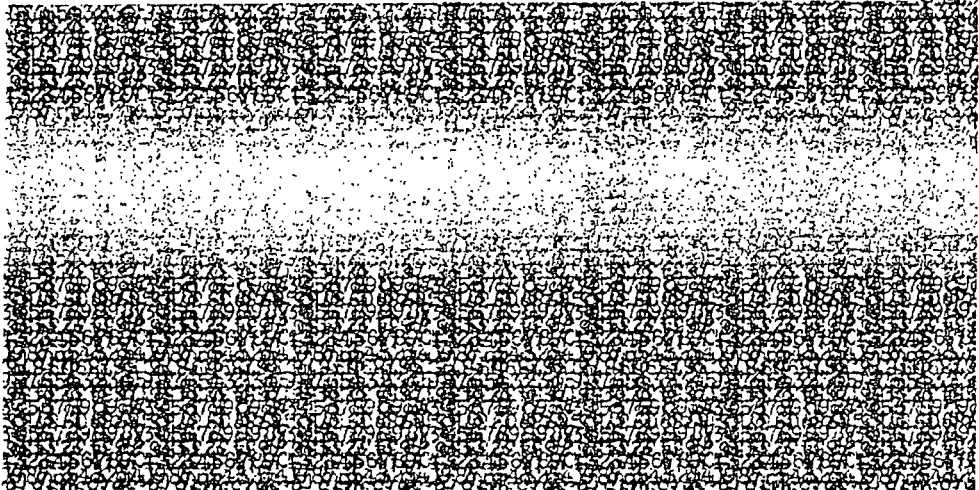
If you have any questions about this **IMPORTANT** matter, please feel free to contact our office directly at (843) 958-4570.

**ONLY CASH, MONEY ORDERS OR CERTIFIED FUNDS WILL BE ACCEPTED**

**THIS IS YOUR FINAL NOTICE OF PROPERTY SOLD!**

Mary M. Scarborough  
Delinquent Tax Collector

5  
EXHIBIT  
H



REMOVE THESE EDGES FIRST  
FOLD, CREASE AND TEAR ALONG PERFORATION



CHARLESTON COUNTY  
DELINQUENT TAX COLLECTOR  
4045 BRIDGEVIEW DR., 1ST FL  
NORTH CHARLESTON, SC 29405

PRINTED  
FIRST CLASS



Hasley

016H26521813  
\$00.357  
10/27/2009  
Mailed From 29209  
US POSTAGE

SEE OTHER SIDE FOR  
OPENING INSTRUCTIONS



\*\*\*\*\*AUTO\*\*3-DIGIT 294  
RAVENEL, HENRY LEE II  
PC

294 N3E 1 2081 75 10/29/09  
NOTIFY SENDER OF NEW ADDRESS  
RAVENEL  
PO BOX 263  
HOLLYWOOD SC 29449-0263  
BC: 29449026363 \*2354-04310-20-29

EXHIBIT I

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS

Lashanda Ravenel and Henry Lee )  
Ravenel, II, )

Docket No. 2010-CP-10-8732

Plaintiff, )

vs. )

**SUMMONS**

Equivest Financial, LLC, )  
 )  
Defendant. )

AND )  
Equivest Financial, LLC, )  
 )  
Cross-Plaintiff, )

Vs. )

Mary M. Scarborough, Delinquent Tax )  
Collector for Charleston County; AAA )  
Plumbing, LLC; Pep Boys, Manny, Moe )  
And Jack; Monogram Credit Card, Bank )  
Of Georgia; Discover Bank; SC Federal )  
Credit Union; Alabama Credit Corp d/b/a )  
Preferred Teachers Association, )  
 )  
Cross-Defendants. )

FILED  
2010 NOV -3 PM 1:35  
JULIE J. ARMSTRONG  
CLERK OF COURT

**TO THE CROSS-DEFENDANTS ABOVE NAMED:**

**YOU ARE HEREBY SUMMONED** and required to answer the Cross-Complaint in the above-entitled action, a copy of which is hereby served upon you and to serve a copy of your answer to said Cross-Complaint upon the subscriber at his office, located at 2008 Marion Street, Suite J, Columbia, South Carolina, within thirty (30) days from the date of such service of this Summons, exclusive of the date of such service, and if you fail to answer the Cross-Complaint within the time aforesaid, the Plaintiff herein will apply to the Court for a judgment by default, thereby granting the relief demanded in said Cross-Complaint.

*l*

**PLEASE BE FURTHER NOTIFIED** that if you fail to answer or respond herein, a judgment by default shall be rendered against you for the relief sought in this Cross-Complaint.



---

S. R. Anderson  
2008 Marion Street, Suite J  
PO Box 12188  
Columbia, SC 29211  
(803) 252-2828

Columbia, South Carolina  
November 2, 2010

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS

Lashanda Ravenel and Henry Lee Ravenel, )  
 )  
Plaintiffs, )

C/A No.: 2010-CP-10-8732

Vs. )

Equivest Financial, LLC, )  
 )  
Defendant. )

**ANSWER, COUNTERCLAIM AND  
CROSS-COMPLAINT**

AND )  
Equivest Financial, LLC, )  
 )  
Cross-Plaintiff, )

Vs. )

Mary M. Scarborough, Delinquent Tax )  
Collector for Charleston County; AAA )  
Plumbing, LLC; Pep Boys, Manny, Moe )  
And Jack; Monogram Credit Card Bank of )  
Georgia; Discover Bank; SC Federal Credit )  
Union; Alabama Credit Corp. d//b/a )  
Preferred Teachers Association, )  
 )  
Cross-Defendants. )

FILED  
2010 NOV -3 PM 1:35  
JULIE J ARMSTRONG  
CLERK OF COURT  
BY \_\_\_\_\_

The Defendant and Cross-Plaintiff would show:

**FOR A FIRST DEFENSE**

1. The Defendant and Cross-Plaintiff denies each and every allegation contained in the Complaint of the Plaintiffs not specifically admitted herein.
2. The Defendant and Cross-Plaintiff admits those allegations as contained in paragraphs 1, 2, 3, 4 and 5 of the Complaint of the Plaintiffs.



3. The Defendant and Cross-Plaintiff is without sufficient information to admit or deny those allegations as contained in paragraph 6 of the Complaint of the Plaintiffs; therefore Defendant and Cross-Plaintiff denies same.

4. That as to paragraphs 8, 9, and 10 of the Complaint of the Plaintiffs, the Defendant and Cross-Plaintiff would show only that the documents in question speak for themselves.

5. The Defendant and Cross-Plaintiff admits those allegations as contained in paragraph 11 of the Complaint of the Plaintiffs.

6. That as to paragraphs 12, 13, 14, and 15 of the Complaint of the Plaintiffs, the Defendant and Cross-Plaintiff would show only that the documents speak for themselves.

7. The Defendant and Cross-Plaintiff denies those allegations as contained in paragraph 16 of the Complaint of the Plaintiffs.

8. That as to paragraphs 17, 18, 19, 20 and 21 of the Complaint of the Plaintiffs, the Defendant and Cross-Plaintiff would show that the documents speak for themselves.

9. The Defendant and Cross-Plaintiff admits those allegations as contained in paragraphs 22, 23, 24 and 25 of the Complaint of the Plaintiffs.

10. The Defendant and Cross-Plaintiff denies those allegations as contained in paragraph 26 of the Complaint of the Plaintiffs.

11. That the Defendant and Cross-Plaintiff is without sufficient information to admit or deny those allegations as contained in paragraph 27 of the Complaint of the Plaintiffs and therefore denies same.

12. That the Defendant and Cross-Plaintiff denies those allegations as contained in paragraphs 28, 29, 30, 31, 32, 33, 34 and 35 of the Complaint of the Plaintiffs.



**FOR A SECOND DEFENSE AND BY WAY OF COUNTERCLAIM**

13. The Defendant and Cross-Plaintiff re-allege paragraphs 1 through 12 above, as if fully set forth verbatim herein.

14. The tax sale involving the property as described in Plaintiffs' Complaint was conducted in accordance with all appropriate statutes.

15. That the Plaintiffs received all such notice to which they were entitled.

16. That as a result of the Plaintiffs' failure to pay their taxes they have lost all right, title and interest in and to the subject real property.

17. That the tax sale is valid and title to the subject real property should be confirmed in the Defendant to the exclusion of all other parties.

**FOR A THIRD DEFENSE AND BY WAY OF CROSS-COMPLAINT**

18. The Defendant and Cross-Plaintiff re-allege paragraphs 1 through 17 above as if fully set forth verbatim herein.

19. That the Cross-Plaintiff's predecessor in title was the successful purchaser of the subject real property at the October 14, 2009 Charleston County tax sale and it was provided a deed dated July 28, 2010 as recorded in Book 137 at page 821.

20. That the Cross-Plaintiff was conveyed the subject real property by deed dated September 13, 2010 as recorded in Book 147 at page 241.

21. That the following Cross-Defendants are made parties hereto; their judgments as recorded with the Clerk of Court for Charleston County were voided as a result of the above noted tax sale and no longer constitute liens upon the subject real property:

A). AAA Plumbing, LLC, judgment 2006-CP-87-0961, filed October 13, 2006;



- B). Pep Boys Manny, Moe & Jack, 2005-CP-10-21, filed May 4, 2005;
- C). Monogram Credit Card Bank of Georgia, 2003-CP-10-3098, filed December 8, 2004;
- D). Discover Bank, 2004-CP-10-1585, filed July 19, 2004;
- E). S.C. Federal Credit Union, 2003-SC-86-0269, Filed August 11, 2003;
- F). Alabama Credit Corp d//b/a Preferred Teachers Association, 2003-JG-10-1941, filed October 21, 2003.

22. That Cross-Plaintiff is informed and believes that the Court should quiet title to the subject real property in it to the exclusion of the above named Cross-Defendants.

**WHEREFORE**, Plaintiff prays that the court quiet title in it to the exclusion of the named Cross-Defendants and that any interest in the property claimed by Lashanda Ravenel and Henry Lee Ravenel II be extinguished, ended and terminated.



---

S.R. Anderson  
2008 Marion Street, Suite J  
PO Box 12188  
Columbia, SC 29211-2188  
(803) 252-2828

Columbia, South Carolina  
November 3, 2010

STATE OF SOUTH CAROLINA )  
 :  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT

Case No.: 2010-CP-108732

FILED  
JULIE ARMSTRONG  
CLERK OF COURT  
2010 NOV 16 PM 3:07

FILED

Lashanda Ravenel and Henry Lee )  
Ravenel, II, )

Plaintiff(s), )

vs )

Equivest Financial, LLC, )

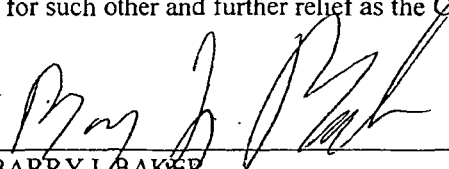
Defendant(s). )

**REPLY TO COUNTERCLAIM OF  
DEFENDANT EQUIVEST FINANCIAL, LLC**

Plaintiffs above-named, replying to the counterclaim of the Defendant, Equivest Financial, LLC, would allege and show as follows:

1. Plaintiffs deny each and every allegation of the Counterclaim not hereinafter specifically admitted or modified.
2. The allegation in Paragraph 13 does not require a response.
3. Plaintiffs deny Paragraphs 14, 15, 16, and 17 being all the remaining allegations of the Counterclaim and demand strict proof thereof.

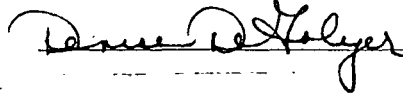
WHEREFORE, having replied to the Counterclaim of the Defendant, Plaintiffs pray for the Counterclaim to be dismissed and for such other and further relief as the Court deems just and proper.

  
 \_\_\_\_\_  
 BARRY I. BAKER  
 One Carriage Lane, Building H  
 Post Office Box 31265  
 Charleston, SC 29417-1265  
 (843) 766-9007  
 ATTORNEY FOR PLAINTIFFS

Charleston, SC  
November 16, 2010

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing pleading has been served upon opposing counsel by hand, courier, or mail, this 16<sup>th</sup> day of November 2010.

  
-----

2010 NOV 16 PM 3: 07  
JULIE J. ARMSTRONG  
CLERK OF COURT  
BY -----

FILED

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
CASE NO. 2010-CP-10-8732

Lashanda Ravenel and Henry Lee  
Ravenel, II, )

Plaintiffs, )

vs. )

Equivest Financial, LLC, )

Defendant, )

\_\_\_\_\_  
And )

Equivest Financial, LLC, )

Cross-Plaintiff, )

vs. )

Mary M. Scarborough, Delinquent Tax  
Collector for Charleston County; AAA  
Plumbing, LLC; Pep Boys, Manny,  
Moe and Jack; Monogram Credit  
Card, Bank of Georgia; Discover  
Bank; SC Federal Credit Union;  
Alabama Credit Corp d/b/a Preferred  
Teachers Association, )

Cross-Defendants. )

2011 JUL 25 PM 3:44  
JULIE J. ARMSTRONG  
CLERK OF COURT  
FILED

**ANSWER OF CROSS DEFENDANT  
MARY M. SCARBOROUGH,  
DELINQUENT TAX COLLECTOR  
FOR CHARLESTON COUNTY**

The Cross-Defendant Mary M. Scarborough, Delinquent Tax Collector for Charleston County, ("Charleston County"), answering the Answer, Counterclaim and Cross-Complaint of the Defendant and Cross-Plaintiff Equivest Financial, LLC, alleges and states as follows:

AS TO THE FIRST DEFENSE

1. The allegations contained in the First Defense of the Answer, Counterclaim and Cross-Complaint of Defendant and Cross-Plaintiff Equivest Financial, LLC require no responses, and to the extent responses are required, Charleston County denies each and every allegation contained in the First Defense.

AS TO THE SECOND DEFENSE AND COUNTERCLAIM

2. Charleston County responds to the allegations contained in Paragraph 13 by restating the foregoing paragraphs of this Answer as fully and completely as if repeated verbatim herein.

3. Charleston County admits the allegations contained in Paragraphs 14, 15, 16 and 17.

AS TO THE THIRD DEFENSE AND CROSS-COMPLAINT

4. Charleston County responds to the allegations contained in Paragraph 18 by restating the foregoing paragraphs of this Answer as fully and completely as if repeated verbatim herein.

5. Charleston County admits only that portion of the allegations contained in Paragraph 19 that alleges the Cross-Plaintiff was the successful purchaser of the subject real property at the October 14, 2009, Charleston County tax sale and was provided a deed dated July 28, 2010, and craves reference to the records of the Office of the Register of Mesne Conveyance for Charleston County, South Carolina regarding the remaining allegations contained in the Paragraph.

6. Charleston County admits upon information and belief that portion of the allegations contained in Paragraph 20 that alleges the Cross-Plaintiff was conveyed the subject real property by deed dated September 13, 2010, and craves reference to the records of the Office of the Register of Mesne Conveyance for Charleston County, South Carolina regarding the remaining allegations contained in the Paragraph.

7. Charleston County is without knowledge or information sufficient to form a belief as to

the truth of the allegations contained in Paragraph 21; therefore, it denies the same.

8. The allegations contained in Paragraph 22 constitute conclusions of law, requiring no answer. To the extent a response is required, Charleston County admits the allegations contained in the Paragraph.

BY WAY OF FURTHER ANSWER  
AND AS AN AFFIRMATIVE DEFENSE

9. The Defendant and Cross-Plaintiff failed to make service upon Cross-Defendant Mary M. Scarborough, Delinquent Tax Collector for Charleston County in accordance with Rule 4(d)(6), S.C.R.C.P.; therefore, the Affidavit of Default of Defendant and Cross-Plaintiff filed March 15, 2011, is defective as it relates to the Cross-Defendant Mary M. Scarborough, Delinquent Tax Collector for Charleston County, and Cross-Defendant Mary M. Scarborough, Delinquent Tax Collector for Charleston County moves to strike the same in accordance with Rule 12(f), S.C.R.C.P.

BY WAY OF FURTHER ANSWER  
AND AS AN AFFIRMATIVE DEFENSE

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

BY WAY OF FURTHER ANSWER  
AND AS AN AFFIRMATIVE DEFENSE

11. The Defendant and Cross-Plaintiff fails to state a cross-claim against Cross-Defendant Mary M. Scarborough, Delinquent Tax Collector for Charleston County arising out of the transaction or occurrence that is the subject matter of the original action or of the counterclaim therein or relating to the property that is the subject matter of the original action; therefore, its

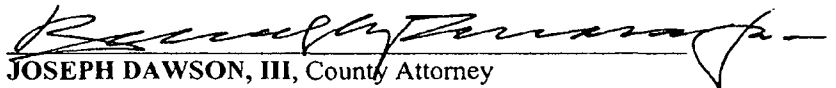
Answer, Counterclaim and Cross-Complaint should be dismissed in accordance with Rule 13(g), S.C.R.C.P.

BY WAY OF FURTHER ANSWER  
AND AS AN AFFIRMATIVE DEFENSE

12. The Defendant and Cross-Plaintiff fails make Cross-Defendant Mary M. Scarborough, Delinquent Tax Collector for Charleston County a party to a cross-claim in accordance with Rule 19 and 20; therefore, its Answer, Counterclaim and Cross-Complaint should be dismissed in accordance with Rule 13(h), S.C.R.C.P.

**WHEREFORE**, the Cross-Defendant Mary M. Scarborough, Delinquent Tax Collector for Charleston County, answering the Answer, Counterclaim and Cross-Complaint of the Defendant and Cross-Plaintiff Equivest Financial, LLC, prays that the same be dismissed together with costs and disbursements of this action, and for such other and further relief as this Honorable Court deems just and proper.

**MARY M. SCARBOROUGH, DELINQUENT TAX  
COLLECTOR FOR CHARLESTON COUNTY**



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

**ATTORNEYS FOR CROSS-DEFENDANT**

July 22, 2011  
Charleston, South Carolina

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT  
CASE NO. 10-CP-10-8732

Lashanda Ravenel and Henry Lee Ravenel, )  
 )  
Plaintiffs, )

vs. )

Equivest Financial, LLC, )  
 )  
Defendant. )

AND )

Equivest Financial, LLC, )  
 )  
Cross-Plaintiff, )

vs. )

Mary M. Scarborough, Delinquent Tax )  
Collector for Charleston County; AAA )  
Plumbing, LLC; Pep Boys, Manny, Moe )  
And Jack; Monogram Credit Card Bank of )  
Georgia; Discover Bank; SC Federal Credit )  
Union; Alabama Credit Corp. d/b/a )  
Preferred Teachers Association, )  
 )  
Cross-Defendants. )

**ANSWER TO CROSS-COMPLAINT**

**FILED**  
2010 DEC 17 AM 11:21  
JULIE J. ARMSTRONG  
CLERK OF COURT

The Cross-Defendant, AAA Plumbing, LLC, answers the Cross-Complaint in the above-captioned case as follows:

1. Each and every allegation not herein admitted is denied and strict proof demanded thereof.
2. Paragraphs 1 through 17 are responses and/or defenses to the complaint filed in this action and do not pertain to AAA Plumbing, LLC; and therefore, do not require a responsive pleading from the Cross-Defendant, AAA Plumbing, LLC. However, to the extent that any responsive pleading is required or pertains to AAA Plumbing, LLC, each and every

allegation is denied and strict proof demanded thereof.

3. The allegations contained in Paragraph 18 do not require a responsive pleading from the Cross-Defendant, AAA Plumbing, LLC; however, to the extent that any responsive pleading is required, each and every allegation is denied and strict proof demanded thereof.
4. The Cross-Defendant, AAA Plumbing, LLC, is without sufficient knowledge to either admit or deny the allegations contained in Paragraphs 19 and 20 of the Cross-Complaint, and therefore must deny the allegations contained therein and demand strict proof thereof.
5. The Cross-Defendant, AAA Plumbing, LLC, is without sufficient knowledge to either admit or deny the allegations contained in Paragraph 21(main paragraph), and therefore must deny the allegations contained therein and demand strict proof thereof.
6. The Cross-Defendant, AAA Plumbing, LLC, admits the allegations contained in Paragraph 21 (A):
7. The Cross-Defendant, AAA Plumbing, LLC, is without sufficient knowledge to either admit or deny the allegations contained in Paragraphs 21(B) through 21(F), and therefore must deny the allegations contained therein and demand strict proof thereof.
8. The allegations contained in Paragraph 22 is a request for relief and does not require a responsive pleading; however, to the extent that any such responsive pleading is required, each and every allegation is denied and strict proof is demanded thereof.

**FOR A FIRST DEFENSE**  
(Demand for Payment of Judgment)

9. The Cross-Defendant, AAA Plumbing, LLC repeats and realleges the matters set forth in the preceding paragraphs as fully as if said matters were set forth here verbatim.
10. The Cross-Defendant, AAA Plumbing, LLC, is entitled to the amount owed on its judgment.

**WHEREFORE**, the Cross-Defendant, AAA Plumbing, LLC, prays that the funds from any tax sale or foreclosure be disbursed pursuant to the law, that the Cross-Defendant, AAA Plumbing, LLC's judgment amount be satisfied from the tax sale or foreclosure, and for such other and further relief as this Court deems just and proper.

**PEDERSEN & SCOTT, P.C.**



William A. Scott  
775 St. Andrews Blvd.  
Charleston, South Carolina 29407  
(843) 556-5656  
Fax (843) 556-5635  
ATTORNEYS FOR CROSS-DEFENDANT,  
AAA PLUMBING, LLC

Dated this 15<sup>th</sup> day of December, 2010.

SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS  
FOR THE THIRD JUDICIAL CIRCUIT  
FILE NO. 2010-CP-10-8732

LASHANDA RAVENEL and )  
HENRY LEE RAVENEL, II, )

Plaintiff, )

v. )

EQUIVEST FINANCIAL, LLC, )

Defendant and )  
Cross-Plaintiff, )

v. )

MARY M. SCARBOROUGH, DELINQUENT TAX )  
COLLECTOR FOR CHARLESTON COUNTY; )  
AAA PLUMBING, LLC; PEP BOYS, MANNY, MOE )  
AND JACK; MONOGRAM CREDIT CARD BANK )  
OF GEORGIA; DISCOVER BANK; SC FEDERAL )  
CREDIT UNION; ALABAMA CREDIT CORP. )  
D/B/A PREFERRED TEACHERS ASSOCIATION, )

Cross-Defendants. )

ANSWER OF  
ALABAMA CREDIT CORPORATION  
D/B/A PREFERRED TEACHERS  
ASSOCIATION

2011 JAN 24 PM 2:34  
JULIE J. ARMSTRONG  
CLERK OF COURT  
BY \_\_\_\_\_

FILED

NOW COMES Cross-Defendant Alabama Credit Corporation d/b/a Preferred Teachers Association, (hereafter "Alabama"), an Alabama corporation, by and through its counsel of record, and responding to the Cross-Complaint in the above entitled action, alleges and says:

**FIRST DEFENSE AND ANSWER TO CROSS-COMPLAINT**

1. Cross-Defendant Alabama is without sufficient information and knowledge to admit or deny the allegations of Paragraphs 18, 19, and 20 of the Cross-Complaint and the same, therefore, are DENIED.
2. As to the allegations of Paragraph 21 of the Cross-Complaint, Alabama ADMITS that it has a judgment docketed at 2003-JG-10-1941, filed on October 21, 2003, in Charleston County, South Carolina. Except as specifically admitted, the allegations of Paragraph 21 are DENIED.
3. The allegations of Paragraph 22 call for a legal conclusion to which no response is required or appropriate. To the extent a response is required, the allegations of Paragraph 22 are DENIED.

**SECOND DEFENSE – RESERVATION OF DEFENSES**

Cross-Defendant Alabama has not had the opportunity to fully investigate this matter through discovery and, therefore, reserves the right to amend, supplement or modify its defenses should same become known during the course of this case.

WHEREFORE, Cross-Defendant Alabama Credit Corporation d/b/a Preferred Teachers Association respectfully prays the Court as follows:

1. That Cross-Plaintiff have and recover nothing of Cross-Defendant Alabama on its Cross-Complaint;
2. That all requests for relief of Cross-Complaint as against Cross-Defendant Alabama be denied;
3. That the costs of this action be taxed to Cross-Plaintiff;
4. That the Court determine all parties' interests in and priority of liens as to the real estate at issue in this matter; and
5. That the Cross-Defendant Alabama be awarded such other and further relief as this Court deems just and proper.

This the 21<sup>st</sup> day of January, 2011.



---

Sarah Dalonzo-Baker, State Bar No. 14116  
KIRSCHBAUM, NANNEY, KEENAN & GRIFFIN, P.A.  
Attorneys for Alabama Credit Corporation dba  
Preferred Teachers Association  
Post Office Box 19806  
Raleigh, North Carolina 27619  
Telephone: (919) 848-9640

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

Lashanda Ravenel and Henry Lee Ravenel, II,

Plaintiffs,

vs.

Equivest Financial, LLC,

Defendant.

And

Equivest Financial, LLC,

Cross-Plaintiff,

vs.

AAA Plumbing, LLC; Pep Boys, Manny,  
Moe and Jack; Monogram Credit Card; Bank  
of Georgia; Discovery Bank; SC Federal  
Credit Union; Alabama Credit Corp d/b/a  
Preferred Teachers Association,

Cross-Defendants.

) IN THE COURT OF COMMON PLEAS  
) FOR THE NINTH JUDICIAL CIRCUIT  
) CASE NO. 2010-CP-10-8732

PLAINTIFFS' BRIEF

BY

JULIE J. ARMSTRONG  
CLERK OF COURT

2012 JUN 22 PM 2:28

FILED

This action sets forth two causes of action.

One is to void a tax sale on the ground that the Delinquent Tax Collector (hereafter "DTC") did not pursue due diligence when all return receipts were sent back unsigned.

Two, the high bid at the sale is so grossly inadequate as to shock the conscience and should void the tax sale.

Five properties were conveyed by Mary Brooks Ravenel to her two children, Lashanda and Henry (inadvertently listed as Henry II on the deed) on November 6, 2007. The address on the deed for the grantees was PO Box 455, Hollywood, SC 29449.

Four of the properties although initially involved in the tax sale procedure were not sold at the tax sale. The only one sold was TMS No. 099-00-00-085, on which Mrs. Ravenel constructed her home in 2004, valued at \$1,070,000.00. (Exhibit 24.)

Mrs. Ravenel encountered financial difficulties and was advised by her attorney to convey the five properties to her children and to declare bankruptcy, which she did.

Taxes were unpaid in 2007, and in 2008, the DTC of Charleston County began the statutory procedure to collect delinquent taxes or sell the property at a tax sale scheduled on November 3, 2008.

The DTC sent the statutorily required notices all addressed to PO Box 455, Hollywood, SC 29449. Those required to be sent certified mail, return receipt requested, were returned by the Post Office with unsigned receipts.

The property was bid in at the tax sale on November 3, 2008 for the sum of \$130,000.00 to Equifunding, Inc. The deed conveying the property to the high bidder is dated July 28, 2010. The high bidder conveyed it to the Defendant Equivest Financial, LLC on September 13, 2010.

### **AS TO THE FIRST CAUSE OF ACTION**

The question is, did the DTC pursue due diligence to find a better address as required by case law other than post the property, which is statutorily required.

The DTC did not.

The DTC had a number of opportunities to determine a better address but failed to do so:

1. On October 2, 2009, Henry called the DTC according to the DTC's records, for information, left his telephone number, but was not asked for his address. This appears from a document in the DTC's file. He was not sent any written confirmation of the amount due as was formerly done by the previous DTC. (Exhibit 9.)
2. On October 14, 2009, the DTC mailed a Final Notice of Property Redemption to the Plaintiffs using the same Post Office Box 455, by certified mail, return receipt requested. (Exhibits 10, 11 and 12.)
3. On October 26, 2009, the DTC received from the Post Office unsigned receipts and an envelope showing a new and correct post office box number 263. (Exhibits 10, 11 and 12.)
4. A courtesy copy of the Notice of Property Redemption was mailed by regular mail on October 27, 2009 to the Plaintiffs at the old post office box number, but was received by Mrs. Ravenel's mother who gave the notice to Mrs. Ravenel. Post Office Box number 455 was Mrs. Ravenel's mother's box, but had been closed by her.
5. The DTC had in her file Notices of the End of the Redemption Period addressed to five purported creditors of the Ravenel family, one of which was by AAA (Exhibit 21) Plumbing Company, showing that AAA had obtained a judgment against Mary Ravenel. The judgment and documents from said judgment, which were available to the DTC, showed the correct street address and post office box. The judgment was dated October 9, 2006. (Exhibit 22.) (The remaining four judgments were against Ravenels other than the Plaintiffs and Mrs. Ravenel.)

6. One of the four other properties unsold also showed the proper address for the property and the correct post office box. This was a tax document dated September 30, 2009 available to the DTC concerning TMS No. 164-00-00-304. (Exhibit 35.)
7. There was available to the DTC a document listing an automobile owned by Henry dated 2006 which also gave the correct address and post office box. (Exhibit 25.)
8. There was available to the DTC a document listing a Ford automobile for the tax year 2008 which also gave the correct address and post office box. (Exhibit 47.)
9. There was available to the DTC a document listing a Lincoln automobile for the tax year 2008 which also gave the correct address and post office box. (Exhibit 48.)
10. There was available to the DTC five automobile documents showing Mary Ravenel's ownership (Exhibits 26 through 30.)
11. The photographs of the posted notice from the DTC's file show that the notice was not placed on a conspicuous portion on the property as required. (Exhibits 6, 7 and 8.)
12. The notice was attached to a tree but not on the house itself.
13. One of the photos taken by the posting official showed two vehicles parked in the driveway and the official should have inquired at the house or posted the notice on the house. (Exhibit 8.)
14. The delinquent tax official, knowing that his office did not have the proper address, could easily have taken the license numbers of the vehicles parked in the driveway. One of the vehicles was that of Henry and the second was a vehicle of Mrs. Ravenel, both of which were available to the DTC and showed the proper address and post office box.
15. Mrs. Ravenel obtained the courtesy copy from her mother on or about October 28, 2009 and immediately called the Delinquent Tax Office number shown on the notice regarding the \$27,849.06 due by November 4, 2009. She spoke to Mrs. Scarborough and asked if the time period could be extended in view of the fact that she had just obtained a copy of the notice. Mrs. Scarborough advised that the \$27,849.06 had to be paid by November 4, 2009. Mrs. Ravenel endeavored to obtain a loan for the \$27,849.06 but was unable to do so in the restricted time.
16. The records of Charleston County, available to the DTC, showed a different piece of property in the name of Mary Ravenel, with the correct post office box and address. (Exhibit 32.)
17. There was available to the DTC through County documents, a deed to Lashanda Ravenel conveying a property other than the five parcels that are involved which shows her proper address. (Exhibit 33.)

18. The records of Charleston County surveys, available to the DTC, show a survey recorded in Plat Book EF, Page 536, of the subdivision "Owned by and Prepared for Mary Ravenel" on Mary Ravenel Road, indicating Mrs. Ravenel's interest in the properties. (Exhibit 31.)
19. Title abstract summary dated May 26, 2009 showing list of SC tax liens and judgments including AAA Plumbing vs. Mary Ravenel. (Exhibit 42.)
20. Judgment versus Mary Ravenel, 8164 Ravenel Road, Hollywood, SC 29449. Thus, the DTC had in her file the correct address for Mary Ravenel on May 26, 2005 (there is an additional document in the Court's judgment file found by Plaintiffs which shows the correct Post Office Box 263, Hollywood, SC).
21. County of Charleston Delinquent Tax Property records for TMS No. 99-00-00-085, the house, showing the owners as Lashanda and Henry at PO Box 455, 5559 Mary Ravenel Road. It also lists "owner Mary Ravenel" and "additional owners" Henry and Lashanda. (Exhibit 43.)
22. Auditor's records showing 5559 Mary Ravenel Road, PO Box 455 "current owner Mary Ravenel."

The DTC is statutorily authorized to void a tax sale for improper statutory procedure until the tax deed is delivered, which was on July 28, 2010.

Considerable time passed from the dates of the various notices of improper procedure until July 28, 2010 for the DTC to void the sale.

The DTC acknowledges in her deposition that she is required to pursue due diligence to obtain a better address when the return receipts were received unsigned, which is the law in South Carolina and as stated by the U.S. Supreme Court as hereafter set forth.

In addition, she testified that her practice was to do due diligence by looking at the white pages, the tax records and the internet. However, there is no document in her file to show that she did any of these things.

It is of interest to note that in a previous deposition the DTC stated, "we look for cars, definitely cars and other real estate . . . the cars are up to date."

Obviously, she did not follow her procedure or she would have obtained the same records listed above, which were found by the Plaintiffs using the tax records and the internet.

It is unfortunate, but it appears that the DTC does not have sufficient help to permit her to do those things she would like to do or do them in a timely manner. For instance, the deed from the county is dated July 28, 2010, nine months after the end of the End of the Redemption Period. The statute states the deed should be out within 30 days or as soon thereafter as possible.

There was a written checklist to find a better address for employees which is no longer used by the DTC and was not used in this instance.

The DTC failed to use due diligence.

It is of great importance to consider the United States Supreme Court case of Jones v. Flowers, 540 U.S. 220 (2006). Pertinent provisions from the Jones case are as follows:

Before a State may take property and sell it for unpaid taxes, the Due Process Clause of the Fourteenth Amendment requires the government to provide the owner "notice and opportunity for hearing appropriate to the nature of the case."

We hold that when mailed notice of a tax sale is returned unclaimed, the State must take additional reasonable steps to attempt to provide notice to the property owner before selling his property, if it is practicable to do so.

We do not think a person who actually desired to inform a real property owner of an impending tax sale of a house he owns would do nothing when a certified letter sent to the owner is returned unclaimed.

By the same token, when a letter is returned by the post office, the sender will ordinarily attempt to resend it, if it is practicable to do so. This is especially true when, as here, the subject matter of the letter concerns such an important and irreversible prospect as the loss of a house. . . . Deciding to take no further action is not what someone "desirous of actually informing" Jones would do; such a person would take further reasonable steps if any were available.

The Commissioner's arguments that

"notice was sent to an address that Jones provided and had a legal obligation to keep updated . . . and "after failing to receive a property tax bill and pay property taxes, a property holder is on inquiry-notice that his property is subject to governmental taking."

As for the Commissioner's inquiry notice argument, the common knowledge that property may become subject to government taking when taxes are not paid **does not excuse the government from complying with its constitutional obligation of notice before taking private property.** [emphasis added.] We have previously stated the opposite: An interested party's "knowledge of delinquency in the payment of taxes is not equivalent to notice that a tax sale is pending."

In response to the returned form suggesting that Jones had not received notice that he was about to lose his property, the State did – nothing. For the reasons stated, we conclude the State should have taken additional reasonable steps to notify Jones, if practicable to do so.

One reasonable step . . . would be for the State to resend the notice by regular mail, so that a signature was not required. The Commissioner says that use of certified mail makes actual notice more likely, because requiring the recipient's signature protects against misdelivery. But that is only true, of course, when someone is home to sign for the letter, or to inform the mail carrier that he has arrived at the wrong address.

Other reasonable followup measures, directed at the possibility that Jones had moved as well as that he had simply not retrieved the certified letter, would have been to post notice on the front door, or to address otherwise undeliverable mail to "occupant."

There is no reason to suppose that the State will ever be less than fully zealous in its efforts to secure the tax revenue it needs. The same cannot be said for the State's efforts to ensure that its citizens receive proper notice before the State takes action against them. In this case, the State is exerting extraordinary power against a property owner – taking and selling a house he owns. It is not too much to insist that the State do a bit more to attempt to let him know about it when the notice letter addressed to him is returned unclaimed.

In fact, sending the courtesy notice by regular mail to the correct address as suggested by the US Supreme court in Jones is exactly what brought the matter, although belatedly, to Mrs. Ravenel's attention. In addition, as the Court suggested in Jones, the official of the DTC could have posted the notice on the door of the house.

Despite the protestations of the DTC, she did have ample time to void the sale which she was authorized to do and should have done.

#### **AS TO THE SECOND CAUSE OF ACTION, GROSS INADEQUACY OF BID**

Plaintiffs will offer an appraiser and his written appraisal of the property showing its value at the time of the sale to be \$1,070,000.00. (Exhibit 40.)

There will be no testimony to dispute the value of the property, for according to the Defendant's answers to discovery, it has no documents other than those from the DTC's file and will offer no witness other than the DTC.

The case of Patterson v. Goldsmith, 292 S.C. 619, 358 S.E.2d 163 (Ct. App. 1987) is the first case in South Carolina declaring a tax sale invalid on the theory that the bid was grossly inadequate and was accompanied by fraud or other circumstances. Gross inadequacy alone would not be sufficient according to Patterson.

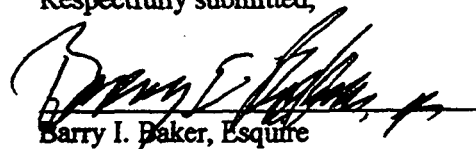
However, the standard was changed by the Court to state that inadequacy so gross as to shock the conscience of the Court or circumstances of fraud, etc., either would be sufficient to void the tax sale. Singleton v. Mullins Lumber Company, et al., 234 S.C. 330, 108 S.E.2d 414 (1959); Hamilton, et al. v. W.J. Patterson, et al., 236 S.C. 487, 115 S.E.2d 68 (1960); Wells Fargo Bank, NA, et al. v. Turner, 378 S.C. 148, 662 S.E.2d 424 (Ct. App. 2008).

The only question is whether the bid was grossly inadequate.

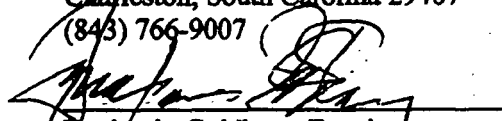
It was.

\$130,000.00 for a property valued at \$1,070,000.00 is so grossly inadequate as to shock the conscience of the Court.

Respectfully submitted,



Barry I. Baker, Esquire  
One Carriage Lane, Bldg. H  
Charleston, South Carolina 29407  
(843) 766-9007



Benjamin Goldberg, Esquire  
One Carriage Lane, Bldg. H  
Charleston, South Carolina 29407  
(843) 769-4595

Attorneys for Plaintiffs

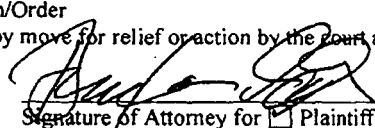
March 29, 2012

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )  
 )  
 Lashanda Ravenel and Henry Lee Ravenel, II, )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 Equivest Financial, LLC, )  
 Defendant. )

IN THE COURT OF COMMON PLEAS  
 9TH JUDICIAL CIRCUIT

CASE NUMBER: 2010-CP-10-8732

**MOTION AND ORDER INFORMATION  
 AND COVER SHEET**

Plaintiff's Attorney: Benjamin Goldberg, Bar No. 2167 Address: One Carriage Lane, Bldg. H Charleston, SC 29407 Phone: (843) 769-4595 Fax: (843) 769-4597 E-mail: <a href="mailto:goldbergbenjamin@bellsouth.net">goldbergbenjamin@bellsouth.net</a> Other:	Defendant's Attorney: S.R. Anderson, Esquire Law Office of Steven R. Anderson Address: Post Office Box 12188 Columbia, SC 29211 Phone: (803) 252-2828 Fax: (803) 254-1935 E-mail: <a href="mailto:sraatlaw@bellsouth.net">sraatlaw@bellsouth.net</a> Other:
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
<b>SECTION I: Hearing Information</b>	
Nature of Motion: 59(e) Estimated Time Needed: 2 hours                      Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	
<b>SECTION II: Motion/Order Type</b>	
<input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> 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 <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant	June 19, 2012 Date submitted
<b>SECTION III: Motion Fee</b>	
<input checked="" type="checkbox"/> PAID - AMOUNT: \$ <u>25.00</u> <input type="checkbox"/> EXEMPT: (check reason)	
<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP) <input type="checkbox"/> 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: _____ <input type="checkbox"/> Other: _____	
<b>JUDGE'S SECTION</b>	
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____
<b>CLERK'S VERIFICATION</b>	
Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	

STATE OF SOUTH CAROLINA )  
 COUNTY OF CHARLESTON )  
 Lashanda Ravenel and Henry Lee Ravenel, II, )  
 Plaintiffs, )  
 vs. )  
 Equivest Financial, LLC, )  
 Defendant. )

And )  
 Equivest Financial, LLC, )  
 Cross-Plaintiff, )  
 vs. )  
 AAA Plumbing, LLC; Pep Boys, Manny, )  
 Moe and Jack; Monogram Credit Card; Bank )  
 of Georgia; Discovery Bank; SC Federal )  
 Credit Union; Alabama Credit Corp d/b/a )  
 Preferred Teachers Association, )  
 Cross-Defendants. )

) IN THE COURT OF COMMON PLEAS  
 ) FOR THE NINTH JUDICIAL CIRCUIT  
 ) CASE NO. 2010-CP-10-8732

) NOTICE OF MOTION AND MOTION  
 ) PURSUANT TO SCRCP RULE 59(E)

BY \_\_\_\_\_

JULIE J. ARMSTRONG  
 CLERK OF COURT

2012 JUN 20 PM 2: 34

FILED

TO: S.R. ANDERSON, ESQUIRE, ATTORNEY FOR DEFENDANT:

PLEASE TAKE NOTICE that the Plaintiffs will move before The Honorable Mikell R. Scarborough, Master-in-Equity of Charleston County pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure at a time to be set by the Court, to alter, amend or reconsider the Court's Order dated May 30, 2012, filed on June 5, 2012 and received by Plaintiffs' counsel on June 11, 2011 on the following grounds:

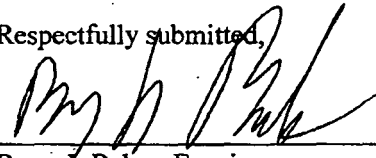
1. The Order executed by the Court is the exact Order submitted by the attorney for the Defendant with one exception, which is frowned upon by the appellate courts.
2. The exception is the addition of a handwritten note to the Order citing the case of McMillan v. Evans, Unpublished Opinion No. 2005-UP-581, Court of Appeals filed 11/16/05.

3. After the parties had concluded their cases and rested, the Court interjected two issues, unclean hands and fraud of creditors against Mrs. Ravenel, which is contrary to the law and are not to be considered.
4. Mrs. Ravenel is not a party to this lawsuit and no action can be imposed against her.
5. Even if Mrs. Ravenel were a party, the evidence before the Court and the law applicable thereto negate its ruling that Mrs. Ravenel perpetuated a fraud upon her creditors or that such purported fraud is imputable to the Plaintiffs.
6. A number of findings of fact on which the Court based its rulings are not to be found in the record, including but not limited to the Court's determination that Mrs. Ravenel's bankruptcy schedules did not reveal the deed to her children, which is incorrect, for the schedules are not in evidence. Also, Mrs. Ravenel testified that she did in fact notify the Bankruptcy Court of the deed.
7. Neither the Defendant nor its predecessor in title are creditors of Mrs. Ravenel or Plaintiffs and have no standing to raise the issue of fraud on creditors. In addition, such a defense was neither pled nor argued.
8. The Defendant did not plead or argue any affirmative defenses in equity or in law and there is no evidence before the Court that Mrs. Ravenel was guilty of unclean hands or the maxim of "he who seeks equity must do equity."
9. Statements by Mrs. Ravenel that the residence at issue was her residence and her property is not an assertion of ownership sufficient to prove judicial estoppel and judicial estoppel does not apply to this case.
10. The cases cited in the Court's Order are inapposite to the one issue properly before the Court. The Plaintiffs do not pursue their second cause of action, gross inadequacy of the high bid.

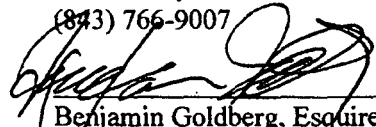
11. The Court failed to strictly enforce all mandatory requirements of the law leading to the tax sale which would have rendered the tax sale void.
12. The Court failed to address the only issue properly before the Court: The DTC was required to use due diligence to find the best address of the Plaintiffs when the return receipts were sent back to the DTC unsigned.
13. The Court gave no consideration to the Plaintiffs' trial brief and proposed Order (attached hereto) which set forth the law of the state of South Carolina and the United States Supreme Court.
14. The Court failed to find the DTC did not pursue due diligence as shown by her own uncontradicted admissions and evidence that the best address of the delinquent taxpayers were available to the DTC.
15. The Defendant did not request, nor is it entitled, to the relief granted in the Order.

PLEASE BE PRESENT IF SO MINDED.

Respectfully submitted,



Barry A. Baker, Esquire  
One Carriage Lane, Bldg. H  
Charleston, South Carolina 29407  
(843) 766-9007



Benjamin Goldberg, Esquire  
One Carriage Lane, Bldg. H  
Charleston, South Carolina 29407  
(843) 769-4595

Attorneys for Plaintiffs

June 19<sup>th</sup>, 2012

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	FOR THE NINTH JUDICIAL CIRCUIT
LASHANDA RAVENEL and HENRY LEE )	
RAVENEL, II, )	
Plaintiffs, )	
VS. )	CASE NO.:2010-CP-10-8732
EQUIVEST FINANCIAL, LLC, )	
Defendants. )	

Trial before the  
Honorable Mikell R. Scarborough, reported by Bernadette A.  
Cali, CSR and Notary Public, at 10 a.m. on March 29,  
2012 at 100 Broad Street, Charleston, South Carolina.

A P P E A R A N C E S

For the Plaintiff: Benjamin Goldberg, Esq.  
Barry I. Baker, Esq.  
One Carriage Land, Suite H  
Charleston, S.C. 29407

For the Defendant: S.R. Anderson, Esq.  
2008 Marion St., Suite J  
PO Box 12188  
Columbia, S.C. 29201

Bernadette A. Cali, CSR  
Notary Public

1 good as of November 3, so he's going to -- to that  
2 extent we would move to amend his appraisal.

3 Mr. Anderson does not have a problem with that.

4 MR. ANDERSON: No, sir.

5 THE COURT: I wouldn't find that to be a material  
6 difference. Would you, Mr. Martin?

7 MR. MARTIN: Not at all.

8 THE COURT: All right. You-all want to submit the  
9 appraisal?

10 MR. BAKER: Submit the appraisal --

11 THE COURT: In lieu of his testimony?

12 MR. BAKER: -- in lieu of his testimony.

13 THE COURT: You're consenting he would be a proper  
14 expert witness on the valuation question?

15 MR. ANDERSON: Yes, sir.

16 THE COURT: Very good.

17 MR. BAKER: You can be excused.

18 THE COURT: Mr. Martin, thank you for coming.  
19 All right.

20 MR. GOLDBERG: Your Honor, we call Ms. Mary  
21 Scarborough, please.

22 (Mary Scarborough, 35 Indigo Point Drive, Charleston, S.C.  
23 29407, duly sworn, testifies as follows:)

24 DIRECT EXAMINATION BY MR. GOLDBERG:

25 Q Good morning, Ms. Scarborough.

1 Q Very good. Now, looking at Exhibit Number 8 do  
2 you see two vehicles parked in the driveway?

3 A Yes.

4 Q Now, I show you Exhibit Number 9 and is this --  
5 this is if from your records and it shows that on 10/2/2009  
6 your office received a telephone call from this number  
7 302-2000 and from Henry Ravenel and this is the information  
8 that you gave him. Is that not correct? Or that your  
9 office gave him?

10 A Yes. We gave him a redemption quote. I told him  
11 the amount to redeem the property on 10/2/2009 and told him  
12 it had to be redeemed by 11/4/2009.

13 Q Did your office obtain from Henry Ravenel or ask  
14 or do you have any record of requesting an address for  
15 Mr. Ravenel -- from Mr. Ravenel?

16 A No, we just got his phone number.

17 Q That's fine. Thank you.

18 Do you recall, Ms. Ravenel(sic), when  
19 Mr. Mort Farris was the delinquent tax collector?

20 A Yes.

21 Q And do you recall that if an inquiry was made as  
22 to the payment of the amount necessary for the payment of a  
23 tax sale that Mr. Farris would send out a written notice to  
24 whoever made that inquiry?

25 MR. ANDERSON: Your Honor, I object. What Mort

1 THE COURT: What is all the -- on the account  
2 number, that's the TMS number?

3 THE WITNESS: The TMS number, and it shows the  
4 year that it was sold for and it shows that the 2008  
5 also needed to be paid and -- as part of the  
6 redemption.

7 THE COURT: Redemption quote. So the figure, the  
8 6334.11 is the tax that was due? The \$21,000 figure is  
9 the interest on the bid?

10 THE WITNESS: No, the \$21,000 figure includes the  
11 interest on the bid and the 2007 taxes and the levy.

12 THE COURT: So all costs that have been incurred?  
13 What about when there is a list here that shows 2008,  
14 2007, 2006, 2005 and 1999, what is all this?

15 THE WITNESS: That just shows that payments have  
16 been made on the other ones.

17 THE COURT: On the other accounts or of this --

18 THE WITNESS: No just -- this is specific to this  
19 account. It shows what went into delinquency, that the  
20 '99s the 2005, '06, '07, '08 went into delinquency.  
21 They were not paid current, before March 16 or before  
22 March 17 of each year. So then it shows that '06 --  
23 '05 and '06 have been paid and -- '99. The P stands  
24 for paid. S is sold at a tax sale.

25 THE COURT: H stands for?

1 Q Right. The reason you have three is because you  
2 sent one to Henry, one to Lashanda and one to both of them  
3 together?

4 A That's correct.

5 Q Now, attached to each of them there is an envelope  
6 that was returned to you by the Post Office?

7 A Yes.

8 Q And I will ask you to look at the envelopes and  
9 what does it say? It says return to sender, et cetera?

10 A It says return to sender, Ravenel, PO Box 263.

11 Q So you now have -- excuse me?

12 A Hollywood, South Carolina.

13 Q So you now have in your possession a new post  
14 office box?

15 A Yes, I received it October 26.

16 Q Very good.

17 The next item is what I call a courtesy file  
18 notice of property redemption. There were three of these  
19 also. They were sent -- I'm sorry. Just two. But I have  
20 two; 14 and 15. And -- is that not correct?

21 A Yes. These are copies of the certified letters  
22 which we sent by registered mail.

23 Q You didn't send it certified, did you?

24 A No. These are copies of those letters that we  
25 also sent regular mail.

1           where she picked up her mail. And she can testify as  
2           to what was going on. So that Mary Ravenel and her  
3           address would be very vital to finding the correct  
4           address of her children.

5           THE COURT: There is no way they would know that.  
6           I'm going to sustain the objection, because this  
7           judgment against Mary Ravenel, while sent, would not be  
8           the judgment against the defaulting tax payer.

9           MR. GOLDBERG: No, sir. I'm not questioning that.  
10          What I'm saying is that Mary Ravenel is vitally  
11          involved in this tax sale to the extent that she was  
12          the owner of all five properties. In October of 2007  
13          she conveyed all five pieces of property to her  
14          children, and the deed so states. The deed says I'm  
15          selling my property to my children, Lashanda and Henry.  
16          So that gave the tax collector notice that their mother  
17          was Mary Ravenel and if -- due diligence would say,  
18          well, this is the mother, I've got an address, let's  
19          get in touch with her.

20          THE COURT: Is that the theory of your case?

21          MR. GOLDBERG: That is one of the theories of my  
22          case is that Mary Ravenel is vital to this.

23          THE COURT: Once she deeded the property out she  
24          no longer owned it.

25          MR. GOLDBERG: I'm not questioning that, Your

1 property that we're talking about that were in the tax sale?

2 A Yes.

3 Q Now, at the very top of this deed it says that  
4 she's conveying this property for \$5 love and affection from  
5 my son and my daughter?

6 A Yes.

7 Q Thank you very much.

8 Now, these documents we received from you  
9 have to do with the title examination that you were good  
10 enough to send us a couple of days ago. I'm talking about  
11 42 through 46.

12 A Yes.

13 Q All right. The title examination was done on  
14 May 26, 2009?

15 A Yes.

16 Q And that's 42, and 43 is a form, Charleston County  
17 delinquent tax property research, in which the title  
18 examiner sets forth the liens and judgments?

19 A Yes.

20 Q And Number 44 is an auditor's statement which  
21 shows the background of the property and lists Mary Ravenel  
22 as an owner and then further the other owners?

23 A Yes, it lists her as a prior owner.

24 Q Very good.

25 And this is the copy of the judgment, again,

1 Q You have the absolute right to explain whatever  
2 you like.

3 A Okay.

4 Q Did you not tell me at the time we took your  
5 deposition that your procedure for doing due diligence was  
6 to look into the white pages, the county tax records and the  
7 internet?

8 A Yes.

9 Q All right. Would you like to explain that?

10 A Okay. This is not the view that I would have  
11 looked at on the county tax records. When I said the  
12 internet, we put their name in --

13 Q I'm sorry. Please, go ahead. I didn't hear you.

14 A I said we would put their name in the internet.  
15 Okay? When I looked at the county tax records -- if I may?

16 Q Sure.

17 A This is actually how they look.

18 Q I see.

19 A You have copies of those.

20 MR. ANDERSON: What exhibit is that, please?

21 MR. GOLDBERG: She's looking -- talking about  
22 Exhibits 47 and 48.

23 Q Let me just --

24 A And this was done 2/13/2012; is that correct?

25 Q Whenever we got it, ma'am.

1           A     Okay.  Yes.  I don't really know what the system  
2 would have looked like when I was looking at it.

3           Q     I understand.  But this is a record from the  
4 county records?

5           A     In 2012.

6           Q     Yes, ma'am.  I'm just asking you, this is a record  
7 from the county records?

8           A     Right.

9           Q     Right.  And it says?

10          A     I would have looked at those.

11          Q     I understand.  I will get to that in just a  
12 minute.  And this document is dated 2006?

13          A     Yes.

14          Q     And is for an automobile belonging to Henry  
15 Ravenel Lee, Jr.; is that correct?

16          A     Yes.

17          Q     And would you say -- look at the bottom of the  
18 page and is there an address for Henry Ravenel Lee, Jr.?

19          A     Yes.  2000 -- I'm sorry.  PO Box 263 Hollywood,  
20 South Carolina.

21          Q     Right.  And this is a document that was in the  
22 county records in 2006?

23          A     These were -- I can't say that.

24          Q     All I'm asking you, Ms. Scarborough -- not  
25 fussing, again --

1           A     What I'm trying to say is, I don't know how it  
2 would looked, because our whole system is different from  
3 then. That's --

4           Q     I understand what you're saying. But can we agree  
5 that this is a tax record?

6           A     We can say that information would have been in the  
7 county system.

8           Q     That's fine.

9           A     Okay.

10          Q     And 2006 Henry Ravenel with the address of 8164  
11 Mary Ravenel Road?

12          A     Yes.

13          Q     That's fine. So that you had the ability to find  
14 this address in 2006?

15          A     Yes.

16          Q     Very good. Thank you very much.

17                     The other two -- I'm a little out of order,  
18 47 and 48, also have to do with Henry Lee Ravenel and an  
19 automobile. Would you look at those, please, ma'am?

20          A     Yes. This is directly from the county tax system  
21 and these tax bills are -- let me look. These were created  
22 January 25, 2008. They would have been in our system and  
23 Exhibit 47 is for a 1998 Ford and it's a 2006 tax bill, but  
24 it would have been created in 2008. And it's going to PO  
25 Box 263, Hollywood, South Carolina.

1 Q Okay.

2 A In the name of Henry Lee Ravenel.

3 Q Right.

4 A Exhibit 48 was created January 2008, and it is a  
5 2006 tax bill for a 2000 Lincoln, and it went to Henry Lee  
6 Ravenel, Jr. at 8164 Mary Ravenel Road, Adams Run -- I'm  
7 sorry. That was the tax address. I apologize. It was  
8 mailed to -- the mailing address was PO Box 263, Hollywood,  
9 South Carolina 29449.

10 Q 263. I notice you said -- tax address is 8164  
11 Mary Ravenel Road. Thank you very much.

12 Now, I'm going to show you exhibits 26  
13 through 30 and ask you, are these the tax informations on  
14 automobiles coming off the Charleston County on-line tax  
15 system?

16 A As of 3/15/2012, yes.

17 Q They are. And these are automobiles that the  
18 principle owner's name is Mary Brooks Ravenel?

19 A Yes.

20 Q And PO Box 263 Hollywood, South Carolina?

21 MR. ANDERSON: Same action, Judge.

22 A I wouldn't have looked for Mary Ravenel.

23 MR. ANDERSON: Not sure why these are relevant  
24 because they are dealing with Mary. Mary was not the  
25 owner of record at the time of the tax sale.

1 THE COURT: I'll sustain the objection.

2 MR. GOLDBERG: I'm only wanting to put it in, Your  
3 Honor, because Mary Ravenel was known to the county to  
4 be the mother of Lashanda and Henry and any address  
5 Mary would have would lead them to Lashanda and Henry.

6 THE COURT: I'm going to sustain the objection.

7 MR. GOLDBERG: All right, sir.

8 Q Now, I show you this and I think this came from  
9 your records, but can you identify that, please, ma'am?

10 A I'm going to say that it is a copy of a plat --

11 Q Yes.

12 A -- for the Mary Ravenel property? Or -- well, the  
13 Mary Ravenel Road. I can see on here -- I don't --

14 Q That's my question.

15 A I don't -- the owners --

16 MR. ANDERSON: What's the Exhibit Number?

17 A Exhibit 31. I don't know when it was done. I  
18 can't -- in '02?

19 Q Look right there.

20 MR. BAKER: April 19, 2002 just to help the  
21 witness.

22 Q It shows Mary Ravenel Road?

23 A Yes, it shows a road; yes, that road.

24 Q It does say Mary Ravenel Road?

25 A Yes, it says Mary Ravenel Road.

1           A     Okay.

2           Q     Thank you.

3                     I'm going to show you, finally, Plaintiff's  
4 Exhibit Number 33 and ask you if you could look at that and  
5 tell me what that is.

6           A     Exhibit 33, it looks like, again, a screen from  
7 the assessor's system, and this is Deed G654 Page 890  
8 conveying from Harbor Homes, LLC to Lashanda M. Ravenel --

9           Q     Lashanda Ravenel?

10          A     -- lot 16 --

11          Q     It doesn't matter.

12          A     One B.

13          Q     That's fine. Is there an address for Lashanda,  
14 the grantee?

15          A     It's 3531 Galaxy Road, Ladson, South Carolina,  
16 29456.

17          Q     Thank you very much.

18          A     Okay.

19          Q     This was dated -- I can't remember.

20          A     I can't remember either.

21          Q     27th day of February 2008?

22          A     Okay.

23          Q     All right. And this document, the deed, was  
24 available to you as it was available to us? You could have  
25 gotten this document on line?

1           A     I don't know -- I could have gotten it through a  
2 title search, I guess. What I'm trying to tell you is this  
3 system did not exist back then.

4           Q     I'm not questioning whether or not the system  
5 existed back in 2007 or 2008.

6           A     We were not able to look things up the same way.

7           Q     I'm not questioning that.

8           A     I mean --

9           Q     Ms. Scarborough, I'm not questioning that at all.  
10 This was a deed recorded in the RMC Office of Charleston  
11 County?

12          A     I could have gotten it if I looked up all of her  
13 deeds in the RMC Office.

14          Q     That is correct?

15          A     On their website, yes.

16          Q     You could have gotten this deed off of the -- from  
17 the RMC Office by whatever method you were using at that  
18 time?

19          A     Yes.

20          Q     But you didn't get it?

21          A     No.

22          Q     All right. Thank you.

23                MR. GOLDBERG: Your Honor, it appears there was a  
24 duplicate thing because there was some question of  
25 title. Thirty-four was a corrective deed for the same

1 (Laughter)

2 THE COURT: All right.

3 Q I think these are the last. I'm going to show you  
4 exhibits 35 through 39 and ask you to look the a those,  
5 please, ma'am.

6 A This is a 2009 tax bill for parcel 164 ending in  
7 304 owned by Henry Lee and Lashanda Ravenel. The bill was  
8 created 9/30/2009 and the mailing address is PO Box 263,  
9 Hollywood, South Carolina.

10 Q Thank you.

11 A This is a 2009 bill for parcel 099 ending in 113  
12 created 9/30/2009 owned by Lashanda and Henry Lee, II,  
13 Ravenel, mailing address PO Box 455, Hollywood, South  
14 Carolina.

15 Q Okay.

16 A Exhibit 37 is a 2009 tax bill created 9/30/2009  
17 for parcel 099 ending in 085 owned by Lashanda and Henry Lee  
18 Ravenel, II. The mailing address is PO Box, 455, Hollywood,  
19 South Carolina.

20 This is a 2009 tax bill created 9/30/2009 for  
21 parcel 099-00-00-114 owned by Lashanda and Henry Lee  
22 Ravenel. The mailing address is PO Box 455, Hollywood,  
23 South Carolina.

24 Exhibit 39 is a 2009 tax bill created  
25 9/30/2009 for parcel 099 ending in 116 owned by Lashanda and

1 Henry Lee, II, Ravenel; mailing address PO Box 455,  
2 Hollywood, South Carolina, 29449.

3 Q All right. Other than the mailing of all these  
4 documents to Post Office Box 450--something --

5 A 455.

6 Q Right. Did you endeavor to find any other address  
7 having these documents available to you?

8 A No. I guess --

9 Q Thank you.

10 A All right.

11 (Discussion off the record.)

12 Q Ms. Scarborough, would you like a glass of water  
13 or anything?

14 A No, I'm fine, thank you.

15 Q Would you like to take a short break?

16 A I'm fine, thank you.

17 Q Very good.

18 MR. GOLDBERG: Your Honor, could I have about five  
19 minutes to go over my documents?

20 THE COURT: All right. Let's take about a five  
21 minute break.

22 (Recess)

23 THE COURT: Alright.

24 CONTINUED DIRECT EXAMINATION BY MR. GOLDBERG:

25 Q Ms. Scarborough, I'm going to show you a

1           A     Yes.

2           Q     Isn't it true, Ms. Scarborough, that the most  
3 important objects you obtain have to do with tax records of  
4 automobiles, because they are more up to date, and also real  
5 estate records?

6           MR. ANDERSON: I would object to most important,  
7 Judge.

8           THE COURT: Overruled. Go ahead.

9           Q     Is that not correct?

10          A     I'm going -- it is one of the methods that we use  
11 to look for people is automobile, real estate; yes.

12          Q     But you did not look into the automobile records  
13 in this case, nor did you look into the real estate records  
14 in this case, otherwise you would have found the deed into  
15 Lashanda and the automobiles into Henry. Is that not  
16 correct?

17          A     The reason I'm having trouble with this -- I know  
18 you don't want me to say this, but there are certain items,  
19 yes, I agree I should have found the automobile from our tax  
20 system, but we're not looking at the same information that  
21 was available to me in 2009.

22          THE COURT: Would you like to explain that and  
23 tell me why that is?

24          THE WITNESS: Yes, because we have a new tax  
25 system and the information on line on the internet is

1           available in different searches. You could put  
2           somebody's name in now and get everything. What I  
3           would say is, those exhibits that we showed where he  
4           had an automobile registered, I believe it was those  
5           screen dumps? Yes, that was available to us and, yes,  
6           apparently we missed that.

7           THE COURT: That would be the 2008 or 2009  
8           timeframe?

9           THE WITNESS: Yes.

10          THE COURT: Okay.

11          Q     You say -- but there is an automobile record in  
12          this case of a 2006 automobile in the name of Henry. You  
13          would have found that, too; wouldn't you?

14          A     Could you show me the actual screen things? Wait  
15          a minute. There was a 2006 that was put on in January of  
16          2008 in our tax system and, yes, I should have found that.

17          Q     You should have found that. You should have found  
18          the deed into Lashanda which gave her address?

19          A     I'm trying to think of how we actually looked --  
20          We don't look at everybody's name on the RMC site.

21          Q     Ms. Scarborough, Lashanda Ravenel was one of the  
22          delinquent taxpayers?

23          A     Yes.

24          Q     Is your responsibility as the delinquent tax  
25          collector, when the return receipts come back to you

1 unsigned, to use due diligence? Is that accurate?

2 A Yes.

3 Q And wouldn't you say that it would be due  
4 diligence to look into the tax records, as you said you did,  
5 and the real estate records, to find out if there is any  
6 real estate other than the five pieces involved in the name  
7 of one of the delinquent taxpayers? Wouldn't that be the  
8 reasonable thing to do?

9 A Yes, but I cannot testify that her name would have  
10 appeared in our tax system that way at that time. That's  
11 all I'm saying.

12 Q Ms. Scarborough, Ms. Scarborough, I don't want to  
13 fuss with you, I really don't. You're a lovely lady but  
14 please.

15 A Can you understand what I'm saying?

16 Q I'm trying to. Really hard to do it. And to give  
17 you the opportunity to say whatever it is you want to say.

18 You had the ability, regardless of the format  
19 change, back in 2007, 2008 and so forth and prior thereto,  
20 to find a deed in the record office by going on line?

21 A Not in the method that you have shown.

22 Q I'm not asking you --

23 A But, yes, I did have it, but we do not -- we did  
24 not do that.

25 Q Ms. Scarborough, I'm going to ask you one more

1 time, please. You had the ability to go on line in 2007,  
2 2008, 2009 and get information from the record office about  
3 Lashanda Ravenel if you had sought to do so?

4 A Yes.

5 Q Thank you very much.

6 So there were things you could have done --  
7 I'm sorry, your office could have done, which would have  
8 gotten information which would have lead you to a better  
9 address for Lashanda and Henry Ravenel?

10 A Yes.

11 Q Thank you very much.

12 MR. GOLDBERG: No further questions.

13 CROSS EXAMINATION BY MR. ANDERSON:

14 Q If it please the Court. What code sections govern  
15 the sale of real estate for unpaid taxes?

16 A 12-51.

17 Q 12-51-40 et seq.?

18 A Yes.

19 MR. BAKER: What's the code section again?

20 MR. ANDERSON: 12-51-40.

21 Q I show you the code section and I'm showing you  
22 12-51-40. Are you familiar with that?

23 A Yes.

24 Q What does it say about the address that you  
25 utilized when it becomes necessary to notify delinquent

1 search, just updated it?

2 A Yes, from like May to August.

3 Q With regard to Plaintiff's Exhibit Number 25, this  
4 is one that deals with an automobile; is that correct?

5 A I'm just looking at all the information. Yes.  
6 Yes. This is one that deals with an automobile.

7 Q And it reflects the owner of the vehicle as being  
8 whom?

9 A Henry Lee Ravenel, Jr.

10 Q And the property was titled in the name of whom;  
11 property by which we're here today?

12 A Henry Lee Ravenel, II.

13 Q So two different people?

14 A I don't know.

15 Q Six, 7 and 8 deal with the posting of the  
16 property; is that correct?

17 A Yes.

18 Q And the statute dealing with the posting of the  
19 property says where is it to be posted?

20 A I believe it says -- I don't have it in front of  
21 me but, I guess, conspicuous place, something.

22 MR. GOLDBERG: That's right.

23 Q And here it is posted on this tree which is  
24 located in front of the house?

25 A Yes.

1 (Discussion off the record.)

2 Q You say you got a phone call at some point from,  
3 or your office got a phone call from Mr. Henry Ravenel; is  
4 that correct?

5 A Yes.

6 Q And that was prior to the running of the  
7 redemption period, was it not?

8 A Yes. I can pull that back out. Just a second.  
9 But as I recall, yes.

10 Q And Mr. Goldberg asked you on direct examination  
11 that the sale was final on November 4th; correct?

12 A Yes, November 4th, 2009.

13 Q And the deed was not issued to Plaintiff's  
14 predecessor until some nine months later in July?

15 A Yes.

16 Q Did anybody come forward during the period of time  
17 from the end of the redemption until when the deed was  
18 issued offering to pay the taxes?

19 A I really have to say I don't know for sure.

20 Q Hypothetically, if someone had come forward and  
21 said I want to pay the taxes and you said, well, you had  
22 your opportunity, we sent all these notice to you at PO Box  
23 455, and if they had said I don't live at 455, I live at  
24 263, would that have been sufficient for you to have upset  
25 the tax sale?

1 MR. GOLDBERG: Objection to the form of the  
2 question. Objection to the question.

3 THE COURT: Overruled.

4 A Yes, if it had been brought to my attention that  
5 would have been reason for me to void the tax sale.

6 Q And it was not brought to your attention. Nor did  
7 anybody?

8 A Not that I can remember.

9 Q Go ahead.

10 A Like I said, not that I can remember.

11 Q No one offered to pay the taxes, to your  
12 knowledge?

13 A Not that I can remember.

14 Q Taking you back, which was marked as  
15 Defendant's -- excuse me, Plaintiff's 14. And this is the  
16 courtesy letter I think you send out that is not sent  
17 registered or restricted delivery?

18 A Yes, that's correct.

19 Q Is that a computer generated letter?

20 A Yes.

21 Q That letter went out when?

22 A It went out October 27 of 2009, but actually it's  
23 just a copy of what -- the computer generates a final notice  
24 and this is just a copy of the final notice.

25 Q That was returned and it shows a new address as

1 what?

2 A As PO Box 263.

3 Q Now then, the statute requires that the running of  
4 the redemption be sent not less than 20 nor more than 45  
5 days prior to the end of the redemption; is that correct?

6 A That's correct.

7 Q When this came back with this address on it could  
8 you have sent a new redemption letter that would have  
9 complied with the statute; not less than 20 nor more than  
10 45?

11 A No.

12 Q How many parcels would you guess you sold in the  
13 2008 tax sale?

14 A Usually it's around a thousand. I don't remember  
15 specifically that year. It could have been -- I think it  
16 actually might have been a little -- eleven hundred. I  
17 don't remember specifically.

18 Q Does the return, according to the statute, of the  
19 redemption letter automatically deem the sale bad?

20 A No.

21 Q Whose duty and obligation is it to keep the county  
22 aware and up to date as to the tax payer's address?

23 A The tax payer is supposed to notify the auditor if  
24 they have a change of address.

25 Q Is that the primary source, where you go, in order

1 to find the address of the property?

2 A Yes, they keep the address records for the County.

3 Q You could, theoretically, be dealing with a piece  
4 of rental property that the taxes had not been paid on; is  
5 that correct?

6 A Yes.

7 Q And if you sent the various notices required by  
8 12-51, to the property address, that could be received by  
9 the renter of that property; is that not true?

10 A Yes.

11 Q The better address, then, would be the actual  
12 address of record, where the tax payer resides, according to  
13 what's on that deed or the auditor's office?

14 A Yes.

15 Q When you say -- one of the exhibits dealing with  
16 an automobile, that was titled in Mr. Ravenel, Jr.'s name,  
17 that would have been available to you on line?

18 A Yes, but perhaps not in that format.

19 Q Would it have shown an address?

20 A Yes.

21 Q It would have shown an address?

22 A Yes.

23 Q Do you know when your office would have looked to  
24 see when that was available?

25 A We sold the property in -- it's kind of an ongoing

1 process, from the point when they become delinquent, which  
2 would -- the 2007s became delinquent March 17, 2008. We  
3 would have been looking -- at any time it could have been  
4 from June of 2008 until probably September 2009. I don't  
5 say we're consistently looking, but we would have probably  
6 looked at some point.

7 Q Had this property or any of the properties that  
8 were at one time were owned by Mary Ravenel, were they ever  
9 sold at tax sales?

10 A I don't know. I can't say for sure.

11 Q This is the only one, to your knowledge, that was  
12 actually physically sold at a tax sale?

13 A Well, no. No. I think some of the others may  
14 have been.

15 Q Was not an exhibit offered that showed -- I  
16 believe this is it here, Plaintiff's Exhibit Number 9. Does  
17 that not show other parcels or did I misunderstand you;  
18 other parcels had been sold?

19 A This one just pertains to this particular parcel.

20 Q Had it ever been past due in the past?

21 A They've been past due.

22 MR. GOLDBERG: Sorry. What is the exhibit your  
23 asking about?

24 MR. ANDERSON: Nine.

25 Q It had been past due in the past?

- 1           A     Yes.
- 2           Q     On how many different occasions?
- 3           A     Nineteen -- well -- 1999, 2005, 2006.
- 4           Q     And 2007?
- 5           A     Yes.
- 6           Q     When Mr. Ravenel called you, he called you on what  
7     date?
- 8           A     10/2/2009.
- 9           Q     Do you know what prompted that call?
- 10          A     No.
- 11          Q     Was that before or after the redemption letters  
12     went out?
- 13          A     I think that it was before.  If I'm correct the  
14     final notices went out on October 14, 2009.
- 15          Q     And to your knowledge did the seizure sign nailed  
16     to the tree in front of the property remain on the tree in  
17     front of the property?
- 18                 MR. GOLDBERG:  Objection, Your Honor.  She doesn't  
19     know.
- 20          Q     That's what I asked.
- 21          A     I don't know.
- 22                 MR. GOLDBERG:  Thank you.
- 23                 THE COURT:  Very good.
- 24          Q     Do you believe that in the course of 12-51 you  
25     followed the proper procedures with regard to the sale of

1           A     Final notices?

2           Q     I'm asking you, Ms. Scarborough, what you admitted  
3 several times.

4           A     I'm just saying that failure to receive a final  
5 notice is not a reason to withhold a --

6           Q     I'm not suggesting --

7           A     Void a tax sale.

8           Q     I'm saying to you that when return receipts come  
9 back unsigned you are required, as the delinquent tax  
10 collector, to use due diligence to find a better address; is  
11 that true? Answer yes or no.

12          A     Which notice?

13          Q     Ms. Scarborough.

14          A     I'm just -- which are you talking about? The  
15 official notice of levy? There are different --

16          Q     Ms. Scarborough, I'm going to ask you one more  
17 time. And I don't mean to be rude to you at all, but I'm  
18 trying to get you to answer a simple question. If you don't  
19 understand the question, if you find problems with the  
20 question please tell me.

21                         When return receipts are sent back to your  
22 office from the certified mail return receipt requested,  
23 unsigned, you, as the delinquent tax collector, are required  
24 to use due diligence to find a better address. Yes or no?

25                         MR. ANDERSON: Your Honor, please, nowhere in the

1 code does it say due diligence.

2 THE COURT: All right. I'll note your objection.  
3 It is your practice, though, to use due diligence; is  
4 that correct?

5 THE WITNESS: Yes.

6 THE COURT: And I think your problem with  
7 answering the question has to do with the time of when  
8 you looked for this. Is that where I'm detecting a  
9 problem?

10 THE WITNESS: Yes. And there are two different  
11 ones. The official notice of levy returned, we post  
12 the property. Now the final notice, that's what I was  
13 trying to -- final notice I believe is the one he's  
14 discussing which is where the forwarding address came  
15 in.

16 THE COURT: Okay. All right. So I don't want to  
17 ask the question for you. I hear where you're driving.  
18 The practice of your office is that when the notice of  
19 levy comes back returned, unclaimed, your practice is  
20 to post the property. Is that --

21 THE WITNESS: Yes.

22 THE COURT: -- what I'm hearing?

23 MR. GOLDBERG: That's statutory.

24 THE COURT: Got it.

25 Q You have testified that when the return receipts

1 preparing the deeds for this tax sale.

2 Q I understand. You don't know?

3 A I don't know.

4 Q Very good. Mr. Anderson showed you Exhibit 25,  
5 Ms. Scarborough.

6 A Okay.

7 Q And Mr. Anderson said that this must be a mistake  
8 because it says Henry Ravenel, Henry Lee Ravenel, Jr. as  
9 opposed to what's on the deed, Henry Ravenel, II. Do you  
10 remember that?

11 A Yes.

12 Q Okay. What's the address on that document?

13 A PO Box 263, Hollywood, South Carolina.

14 Q Okay. And what is the address, the street  
15 address?

16 A 8164 Mary Ravenel Road, Adams Run.

17 Q So this is not the wrong document, this is the  
18 document for the man who is owner of a one-half interest in  
19 the tax sale property; is that not correct?

20 A I can't say that for sure because what would tell  
21 me?

22 Q What it tells you is that it's Post Office Box 263  
23 which is the new post office box.

24 A Yes. Now that I know that's the new post office  
25 box, yes.

1 Q That's fine. That's all I'm asking.

2 A I wasn't, you know, sometimes I have the same  
3 people, the same names for various people.

4 Q That's okay. That's okay. We've got two Marys  
5 here.

6 Ms. Scarborough, on the five properties that  
7 were initially involved with this tax sale?

8 A Yes.

9 Q Is there any property -- what are those five  
10 properties? Aren't they vacant lots?

11 A I'm really not sure. I note their parcel numbers,  
12 but I don't have the other record for them in my folder.

13 MR. ANDERSON: I don't remember going into  
14 anything like this on cross, Judge.

15 MR. GOLDBERG: I'm going through that, Your Honor,  
16 because Mr. Anderson has asked her the question about  
17 rental property.

18 THE COURT: In other words, non-owner-occupied.

19 MR. GOLDBERG: That's right.

20 THE COURT: All right. I'll give you some leeway  
21 on it. Go ahead.

22 Q Isn't it true, Ms. Scarborough, that there were  
23 five properties initially involved in this procedure?

24 A Yes.

25 Q You have the house occupied by Ms. Ravenel;

1 Q What's the physical address of the property in  
2 question?

3 A The physical address is -- sorry -- is 5559 Mary  
4 Ravenel Road.

5 Q Exhibit 25, that Mr. Goldberg just asked you  
6 about, what is the physical address on that tax numbers for  
7 the vehicle?

8 A 8164 Mary Ravenel Road.

9 Q Different address?

10 A Yes.

11 Q Is there anything within 12-51 that requires you  
12 to go through the RMC Office looking for deeds?

13 A Only for the property that I sold.

14 Q Anything in 12-51 that requires you to pull down  
15 all of the various automobile tax records?

16 A No.

17 Q Did you have actual knowledge during the course of  
18 this tax sale that the correct address for the tax payer was  
19 one other than PO Box 455?

20 A No.

21 MR. ANDERSON: No further questions.

22 THE COURT: I just have a couple of questions for  
23 you.

24 In the scheme -- in the statutory scheme it talks  
25 in terms of a known address. The only known address

1           that you had as a matter of record for this property  
2           was the PO box that the notices were being sent to, the  
3           official notice of levy?

4           A     Yes.

5           Q     And those came back unclaimed; correct?

6           A     Let me look. I believe they came back unable to  
7           forward. But there was no forwarding address on those.

8           THE COURT: Just unable to forward. Should be  
9           Exhibit 1. I don't know what order you've got there.

10          A     Yes, I'm looking at it. Says return to sender  
11          unable to forward.

12          THE COURT: At that time you had no forwarding  
13          address?

14          A     Yes.

15          THE COURT: Your procedure when that happens is  
16          then to post the property?

17          A     Yes.

18          THE COURT: That's, again, in compliance with the  
19          statute?

20          A     Yes.

21          THE COURT: Now, once the property's been posted  
22          is it the practice of your office to then presume that  
23          the notice of levy has been executed upon?

24          A     Yes.

25          THE COURT: So the next step in the statutory

1           A     Yes.

2           THE COURT: That's the courtesy notice.

3           A     Yes. It came back with the forwarding PO Box of  
4 263.

5           THE COURT: So at that point in time you've got  
6 actual knowledge of a new address, but the timing of  
7 that was insufficient to -- or was not in compliance  
8 with the statutory scheme to then stop the sale; is  
9 that right?

10          A     Right. I think actually the final notice came  
11 back on the 26th, and then I'm not exactly sure when the  
12 courtesy came back, but I think the final notice came back  
13 with a forwarding address on the 26th of October.

14          THE COURT: This was --

15          A     That's when I actually had actual knowledge of or  
16 could have had actual knowledge. Somebody in my office  
17 should have had actual knowledge.

18          THE COURT: That first class mail goes out the  
19 next day, the 27th of October.

20          A     But it was generated off the same information, so  
21 we didn't pick up that forwarding address. It was generated  
22 off the same -- the information was already at the printer.

23          THE COURT: I'm not following you there.

24          A     We send a data file to the printer. They printed  
25 the final notices that went to PO Box 455. They mailed them

1 think I did in 2009, and so I missed the new address.

2 MR. GOLDBERG: I'm sorry, I didn't hear your  
3 answer.

4 MR. BAKER: She missed the new address.

5 THE COURT: You were not personally aware of any  
6 new address?

7 A No.

8 THE COURT: When does that new address appear in  
9 your files, if --

10 A It appears in -- on the 26th of October 2009.

11 THE COURT: Just prior to the final date of  
12 redemption; is that right?

13 A Yes, the final date, I think, was November 4th.

14 THE COURT: Okay. Your testimony today is you  
15 never saw that prior to issuing the deed; is that  
16 right?

17 A That's correct.

18 THE COURT: Okay. All right. That's all I've  
19 got. Okay. It's after 1 o'clock.

20 MR. GOLDBERG: Your Honor, may I just ask?

21 THE COURT: Sure.

22 BY MR. GOLDBERG:

23 Q Let me understand what you testified to with the  
24 Judge.

25 It's my understanding, correct me if I'm

1 that the delay doing the deed could have resulted from the  
2 fact that you had an opportunity to void the tax sale.

3 Just -- put it in your own words.

4 A No. I mean, the delay, I'll be honest with you,  
5 in the deed was because of the fact of staffing issues. We  
6 didn't have enough staff.

7 Q That's fine.

8 A What I said to the Judge was, if it comes to my  
9 attention and I know about it before -- if I know that there  
10 may be a problem before I convey the property I can void the  
11 tax sale.

12 Q Yes, ma'am. So that your staff, being under  
13 staffed, did not bring to your attention the problems in the  
14 tax sale? By that I mean the deed, the automobile stuff and  
15 so forth?

16 A The forwarding address they did not bring to my  
17 attention.

18 Q Okay that's fine. The forwarding address was not  
19 brought to your attention? They had it. Your office had  
20 it on October the 26th, 2009; correct?

21 A Yes.

22 Q So that you had -- you as the -- if your staff,  
23 and you're under staffed, had brought to your attention the  
24 deed or the automobiles and so forth, you could have voided  
25 the tax sale prior to July 28, 2010?

1 Q And required you to travel a good bit?

2 A Yes, sir.

3 Q As a result of the fact that you were out of town  
4 a good bit did you make any arrangement with regard to your  
5 mail?

6 A My mom.

7 Q What did you do with your mother?

8 A I asked her to get my mail for me while I was  
9 traveling a lot.

10 Q And what arrangements did you have with your  
11 mother with regard to the mail?

12 A Well, once she received the mail, when I get back  
13 in town that she would bring the mail to me.

14 Q Did you have a post office box?

15 A Yes, sir.

16 Q What was the name -- what was the number of that  
17 post office box?

18 A First post office box, PO Box 455.

19 Q Was that particular box closed by your mother?

20 A Yes, sir.

21 Q Did she get a new post office box?

22 A Yes, sir.

23 Q What was that number?

24 A PO Box 263, Hollywood, South Carolina.

25 Q And did you continue to get your mail at the

- 1 MR. GOLDBERG: Your Honor, these are my copies.  
2 You have the originals.
- 3 THE COURT: All right.
- 4 Q Five tax statements, and ask you if these are the  
5 five properties that you bought in Exhibits 35 through 39.
- 6 A 7164 Highway 162.
- 7 Q I'll go over them. Look at them, and then I'll  
8 ask you some questions about it. Okay?
- 9 A Yes, sir. Yes, sir.
- 10 Q Now, I'm going to show you, specifically, Exhibit  
11 35 and ask you -- first of all, what is this? Is there  
12 something on the property, a building or anything, and if so  
13 what is it?
- 14 A 7164, it is -- I have a little clothing store  
15 there.
- 16 Q A clothing store?
- 17 A Yes, sir.
- 18 Q Now, that's the address on the highway?
- 19 A Yes, sir.
- 20 Q All right. And if you look at the bottom of 35  
21 what is the mailing address listed there?
- 22 A PO Box 263.
- 23 Q All right.
- 24 A Hollywood.
- 25 Q Now, I'm going to show you Exhibit 36 and ask you

- 1           A     5559 Mary Ravenel Road.
- 2           Q     And I show you number 38 and ask you what property  
3 this is.
- 4           A     Lot number 263, vacant lot.
- 5           Q     It's a vacant lot. And what is the address shown  
6 at the bottom there?
- 7           A     Mailing address PO Box 455, Hollywood, South  
8 Carolina.
- 9           Q     And at the top this shows Mary Ravenel Road lot --
- 10          A     Lot 263.
- 11          Q     Two?
- 12          A     Yes, sir.
- 13          Q     That's 38. I show you Exhibit 39 and ask you what  
14 that is.
- 15          A     Vacant lot.
- 16          Q     That's a vacant lot?
- 17          A     Yes, sir.
- 18          Q     What is the address at the top?
- 19          A     Mary Ravenel Road.
- 20          Q     What is at the bottom?
- 21          A     PO Box 455, Hollywood, South Carolina.
- 22          Q     Now, what is the address, the proper address for  
23 your house?
- 24          A     8164 Mary Ravenel Road, Adams Run.
- 25          Q     And the address that's shown here, what is the

1 house?

2 A No, sir.

3 Q I point to you, there are several vehicles in the  
4 driveway?

5 A Yes, sir.

6 Q Whose vehicles are they?

7 A That's my 2000 Seabring and my son's Mustang.

8 Q Okay. Does your daughter have a car?

9 A She owns a company car. She doesn't own it, but  
10 she drives the company car.

11 Q Did your children live with you when you first  
12 built the house in 2004?

13 A Yes, sir.

14 Q Do they reside with you now?

15 A No, my daughter has her own residence and my son  
16 kind of lives there and at another residence.

17 Q And does either one of them own a home?

18 A My daughter does.

19 Q What is the street address of her home?

20 A 3531 Galaxy Lane, Summerville.

21 Q And approximately how long has your daughter been  
22 living at that address?

23 A I would say maybe February 2008, somewhere around  
24 there.

25 Q That's fine. Thank you.

1                    Now, the house that you built -- I'm sorry.  
2     The money you received, you and your daughter, went into the  
3     building of this home in which you now reside?

4            A     Yes, sir.

5            Q     And did you also build a house for your aunt?

6            A     Yes, sir. After I took out a loan; yes, sir.

7            Q     And did your aunt -- does your aunt continue to  
8     live in that home?

9            A     Yes, until maybe 2008, 2009. Something like that.

10          Q     Where does she live now?

11          A     She lives with me.

12          Q     She lives with you. And do you know approximately  
13     when she came to live with you?

14          A     I want to say 2008 or nine, somewhere around  
15     there.

16          Q     Now, you own another piece of property; do you  
17     not, which is not among the five pieces that you sold to  
18     your children?

19          A     Yes, sir.

20          Q     Where is that property located?

21          A     6430 Highway 162 in Hollywood, South Carolina.

22          Q     When did you buy that house, approximately?

23          A     1997.

24          Q     I'm going to show you what has been marked Exhibit  
25     32 and ask you if you can tell me what these documents

- 1           A     My aunt.
- 2           Q     Incidentally, Ms. Ravenel, is there a post office
- 3 box in front of house in which you reside?
- 4           A     Well, where I live now?
- 5           Q     Yes.
- 6           A     No, sir. Is there a post office?
- 7           Q     No, no, a box -- a post office box?
- 8           A     Out to the road like 17; yes, sir.
- 9           Q     In front of the house in which you reside?
- 10          A     On the road; yes, sir.
- 11          Q     All right.
- 12                         Now, Ms. Ravenel, you conveyed the five
- 13 properties to your daughter and son?
- 14          A     Yes, sir.
- 15          Q     I show you a document which is Exhibit 24 and ask
- 16 you if this is the deed by which you conveyed the
- 17 properties, five properties to your son and daughter.
- 18          A     Yes, sir.
- 19          Q     You did that in October of 2007?
- 20          A     Yes, sir. Not October.
- 21          Q     I'm sorry. November 6, 2007?
- 22          A     Yes, sir.
- 23          Q     Is that accurate?
- 24          A     Yes, sir.
- 25          Q     Now, this deed at the very beginning states that

1 you, Mary Ravenel, also Mary Brooks Ravenel, for  
2 consideration of the sum of \$5 love and affection from my  
3 son and my daughter. You were conveying this property to  
4 your son and your daughter?

5 A Yes, sir.

6 Q Very good.

7 Ms. Ravenel, about 2007 did you begin having  
8 any financial difficulties?

9 A Yes, sir.

10 Q And as a result of the financial difficulties did  
11 you consult an attorney?

12 A Yes, sir.

13 Q What, if anything, did the attorney tell you to  
14 do?

15 A I filed --

16 MR. ANDERSON: Object to that; hearsay, Judge.

17 THE COURT: The question was, what did he tell you  
18 to do.

19 MR. GOLDBERG: I'll rephrase it.

20 THE COURT: All right.

21 Q As a result of your conference with the attorney  
22 what, if anything, did you do?

23 A I filed bankruptcy and transferred my properties  
24 to my children's name, before I filed bankruptcy.

25 Q Okay. Now, did your attorney give you this deed

1 from you to your children and tell you to record it?

2 A Yes, sir.

3 Q Did you do that?

4 A I did it the same day.

5 Q And on the back of this deed there is a statement,  
6 your daughter's name, Lashanda Ravenel, PO Box 455,  
7 Hollywood, 29449. Why does her name appear there?

8 A I took the statement from my attorney down because  
9 I --

10 Q I understand.

11 A Because I transferred the property to my children.

12 Q You put the name there as a result of the advice  
13 from your attorney?

14 A Yes, sir.

15 Q Very good.

16 Did you tell your children that you had  
17 conveyed the property to them?

18 A No, sir.

19 Q So far as you know when did they first learn of  
20 that conveyance?

21 A I would have to say it was the time when we were  
22 going through the --

23 Q I'm sorry. I didn't hear.

24 A I would have to say it's probably during the time  
25 when we were actually going through the selling of the

1 property.

2 Q You mean the lawsuit?

3 A Yes.

4 Q Now, when did you become aware of the fact that  
5 the house you reside in had been sold for taxes --  
6 nonpayment of taxes on November 3rd, 2008?

7 A When my mom brought the letters -- she had brought  
8 a stack of letters at my shop. She only lives about two  
9 miles from me. And then I started going through the mail  
10 and then I saw the letter and I opened it up.

11 Q Let me first, before we get too far, show you  
12 documents and ask if these are the documents that your  
13 mother brought you.

14 This is Exhibit 14, Your Honor.

15 A Yes, sir.

16 Q Now, the first item -- it's composed of two  
17 documents -- is a final notice of property redemption and  
18 that is -- says re: Lashanda Ravenel, Henry Lee, tax address  
19 5559 Mary Ravenel Road, which is incorrect. And it advises  
20 you that there is an amount of 27,849.06 due by November  
21 4th, 2009. And the second document is the cover of an  
22 envelope in which that document came; is that correct?

23 A Yes, sir.

24 Q What is the date here where the stamp is shown?

25 A 10/27/2009.

1 Q As a result of receiving -- when, approximately,  
2 did you receive this?

3 A Probably maybe around the 28th or something like  
4 that.

5 Q As a result of receiving that letter what did you  
6 do?

7 A I got on the phone immediately, and I called down  
8 to the delinquent tax and I asked to speak to Ms. -- the  
9 supervisor and Ms. Scarborough came on the phone.

10 Q What did she tell you or what was the conversation  
11 with Ms. Scarborough?

12 A I told --

13 MR. ANDERSON: If Your Honor please, the county is  
14 no longer a party to this lawsuit.

15 MR. GOLDBERG: I'm sorry.

16 MR. ANDERSON: The county is no longer a party to  
17 this lawsuit.

18 MR. GOLDBERG: I think she can testify to what was  
19 said. She doesn't have to testify as to the truth of  
20 what it is; just testifying that's the information she  
21 got.

22 THE COURT: She can testify as to what she did,  
23 yes.

24 Q All right. So what was the conversation that you  
25 had -- what were you told by Ms. Scarborough?

1 MR. ANDERSON: Same objection.

2 Q All right. What did you learn from Ms.  
3 Scarborough?

4 A That the property was --

5 THE COURT: Overruled. Go ahead.

6 Q Go ahead, ma'am.

7 A That the property was sold, and I told her I just  
8 got the information in the mail and asked what could I do to  
9 redeem the property, and she told me I had --

10 MR. ANDERSON: Objection, Your Honor please.

11 THE COURT: She was in here testifying this  
12 morning. You-all turned her loose. I'll allow you to  
13 go a head. Overruled.

14 Q So you talked to Ms. Scarborough and what did she  
15 tell you, as to the amount of money that was due?

16 A I told her I was unable because of the short  
17 notice to try to get that amount of money, and I asked her  
18 was there anything she could do, because I just got the  
19 information in the mail.

20 Q Anything she could do to extend the time?

21 A Extend the time. She told me no, that the  
22 property would be sold on that date if I didn't have the  
23 funds.

24 Q And did you endeavor to find someone to loan you  
25 that amount of money the \$29,000?

1           A     Yes, sir. I checked with several people. Even --  
2     the timeframe was too short to -- even some of my friends  
3     was trying to see what they could do, but the timeframe as  
4     far as even trying to go into there 401K and stuff.

5           Q     So you're unable to obtain the \$29,000?

6           A     No, sir.

7           Q     Now, is this the first time, on October 27, 2009,  
8     that you ever received any document having to do with the  
9     sale of your -- the house you live in?

10          A     Yes, sir.

11          Q     Now, have you ever owned any property that has  
12     been sold for taxes other than the house you occupy?

13          A     No, sir.

14                   MR. GOLDBERG: No further questions.

15                   CROSS EXAMINATION BY MR. ANDERSON:

16          Q     When did the PO box get changed?

17          A     My mom changed it and she's trying to -- I don't  
18     know the exact time she changed it. I know it's been over,  
19     like, several years.

20          Q     When in relation to this tax sale did you --  
21     discovering the documents that your mom brought over to you,  
22     when in that relationship was that PO box changed?

23          A     Could you repeat, please?

24          Q     Your testimony was that originally because you  
25     traveled you used your mom's PO box for your mail to go?

- 1           A     Yes, sir.
- 2           Q     Is there a road that runs here somewhere?
- 3           A     It's a road that runs not here but going this way.
- 4           Q     This way?
- 5           A     Yes, sir.
- 6           Q     So your house doesn't face the road?
- 7           A     It faced -- around a curve like this going up to
- 8 the house (Witness indicates.)
- 9           Q     Like this?
- 10          A     Yes, sir.
- 11          Q     When you would go to the house, and I see some
- 12 cars parked back here, would you come this way?
- 13          A     I come around, this -- the road -- the trees over
- 14 there, and you come around and the road is out here.
- 15          Q     So you were driving to your house on a daily
- 16 basis?
- 17          A     Not really, not unless I traveled. Sometimes I
- 18 was out of town so I wasn't home daily. Sometimes I leave
- 19 on Monday or Tuesday and come back on a Friday or Saturday.
- 20          Q     All the times you were driving around this circle
- 21 of the driveway you never saw this sign posted?
- 22          A     No, sir; I haven't. You said all the time?
- 23          Q     Of all the times that you were driving home you
- 24 never saw a sign posted on this tree?
- 25          A     No, sir.

1 Q This tree is on your property?

2 A Yes, sir.

3 Q What you're telling me is that this notice,  
4 Plaintiffs Number 14, is the only notice that you ever  
5 received with regard to the fact that your property had been  
6 sold and you owed some money?

7 A That's all I received, sir.

8 Q This is the only thing that you received?

9 A Yes, sir.

10 Q And you indicated that it had post office stamps  
11 on it like certified mail? Is that what you said?

12 A If I can recall it had like a yellow strip, like  
13 something written across it or something. It was written  
14 across it. So long. But I knew that's what triggered me to  
15 open it.

16 Q Have you ever had delinquent taxes in the past?

17 A Yes, sir. I've been late.

18 Q Pardon me?

19 A Yes, sir. I have been late.

20 Q And you've gotten notice from the tax collectors  
21 in the past; right?

22 A Well, I've gotten -- I paid them. Yes, sir.

23 Q When you filed for bankruptcy you had to fill out  
24 a whole bunch of schedules; right?

25 A Yes, sir.

1 Q One of the schedules had on it that to list all of  
2 the properties that you have owned and conveyed away within  
3 the last three years prior to filing bankruptcy. Do you  
4 remember that schedule?

5 A Yes, sir.

6 Q What did you put down with regard to these  
7 properties?

8 A I had to tell the truth, that my attorney advised  
9 me to transfer the property into my children's name.

10 Q But on the schedules, the bankruptcy schedules,  
11 did you advise the Court that you had conveyed them to your  
12 children?

13 A Yes, and the Court was upset because of the  
14 timeframe. According to them it shouldn't have happened  
15 that way.

16 Q Did you file a 7 or 13?

17 A I think it might have been a 7.

18 Q A 7. And a trustee was appointed, right?

19 A Yes, sir.

20 Q Did the trustee ask you any questions about this  
21 particular piece of property and whether there was a  
22 mortgage or anything on it?

23 A No, sir.

24 Q Trustee never asked that question?

25 A I've never met the trustee.

1 Q No one ever asked a question about you conveying  
2 these properties to your children?

3 A Yes, when I told you I went to the hearing.

4 Q Okay.

5 A That's what I said. And they asked and I told  
6 them, I just -- I went to the hearing on the 7th and I  
7 transferred the property on the 6th. And I had to tell them  
8 that because they asked if you transferred any property over  
9 the past year or three years, I can't remember exactly, and  
10 then I told them what I did.

11 Q You transferred these properties to your children  
12 in order to keep them out of the bankruptcy; right?

13 A That's what I thought was the advice of my  
14 attorney would be the best thing to do.

15 Q You didn't want to lose the property?

16 A Yes, sir.

17 Q You didn't lose the property, did you, except for  
18 this tax sale?

19 A Yes, sir.

20 Q This document is dated October 2nd, 2009?

21 MR. GOLDBERG: Would you please advise us the  
22 exhibit number?

23 MR. ANDERSON: I'm sorry. Number 9. 10/2 of '09.  
24 You see that?

25 A Yes, sir.

1           A     I might have called back, because I was  
2 persistent. I pretty much -- I was real persistent because,  
3 and I guess Ms. Scarborough probably remembered me because  
4 she's been on the phone with me a lot, and I wanted to  
5 figure out whatever I could do to save my property.

6           Q     How many times did you call her?

7           A     Maybe three times.

8           Q     How many times did you call her after  
9 November 4th?

10          A     I might have called then, too. I think I  
11 called -- and after the property, they said it was sold and  
12 I called and asked who it was sold to and they had told me  
13 they couldn't give me the information, because I was going  
14 to call the person myself and see if I could talk to them.

15          Q     Did you ever tell anybody at the delinquent tax  
16 office that the proper address for these notices was not  
17 Post Office Box 455 but the 263 whatever?

18          A     No, sir.

19          Q     Never told them that?

20          A     No, sir.

21          Q     When your mother changed her post office box  
22 didn't she tell you?

23          A     When she changed the post office box? No, sir.

24          Q     So you had no knowledge that she had changed it?

25          A     No. And she said she changed it because they went

1 mom brought to you around October 26, 27, had some of that  
2 mail also been forwarded from PO Box 455?

3 A I can't really say yes or no but my mom also had  
4 her mail there, my brother's mail. She just brought a stack  
5 of mail. And because my brothers get there mail, too, my  
6 brothers, she brought the whole stack, so then I had to go  
7 through and pick out my mail, and that's why I say when I  
8 said a stack of mail she just brought everybody's mail.

9 Q But you don't remember if the Post Office had  
10 forwarded your mail to the new post office box and you had  
11 that same stripe on there as --

12 A I don't remember any forwarding, sir.

13 Q You never told anybody at the tax collectors  
14 office that you-all were sending the notice to the wrong  
15 address?

16 A No, sir. When I went there it didn't even dawn on  
17 me about that, because my purpose was not to go there about  
18 the address but pretty much to save my property.

19 Q You understand that it's the homeowner's  
20 responsibility, the landowner's responsibility to keep the  
21 various county officials up to date with the address?

22 A Well, I think I really understand it today after  
23 hearing all that could have been corrected.

24 MR. ANDERSON: No further questions.

25 REDIRECT EXAMINATION BY MR. GOLDBERG:

1 Q Ms. Ravenel, Mr. Anderson started talking to you  
2 about that letter and notices that you received and he  
3 started talking to you about certified mail return receipt  
4 requested. Do you know what a certified mail return receipt  
5 requested is?

6 A I think it's either --

7 Q I'm sorry?

8 A -- something you have to sign that's either pink  
9 or --

10 Q That is correct. If a letter comes to you  
11 certified mail return receipt requested there is something  
12 you have to sign?

13 A Yes.

14 Q Was there anything on that letter?

15 A No, nothing I had to sign for.

16 Q Right. Another question that Mr. Anderson said,  
17 he asked you about various documents. Is it correct that  
18 you only received one document concerning this tax sale?

19 A Correct.

20 Q Thank you very much.

21 MR. GOLDBERG: That's two.

22 MR. ANDERSON: No, sir. Four.

23 (Laughter)

24 THE COURT: Any follow-up?

25 MR. ANDERSON: No, sir.

1           THE COURT: Ms. Ravenel, you testified that you  
2           conveyed the property to your children on the 6th of  
3           November?

4           A     Yes, sir. I think that's correct.

5           THE COURT: You had a bankruptcy hearing the next  
6           day?

7           A     Yes, sir.

8           THE COURT: Tell me what happened there.

9           A     When I went to the bankruptcy hearing they called  
10          me up and asked me the general name, address and all of  
11          that. They told me what lead me to bankruptcy and all of  
12          that. I told them I had a job that was making real good  
13          money and I lost my job and all of that. Then they started  
14          asking, if I can remember correctly, you know, if you had  
15          any property or anything that you recently changed over  
16          within the year or the last couple of years, and I said yes.  
17          And then I told them -- I had to give them the name, the  
18          property, the location and then they actually -- it was  
19          something they dismissed because they needed my attorney to  
20          do something else because -- anyway, that shouldn't have  
21          been done according to them. So my attorney had to do  
22          something else saying during the bankruptcy time, if I'm  
23          correct, that they wouldn't be able to sell any of the  
24          property or something like that.

25          THE COURT: Did you get -- did you go through the

1 bankruptcy process? Did you get a discharge in  
2 bankruptcy?

3 A Yes, I was unable -- between the bankruptcy and --  
4 it went over to like 40-something hundred dollars a month  
5 and that -- just was unable to do. I was not able.

6 THE COURT: They set you up on a payment plan?

7 A Yes, sir. And it, really, it was worse than what  
8 I was paying.

9 THE COURT: Right. So you were unable to make  
10 that payment plan?

11 A Yes.

12 THE COURT: And you were not -- your debts were  
13 not discharged in bankruptcy, you were put out of  
14 bankruptcy?

15 A Yes, sir; correct.

16 THE COURT: All right.

17 The Post Office Box 455?

18 A Yes, sir.

19 THE COURT: That was your mother's PO Box?

20 A Yes, but I was using it. That was the PO box I  
21 was using to get my mail, sir.

22 THE COURT: When did she change that PO box, if  
23 you know?

24 A I really couldn't tell you exactly, and I know  
25 it's been over several years. Because I remember later on,

- 1 A Henry L. Ravenel, Jr.
- 2 Q So you're not Henry, II; Henry Ravenel, II?
- 3 A I am not.
- 4 Q You are the son of Mary Brooks --
- 5 A That's correct.
- 6 Q -- Ravenel?
- 7 A Yes.
- 8 Q How old are you?
- 9 A Twenty-eight.
- 10 Q Where do you live, sir?
- 11 A At 8164 Mary Ravenel Road in Adams Run most of the
- 12 time.
- 13 Q At this time?
- 14 A Yes, well, transition; generally back and forth
- 15 between her and my dad.
- 16 Q Okay. Now, I'm going to show you what's been
- 17 marked as Plaintiff's Exhibit Number 8164 and ask you to
- 18 take a look at it. Can you identify --
- 19 A This residence? Yes.
- 20 Q What is that residence?
- 21 A This is what I have always known to be as my
- 22 mother's home.
- 23 Q That's 8164 Mary Ravenel Road?
- 24 A Correct.
- 25 Q Were you aware of the fact that your mother had

1 given a deed to you and to your sister Lashanda for the  
2 residence and for the other lots on Mary Ravenel Road as  
3 well as a piece of property on Highway 162?

4 A I was not.

5 Q When did you first learn that your mother had, in  
6 fact, transferred the title to those properties to you and  
7 your sister?

8 A I think when we visited your office for the -- to  
9 go over some information regarding the case.

10 Q That was just prior to filing of the lawsuit?

11 A Yes.

12 Q Now, I'm going to show you what's been marked as  
13 both exhibit numbers 24 and 46 which is the deed. It's  
14 titled real estate, signed by your mother giving title to  
15 the five pieces or parcels of land to you and your sister.  
16 When is the first time that you have ever looked at those  
17 deeds and seen those deeds?

18 A Earlier this morning here in the courtroom.

19 Q Now, also on Exhibit Number 8 there is a posting  
20 said to be by the County of Charleston County for nonpayment  
21 of taxes. Have you ever noticed that poster on that tree  
22 before?

23 A No, I have not.

24 Q Have you ever seen any notice of any kind that's  
25 been posted on the property on the residence --

1 A No, I have not.

2 Q -- about taxes being due and owing?

3 A No, I have not.

4 Q Now Exhibit 8164 shows a picture of two vehicles.

5 One I think is a red car and one is a black car. Do you  
6 recognize those?

7 A I do.

8 Q Can you tell the Court about those two vehicles?

9 A Yes. The red car is a 2000 Chrysler Seabring.

10 Q That's owned by who?

11 A My mother, Mary Ravenel. And the black car is the  
12 tail end of my Mustang.

13 Q Okay.

14 A Which is --

15 Q Now, let's go to the famous Exhibit Number 9.

16 This is a notice from the Charleston County tax system, the  
17 delinquent tax screen. I assume it was generated on October  
18 2nd of 2009. It's got a telephone number of 843-302-2000.

19 Do you recognize that number?

20 A I do.

21 Q Who's number is that?

22 A That's my mobile number.

23 Q That's your mobile number. All right. Now, I  
24 believe that if we look at Exhibit 8164, right beside your  
25 mother's house on the side of the driveway there is another

1 house?

2 A Right.

3 Q Who lived in that other house?

4 A My aunt Betty McKinley.

5 Q Who is in court today?

6 A She is.

7 Q Now, did your aunt subsequently lose her home in a  
8 foreclosure action in 2008 or 2009?

9 A I do believe so.

10 Q And as a result of that, when you were at your  
11 mother's home on the porch one day did a realtor come to the  
12 house, and did he speak with you?

13 A Yes, he did.

14 Q As a result of that conversation with the realtor  
15 what, if anything, did you learn?

16 A I learned that there were some taxes that were  
17 delinquent and was thought to be in my name.

18 Q Thought to be your name?

19 A Yes.

20 Q That was a shock to you?

21 A Very much.

22 Q As far as you knew you didn't own any real  
23 property?

24 A Correct.

25 Q All right. Now, was your father in the process at

1 that time of giving you some property?

2 A He was.

3 Q So you thought he was talking about that property?

4 A Right. Originally I thought that that's the  
5 property that the realtor -- it's the only thing that he  
6 could have been referring to.

7 Q And as a result of the conversation with the  
8 realtor did you put in a call to one of the agencies of  
9 Charleston County?

10 A I do remember shortly after that contacting some  
11 type of Charleston County entity to verify that my father  
12 had switched the property -- I was surprised and thought he  
13 was trying to surprise me, so I made a call to inquire about  
14 this piece of property that was located in Ravenel. I'm not  
15 sure of the department that I called, but I do remember  
16 contacting.

17 Q You obviously had to have called the delinquent  
18 tax collector because this is your number?

19 A Okay.

20 Q I mean, I'm asking.

21 A I have no recollection of remembering the  
22 department.

23 Q Okay. In the conversation that you had with the  
24 county official did anybody ask you to give them your  
25 address, your current address? I mean, if you know.

1           A     I do not remember. I don't recall.

2           Q     Was any mention made about unpaid taxes on this  
3 residence and the amount of the unpaid taxes?

4           A     No, there were no -- no amounts were given. The  
5 one that I was referring to they couldn't even find in the  
6 system. At that time that was the only thing that I could  
7 even imagine that they would be referring to.

8           Q     Now, when your mother -- do you have any idea when  
9 your mother built this residence that we call her home?

10          A     She completed it between June and August of 2004.

11          Q     And upon the completion of the home, who lived in  
12 the house?

13          A     My sister, her, meaning my mother, and myself.

14          Q     So it was you and your sister and your mother?

15          A     Correct.

16          Q     So you live at the home at this residence, 8164  
17 Mary Ravenel Road? You would live there and also move  
18 around, live with your daddy?

19          A     Yes.

20          Q     He lives in Hollywood or Ravenel?

21          A     Hollywood area.

22          Q     Hollywood area.

23                         Now, at the present time, in addition to  
24 you -- whenever you're at your mother's house -- and your  
25 mother, does anybody else live at the house with your

1 mother?

2 A At the present time?

3 Q Yes.

4 A Yes, my aunt Betty McKinley.

5 Q How long has your aunt been living with your  
6 mother?

7 A I don't know the exact date, but I would say  
8 approximately from 2008 maybe 2009 up until the present  
9 time.

10 Q But your aunt basically moved in with your mother  
11 when her house was lost in a foreclosure?

12 A That is correct.

13 Q Have you ever received any notice of any kind from  
14 the delinquent tax collector of Charleston County about  
15 taxes being due and owing on 8164 Mary Ravenel Road?

16 A No, I have not.

17 Q Do you own an automobile?

18 A No, not exactly. The automobile is registered  
19 through my father's business.

20 Q But it's in your name, is it not?

21 A Right.

22 Q What automobiles are registered in your name?

23 A That would be the '97 Ford Mustang.

24 Q How about the Ford Explorer?

25 A It was a Ford Explorer that was registered in my

1 name before.

2 Q How about was it a Lincoln or a Cadillac?

3 A Yes, also owned a 2000 Lincoln Town Car, none of  
4 which I own presently.

5 MR. BAKER: I don't have any further questions,  
6 but I'm sure Mr. Anderson will have a few and the Judge  
7 may have a few questions.

8 CROSS EXAMINATION BY MR. ANDERSON:

9 Q The fax number 556-9669, what is that number?  
10 556-9669.

11 A 9669? I have no recollection at this time.

12 Q Does your daddy has a fax number at his business?

13 A He does have a fax machine.

14 Q Could that be his number?

15 A I'm not sure.

16 Q Again, as I understand it, you're on the porch of  
17 the house one day and a real estate agent comes up and talks  
18 to you about this piece of property here?

19 A I'm not sure he mentioned any property. He --

20 Q Your aunt's house was in foreclosure?

21 A You're asking if the realtor mentioned that?

22 Q You testified that you're on the porch and a  
23 realtor comes up and talks about your aunt's house which is  
24 in foreclosure?

25 A That's not what I said.

1 A No.

2 Q No?

3 A No, I do not.

4 Q And on October 2nd you called and they said that  
5 you owe \$27,000 worth of taxes on some property?

6 A I don't recollect that.

7 Q You remember calling on October 2nd?

8 A No, I do not.

9 Q You remember calling, though, the tax office?

10 A No, I do not.

11 Q I thought your testimony was earlier that you did  
12 call the county after you talked with the realtor?

13 A My testimony was that I called a Charleston County  
14 entity. I don't remember what branch of Charleston County  
15 government that it was. Whatever or whomever they  
16 transferred me to was the department that was able to answer  
17 my question.

18 Q What was your question?

19 A Was that I was on my porch and a realtor had  
20 approached me regarding some delinquent taxes, and I was  
21 wondering if my dad switched the property that we had  
22 verbally spoke about into my name. And -- trying to vaguely  
23 remember, which I don't remember well -- I think she said I  
24 have nothing on file regarding the piece of property that  
25 you're talking about. The conversation was very brief.

1 Q Tell me what you said.

2 A I said that I was on the porch and the realtor  
3 came up to discuss -- and told me that there were some  
4 delinquent taxes that were due and asked me if I was Henry  
5 Ravenel and if so that I had delinquent taxes in my name.

6 Q Did he discuss what piece of property they were  
7 on?

8 A He did not.

9 Q But he comes up and he's talking to you and your  
10 on the porch here; right?

11 A Correct.

12 Q He says that there is delinquent taxes that are  
13 due in your name?

14 A Right.

15 Q You didn't realize or put together the delinquent  
16 taxes were on this house?

17 A No, I did not.

18 Q But you thought maybe your daddy was going to  
19 convey to you a piece of property?

20 A Correct.

21 Q But when you checked with the county he had not  
22 conveyed to you a piece of property?

23 A As of that day that I called in I'm not sure  
24 that -- no, because even to this day he had not; so no.

25 Q So you don't own any real property in your name?

1 Q 2003?

2 (Witness nods affirmatively.)

3 Q So you moved into your house shortly before Mary  
4 moved into her house?

5 A Yes, sir.

6 Q So from 2003 to the present time you've either  
7 lived at the house that you formerly owned, that was right  
8 next door to Mary's house, or you lived with Mary?

9 A Yes, sir.

10 Q Now, do you drive?

11 A No, sir.

12 Q So you're at the house most of the time?

13 A When I'm not -- I go a lot, too.

14 Q You do go a lot? Very good.

15 On this Exhibit Number 8 it has a poster on a  
16 tree that the county says is a notice about nonpayment of  
17 taxes, past due taxes on 8164 Mary Ravenel Road. Have you  
18 ever seen that?

19 A No, I have not.

20 Q Have you ever seen anything, any notice from the  
21 county about taxes that's been left at the house, 8164 Mary  
22 Ravenel Road?

23 A No, sir.

24 Q Anything been posted on the door or any of the  
25 windows of the house?

1           A     No, sir.

2           Q     Has any county official ever come to 8164 Mary  
3 Ravenel Road while you were at the house and approached you  
4 about the taxes?

5           A     No, sir.

6           Q     That's it. Cross examination?

7           MR. ANDERSON: I don't have any cross examination,  
8 Judge.

9           THE COURT: Ms. McKinley, when you were residing  
10 next door how did you get there? How did you get back  
11 and forth? Would you ride with Mary or were you riding  
12 with somebody else?

13          A     Mary, other nieces or other family members, pick  
14 me up and take me to my appointments, wherever I needed to  
15 go.

16          THE COURT: Thank you, ma'am.

17          A     You're welcome.

18          THE COURT: You may step down.

19          MR. BAKER: Lashanda, Ravenel.

20 (Lashanda M. Ravenel, 3531 Galaxy Road, Ladson, S.C. 29456,  
21 duly sworn, testifies as follows:)

22 DIRECT EXAMINATION BY MR. BAKER:

23                 MR. BAKER: Judge, we've agreed to add another  
24 exhibit, Exhibit Number 49, I believe. It is a tax  
25 bill in the name of Lashanda Monique Ravenel, in the

1 care of Lashanda Monique Ravenel, addressed -- it  
2 involves a tract of land on Jacksonville Road and  
3 Landover Road in Ravenel; is that correct?

4 A Yes, sir.

5 MR. BAKER: We would like to mark that as an  
6 exhibit.

7 (Whereupon Plaintiff's Exhibit 49 is marked.)

8 MR. BAKER: Offered without objection.

9 Q Can you state your name, please, Ms. Ravenel?

10 A Lashanda Monique Ravenel.

11 Q And you are the daughter of Mary Ravenel?

12 A Yes, sir.

13 Q Tell me a little bit about yourself, about your  
14 education. Where did you finish high school and college?

15 A I graduated from Bishop England High School in  
16 1999, and then I graduated from Winthrop University with a  
17 BS in business with an emphasis in health administration,  
18 and then I obtained my masters at Strayer University.

19 Q Okay.

20 A In business.

21 Q In business?

22 A Yes, sir.

23 Q What type of work are you presently now doing?

24 A I'm a district manager for the Pantry  
25 Incorporated, Kangaroo gas stations.

- 1 Q How long have you had that job?
- 2 A Five years and, maybe, nine months.
- 3 Q Now, I'm going to show you what's been marked as
- 4 Plaintiff's Exhibit Number 8 and ask you if you can identify
- 5 this home for me.
- 6 A Yes, sir; it's my mother's home.
- 7 Q Located at 8164 Mary Ravenel Road?
- 8 A Yes, sir.
- 9 Q When the house was first built did you live in the
- 10 home with your mother?
- 11 A Yes, sir.
- 12 Q When did you move out?
- 13 A I moved out on February 29, 2008.
- 14 Q February 29, 2008?
- 15 A Yes, sir.
- 16 Q All right. I'm going to hand you what's been
- 17 marked as Exhibit 8 -- no, as Exhibit 33. It's a deed from
- 18 Harbor Homes, LLC to you in Paddock Point. Is that the
- 19 house that you bought in February of '08?
- 20 A Yes, sir.
- 21 Q That's located in Charleston County?
- 22 A Yes, sir.
- 23 Q What is the address of the home that you live in?
- 24 A 3531 Galaxy Road, Ladson 29456.
- 25 Q Does anyone live at your mother's house right now

1 with your mother as far as you know?

2 A Yes, sir.

3 Q Who?

4 A My brother and my aunt, Betty McKinley.

5 Q Now, you purchased this home on Galaxy Road in  
6 Ladson in Charleston County?

7 A Yes, sir.

8 Q In February 29, 2008, recorded March 18, 2008?

9 A Okay.

10 Q Do you still own that house?

11 A Yes, sir.

12 Q You live in that house?

13 A Yes, sir.

14 Q So you don't come to your mother's house very  
15 often?

16 A No, sir.

17 Q With your job and everything else?

18 A Yes, sir.

19 Q Does your job entail being out of town and  
20 traveling a lot or what?

21 A Yes, sir.

22 Q Were you aware of the fact that your mother had  
23 signed a deed in November of 2007 and had transferred title  
24 to the home and the lots, the vacant lots on Mary Ravenel  
25 Road as well as her business --

1 A No, sir.

2 Q -- to you and your brother? No?

3 A No, sir.

4 Q When did you first learn about it?

5 A When we came to visit your office around that  
6 time.

7 Q I'm going to show you what's been marked as  
8 Exhibit Number 24, which is the actual deed itself where  
9 your mother transferred title to you and your brother. When  
10 is the first time that you ever saw that deed?

11 A I saw this deed yesterday at your office.

12 Q Have you ever received any letters or notification  
13 of any kind from Charleston County about taxes being due and  
14 owing on 8164 Mary Ravenel Road?

15 A No, sir.

16 Q I'm going to hand you Exhibit Number 49. It's a  
17 tax notice from Charleston County that was created on  
18 September 30 of 2009.

19 A Yes, sir.

20 Q Where is this property located?

21 A It's located in Ravenel right next to Marchant  
22 Chevrolet.

23 Q That property is owned by you?

24 A Yes, sir.

25 Q How long has that property been in your name?

1           A     I don't know exactly, but I would probably say  
2     since I got out of college, which would be, maybe, 2003.  
3     Maybe before then. I'm not really sure.

4           Q     And you continue to own this property?

5           A     Yes, sir.

6           Q     You get tax bills for this property?

7           A     Yes, sir.

8           Q     Where are the tax bills being sent for this  
9     property?

10          A     Right now I'm not sure. I see in '09 it was 8164,  
11     but I'm not sure at this time.

12          Q     You may have had the address changed to your  
13     house, but you're not sure?

14          A     I'm not sure if I had the address changed or not.

15                   MR. BAKER: Beg the indulgence of the Court.

16          Q     So both pieces of real property that you own are  
17     located here in Charleston County?

18          A     Yes, sir.

19          Q     Thank you very much.

20                   MR. ANDERSON: No questions, Your Honor.

21                   THE COURT: I don't think I have any questions  
22     either. Thank you, Ms. Ravenel.

23          A     Thank you.

24                   MR. BAKER: That concludes the Plaintiff's case,  
25     Your Honor.

1           THE COURT: All right. Anything from the  
2 Defendant?

3           MR. ANDERSON: Only, Judge, to make the circle, I  
4 would like to go ahead and put in the deed from the  
5 successful purchaser at the tax sale to Equivest, the  
6 present owner of the property. And it's been prior  
7 marked as Exhibit Number 41, but it's my only exhibit,  
8 so maybe we can put a new sticker on it and call it  
9 Defendant's Exhibit 1.

10 (Whereupon Defendant's Exhibit 1 is marked.)

11           MR. ANDERSON: That's all I have, Your Honor.

12           MR. BAKER: No objection to the exhibit.

13           THE COURT: All right. Gentlemen, all the  
14 evidence is in. Let me -- it's getting late, and what  
15 I want to do is request that you-all send me proposed  
16 orders. I wanted to give you some thought. I don't  
17 need any closing argument. And, frankly, I'm going to  
18 rule on one issue that's before me and that has to do  
19 with the inadequacy of consideration. And I find no  
20 evidence in the record to support the theory that  
21 Plaintiff has put forward of inadequacy of  
22 consideration. That's despite the prepared appraisal  
23 of some million dollars I saw in the record. The  
24 county assessed value at the time of the sale was some  
25 \$447,000 and I'll just tell you that neither one of

1           those shock the conscience of the Court. Only thing  
2           that shocks the conscience of the Court is that you got  
3           so much money at the tax sale, to be honest with you.  
4           It's a very attractive house, I'll give you that. But  
5           as far as the Plaintiffs second cause of action for  
6           inadequacy of consideration as a basis to overturn the  
7           tax sale I'm going to rule on that. I just don't find  
8           any.

9           I'm going to ask you then give me proposed orders.  
10          You-all need 30 days, 15 days? How much time you-all  
11          need?

12          MR. ANDERSON: Thirty days.

13          THE COURT: Thirty days is fine.

14          MR. GOLDBERG: Your Honor, I have to be in the  
15          Court of Appeals in ten days, so I think I need a  
16          little bit more time.

17          MR. ANDERSON: Forty-five days?

18          THE COURT: I've give you 45 days, and I'm going  
19          to add to that. I'm going to recommend you-all look at  
20          the cases -- I've been doing research up here. Haynes  
21          Federal Credit Union versus Bailey. Look at that case  
22          and submit information relative to the issues raised  
23          therein as it relates to the facts of this case.

24          MR. ANDERSON: Judicial estoppel?

25          THE COURT: It's a judicial estoppel case, and

1           it's also a resulting trust case and a defrauding of  
2           creditors. The cite on the case is 327 S.C. 242;  
3           Southeastern cite is 489 Southeast 2d 472.

4           MR. GOLDBERG: That's Haynes Federal Credit Union  
5           versus Bailey.

6           MR. BAKER: I'm familiar with that case.

7           MR. GOLDBERG: Yup.

8           THE COURT: And it stands for the proposition that  
9           he who seeks equity must do equity. All right? So I'm  
10          going to look for you-all to address that case. And it  
11          was subsequently cited in case of Bowen versus Bowen,  
12          B-O-W-E-N, which is 345 S.C. 243; Southeast 547  
13          Southeast 2d 877.

14          MR. ANDERSON: There's one out of Georgia exactly  
15          on point.

16          THE COURT: I haven't cited you to a Georgia case.  
17          Is one of those cited in there?

18          MR. ANDERSON: The one in Georgia comes after;  
19          bankruptcy case.

20          THE COURT: Additional law. Glad to take a look  
21          at it. Do that within 45 days, I'll take a look at it.  
22          I prefer that these get e-mailed to me, because I  
23          usually work them over. Master at Charleston County  
24          dot org and I prefer to work in Word.

25          My understanding was that everything was agreed



The Order of Dismissal was later amended to include a provision that if the Plaintiffs were successful, the County would pay to the Defendant, Equivest Financial, LLC, the bid amount of \$130,000.00 plus interest and the amount paid for taxes.

On the 22<sup>nd</sup> day of October, 2001, Mary Brooks Ravenel purchased in her name four parcels of land, TMS Numbers 099-00-00-085, 099-00-00-113, 099-00-00-114, 099-00-00-116 and on November 9, 2001 Mrs. Ravenel purchased one more parcel, TMS Number 164-00-00-304.

Mrs. Ravenel, the mother of the delinquent tax payers, Lashanda and Henry, Jr.<sup>1</sup>, was involved in an automobile accident whereby she obtained a settlement enabling her to purchase the five parcels.

There was no mortgage.

Mrs. Ravenel built a home on TMS Number 099-00-00-085 in 2004. The correct address of the residence was and is 8164 Mary Ravenel Road, Adams Run, South Carolina 29426. The house was valued at \$1,070,000.00 at the time of the tax sale. The road to the four parcels including the residence, was installed by Mrs. Ravenel and named for her.

Mrs. Ravenel has lived in the home continuously with her children and subsequently, with her aunt, Betty McKinley.

Lashanda moved out on February 27, 2008 and purchased her own home at 3531 Galaxy Road, Ladson, South Carolina 29456-3944, where she has lived since the purchase.

Henry, Jr. continued to live with his mother except when he resided with his father. Mrs. Ravenel's aunt Betty came to live in the home in February 2009 and continues to live there at this time.

---

<sup>1</sup> The Plaintiff is designated as Henry Lee Ravenel, II, which is incorrect. His correct name is Henry, Jr.

There was a building on TMS No. 164-00-00-304, in which Mrs. Ravenel operates a business. The correct post office box, 263, is shown on the Charleston County Online Tax System for 2009 as hereafter discussed.

The remaining three lots are vacant.

In November, 2007, Mrs. Ravenel encountered financial difficulties and sought the advice of an attorney.

She was advised by the attorney to convey the five parcels of land including her home to her children, Lashanda and Henry, Jr., for \$5.00 and love and affection and to declare bankruptcy. She followed the advice of the attorney, conveyed the five parcels to the children on November 6, 2007 and declared bankruptcy.

Mrs. Ravenel, though not a party, is important, for if you find Mrs. Ravenel, you find the delinquent tax payers.

Mrs. Ravenel advised the Bankruptcy Court of the deed to the children which was in violation of the Bankruptcy Court Code, but not known to Mrs. Ravenel.

An extended payment plan arranged by the Bankruptcy Court failed because Mrs. Ravenel was unable to make the payments.

No action has been taken by the Bankruptcy Court against Mrs. Ravenel and the two year statute of limitations for any such action has expired (11 U.S.C. §546(a)).

The only judgment of record against Mrs. Ravenel was AAA Plumbing Company, which had obtained a judgment against her in 2006 for \$3,599.45.

Mrs. Ravenel did not tell her children of the conveyance or the bankruptcy until this action was commenced.

It is acknowledged that the DTC began the tax sale procedure and did in fact send out the required statutory notices; those that were sent certified mail, return receipt requested, and those that were sent by regular mail.

All notices were sent to Lashanda and Henry, Jr. at Post Office Box 455, which was the address of the grantees on the deed from Mrs. Ravenel to her children.

Post Office Box 455 was the post office box of Mrs. Ravenel's mother who looked after Mrs. Ravenel's mail as she then traveled extensively. That post office box was closed and a second box opened by her mother - Post Office Box 263.

All of the receipts were returned to the DTC by the Post Office unsigned as acknowledged by the deed from the County to the high bidder.

Initially, all five parcels were involved in the tax sale procedure.

The first notice sent by certified mail, return receipt requested was the Notice of Levy, which was mailed to the delinquent tax payers on May 22, 2008. The unsigned receipts were returned to the DTC by the Post Office on June 20, 2008 and the envelope stated "Return to Sender. Unable to Forward."

When a return receipt is received by the DTC unsigned, she is required by statute to post notice of the tax sale at a conspicuous place on the property. A Notice of the Tax Sale was posted on a tree on the premises on August 10, 2008.

The photograph of the Notice shows that it was not posted on the front door of the house although several automobiles are shown in the driveway. The DTC employee did not see fit to take the license numbers of the vehicles from which he could have promptly learned the correct addresses nor did he elect to knock on the front door to determine whether anyone was at home.

The Notice of Publication of the Tax Sale was published on August 15, August 22 and August 29, 2008, listing all five parcels.

The tax sale occurred on November 3, 2008 at which time Mrs. Ravenel's home, was the only parcel sold. The high bid was \$130,000.00 by Equifunding, Inc., which subsequently conveyed the property to the Defendant.

On the May 26, 2009, the DTC received a title examination which included a number of South Carolina tax liens against a Henry Ravenel, and five judgments, one against Mrs. Ravenel by AAA Plumbing dated October 9, 2006 and filed in the office of the Clerk of Court of Charleston County on October 13, 2006 in the amount of \$3,599.45. The other judgments and tax liens were against a Henry Ravenel, not involved.

This judgment against Mrs. Ravenel showed the correct Post Office Box 263 and the correct street address of the residence, 8164 Mary Ravenel Road, Hollywood, SC 29449.

On October 2, 2009, according to the records of the DTC, her office received a telephone call from Henry, Jr. requesting information about the sale and he was given the amount necessary to be paid prior to November 4, 2009 in the amount of \$27,849.06. The record shows Henry, Jr.'s correct telephone number, (843) 302-2000. Henry, Jr.'s address was not requested or obtained and no written confirmation was sent to Henry, Jr. It was the practice of the DTC's predecessor to confirm the delinquent amount by confirmation in writing to the inquirer, which was not done.

Henry, Jr. testified that a realtor was at a house next door to his mother's residence, which had been occupied by his aunt, Betty McKinley, and had been foreclosed. Henry, Jr. was advised by the realtor that property he owned was subject to delinquent taxes.

The only property known to Henry, Jr. was a parcel of land his father said he was going to give him and he was unaware that his father had done so.

Henry, Jr. called a county agency but doesn't recall which one. He was told there was no such property in his name nor any delinquent taxes.

Henry, Jr. was not asked for his address, but his cell phone number is shown on the DTC's record, (843) 302-2000.

Henry, Jr. heard nothing, nor did he receive anything in writing from the DTC's office.

The fact that Henry, Jr. may have called the DTC's office and may have been given information relative to the property at issue, which he does not recall, does not dispense with the statutory requirement that Henry, Jr. receive constructive notice. Actual notice is insufficient. Donahue, et al. v. Ward, et al., 298 S.C. 75, 278 S.E.2d 261 (Ct. App. 1989).

On October 14, 2009, the Final Notice of Property Redemption was sent again to Post Office Box 455, certified mail, return receipt requested, one to Lashanda, one to Henry, Jr., and one to the two of them.

The Post Office sent back to the DTC the unsigned receipts and the envelopes with the message of a new forwarding post office box number 263. This was received by the DTC on October 26, 2009.

On October 27, 2009, a courtesy copy of the Final Notice of Property Redemption was again sent, this time by regular mail to Post Office Box 455, a copy of which was also sent to AAA Plumbing and other purported creditors.

Mrs. Ravenel received this notice on October 28, 2009 from her mother, which notified her that the sum of \$27,849.06 was due and payable on or before November 4, 2009.

Mrs. Ravenel called the DTC's office on several occasions and on one occasion spoke to the DTC herself. Mrs. Ravenel was advised that the time to pay the \$27,849.06 could not be extended and despite Mrs. Ravenel's endeavors, she was unable to come up with that sum of money by November 4, 2009.

The County issued a deed to the highest bidder on July 28, 2010.

#### **I. AS TO THE LACK OF DUE DILIGENCE.**

It is axiomatic that the DTC is required to use due diligence to find the best address of the delinquent tax payers when the certified mail receipt(s) is returned unsigned, as acknowledged by the DTC.

The DTC testified that it was her practice to pursue due diligence by looking into the white pages, utilizing the internet and the Charleston County websites.

She stated that the most important documents were the County Automobile Tax Records, which were the most up to date, and any real properties which were owned by the delinquent tax payers other than the properties at issue.

The DTC could not testify that this procedure was followed and there are no records.

It is apparent that neither this procedure nor any other procedure for due diligence was pursued as appears from a chronological listing of vital information known or available to the DTC's office but overlooked.

- One:** Deed dated May 14, 1997 recorded May 1997 to Mary Brooks Ravenel for the property known as TMS Number 163-08-00-026 with a correct street address of 6430 Highway 162, Hollywood.
- Two:** County Automobile Tax Statement for Henry, Jr. dated 2006 giving the correct post office box of 263 and also the correct street address of 8164 Mary Ravenel Road, Adams Run, SC 29426 (the residence).
- Three:** AAA Plumbing judgment against Mary Ravenel dated October 9, 2006 showing both the correct Post Office Box 263 and the correct street address, 8164 Mary Ravenel Road, Adams Run, SC 29426 (the residence).
- Four, Five, Six:** Three (3) County Automobile Tax Notices dated October 2, 2007 showing the correct post office box of 263 for Mary Ravenel's vehicles.
- Seven, Eight:** Two (2) Automobile Tax Notices created January 25, 2008 for Henry Ravenel, Jr.'s vehicles showing the correct post office box 263 and street address of 8164 Mary Ravenel Road, Adams Run, South Carolina 29426 (the residence).
- Nine:** Deed to Lashanda dated February 27, 2008 recorded March 18, 2008 showing her correct address as 3531 Galaxy Road, Ladson, SC 29456. (NOTE: THE TAX SALE WAS ON NOVEMBER 3, 2008).

- Ten:** Posting of notice on August 10, 2008 was not done at a conspicuous place nor on the front door of the residence and there were cars in the driveway which indicated someone was at home. The officer of the DTC did not knock on the door nor did he check the license plates of the vehicles from which he could have obtained the correct addresses.
- Eleven, Twelve:** Two (2) County Automobile Tax Notices dated October 1, 2008 showing the correct post office box of 263 for Mary Ravenel's vehicles.
- Thirteen:** Charleston County Online Tax System bill from January 2009 for TMS Number 164-00-00-304 in the name of Lashanda and Henry Lee Ravenel, showing the correct Post Office Box 263.
- Fourteen:** The DTC received from the Post Office the envelope by which she sent the Final Notice of Property Redemption on October 26, 2009 which listed the new Post Office Box 263.

The DTC testified that the first actual notice she had of the new box 263, was on October 26, 2009.

The question is not when the DTC had "actual notice" of the correct Post Office Box 263, the question is did the DTC pursue due diligence to find "the best address of the owner available to the person officially charged with the collection of delinquent taxes" (§12-51-120).

The DTC admitted on some thirteen occasions during the trial that her office had the ability to find the three automobile tax documents of Henry, Jr. for 2006 and two documents of January 2008, all prior to the initiation of this action. All of these documents showed Box 263 and the correct address of 8164 Mary Ravenel Road.

The DTC admitted that she had the ability to find the deed to Lashanda dated February 27, 2008 and recorded on March 18, 2008, which gave Lashanda's address as 3531 Galaxy Road, Ladson, SC 29456, which was also prior to the initiation of this action.

The DTC restated her ability to do so on cross-examination.

Despite having the ability to obtain the best address, the DTC did nothing.

As she stated at the trial:

Q "So there were things you could have done -- I'm sorry, your office could have done, which would have gotten information which would have lead you to a better address for Lashanda and Henry Ravenel?"

A Yes."

The case of Benton v. Logan, 323 S.C. 338, 474 S.E.2d 446 (Ct. App. 1996) is analogous.

This was a tax sale and all notices were sent to the delinquent tax payer at the address of 2409 Duncan Road, including the right to redeem.

All notices were returned by the Post Office marked "unclaimed FORWARDING ORDER EXPIRED." The lower court stated that this:

... put the treasurer on notice that Benton had a more recent and better address than that which the treasurer had and thus required the treasurer to make further inquiry for the better address to which to send the redemption notice. Because the treasurer failed to exercise due diligence to ascertain the best available address, the trial court held Benton's right of redemption had not been cut off.

The issue in Benton was the same as the issue here: did the treasurer exercise due diligence to determine the delinquent tax payer's best address.

When the treasurer received back the envelope marked "Forwarding Order Expired," it was quite apparent that Benton had a better address than the one to which the treasurer had sent the notice. We therefore hold the exercise of due diligence under the circumstances of this case required some further inquiry.

The Defendant attempted to divert the Court's attention from the real issue by asking the following questions and receiving the following responses:

Q "Is there anything within 12-51 that requires you to go through the RMC Office looking for deeds?"

A Only for the property that I sold.

Q Anything in 12-51 that requires you to pull down all of the various automobile tax records?

A No.”

The fact that the statute is silent does not negate the responsibility of the DTC to pursue due diligence to find the best address and she admitted her office did not follow her procedure for due diligence.

Defendant further attempts to skirt the issue when it asked:

Q “Whose duty and obligation is it to keep the county aware and up to date as to the tax payer’s address?”

A The tax payer is supposed to notify the auditor if they have a change of address.”

The response to this contention is found in the case of Jones v. Flowers, 540 U.S. 220 (2006), a United States Supreme Court decision which addresses the issue of due diligence.

As for the Commissioner’s inquiry notice argument, the common knowledge that property may become subject to government taking when taxes are not paid does not excuse the government from complying with its constitutional obligation of notice before taking private property. We have previously stated the opposite: An interested party’s “knowledge of delinquency in the payment of taxes is not equivalent to notice that a tax sale is pending.”

The DTC acknowledged that her predecessor in office had a written checklist for employees setting forth options to review for due diligence. No checklist was used here.

She further stated her office made no effort to determine whether the street numbers of record for the five parcels, including the residence, were correct. Had her office done this, she would have known of box 263 much earlier in the procedure.

She also acknowledged that the only time she would have the opportunity to review a file would be at the termination of the redemption period, and she did not recall doing so in this

instance. Further, no employee of her office had the responsibility for such a review and there is no record.

The contention was made that the DTC did not receive the correct post office box until October 26, 2009, allegedly too late to ameliorate the situation.

This is inaccurate for record notices go back at least to 2006 and continue long prior to the end of the redemption period and long prior to the deed from the County to the high bidder.

The DTC had knowledge of improprieties and the ability to find other improprieties in the tax sale sufficient to void the sale.

She responded to the following question at trial:

Q     "Hypothetically, if someone had come forward and said I want to pay the taxes and you said, well, you had your opportunity, we sent all these notice to you at PO Box 455, and if they had said I don't live at 455, I live at 263, would that have been sufficient for you to have upset the tax sale?"

MR. GOLDBERG:   Objection to the form of the question.  Objection to the question.

THE COURT:  Overruled.

A     Yes, if it had been brought to my attention that would have been reason for me to void the tax sale."

It was not brought to her attention for the DTC's staff did not follow her procedure for due diligence.

She is authorized to void the tax sale pursuant to Section 12-51-150 for any such improprieties, which would invalidate the sale, if she does so prior to the date of the County's deed to the high bidder. The deed by the County to the high bidder is dated July 28, 2010, more than ample time to take action.

It is obvious that the DTC did not pursue due diligence to find a better address.

The Jones case made further cogent observations which are applicable to the issue at

hand:

Before a State may take property and sell it for unpaid taxes, the Due Process Clause of the Fourteenth Amendment requires the government to provide the owner "notice and opportunity for hearing appropriate to the nature of the case."

We hold that when mailed notice of a tax sale is returned unclaimed, the State must take additional reasonable steps to attempt to provide notice to the property owner before selling his property, if it is practicable to do so.

We do not think a person who actually desired to inform a real property owner of an impending tax sale of a house he owns would do nothing when a certified letter sent to the owner is returned unclaimed.

By the same token, when a letter is returned by the post office, the sender will ordinarily attempt to resend it, if it is practicable to do so. This is especially true when, as here, the subject matter of the letter concerns such an important and irreversible prospect as the loss of a house. . . . Deciding to take no further action is not what someone "desirous of actually informing" Jones would do; such a person would take further reasonable steps if any were available.

In response to the returned form suggesting that Jones had not received notice that he was about to lose his property, the State did – nothing. For the reasons stated, we conclude the State should have taken additional reasonable steps to notify Jones, if practicable to do so.

There is no reason to suppose that the State will ever be less than fully zealous in its efforts to secure the tax revenue it needs. The same cannot be said for the State's efforts to ensure that its citizens receive proper notice before the State takes action against them. In this case, the State is exerting extraordinary power against a property owner – taking and selling a house he owns. It is not too much to insist that the State do a bit more to attempt to let him know about it when the notice letter addressed to him is returned unclaimed.

As further stated in the Jones case, one reasonable method for giving the taxpayer notice would have been to have an employee of the DTC's office deliver a copy of the courtesy notice and post it on the front door.

Having determined that the DTC did not pursue due diligence, it is the ruling of the Court that the tax sale is void.

**II. THE CAUSE OF ACTION THAT THE HIGH BID AT THE TAX SALE WAS SO GROSSLY INADEQUATE AS TO SHOCK THE CONSCIENCE OF THE COURT AND REQUIRE THE AVOIDANCE OF THE SALE.**

While the Court announced at the trial it did not believe this cause of action was viable, it will nonetheless reexamine the issue.

The most prominent case dealing with adequacy of price at a tax sale is Patterson v. Goldsmith, 292 S.C. 619, 358 S.E.2d 163 (Ct. App. 1987). This case is an anomaly.

In the Patterson case, the Court stated that there was no law in South Carolina on point and referred to Georgia cases dealing with foreclosures.

The Court stated the law to be:

“It is universally agreed that inadequacy of consideration alone is not a sufficient basis to cancel a deed. . . . However, gross inadequacy of consideration when combined with other inequitable circumstances may justify the setting aside of a deed.”

This does not appear to be the law in South Carolina.

The Court in Bonham v. Cave, et al., 102 S.C. 308, 86 S.E. 681 (1915) discusses setting aside a judicial sale as follows:

“No doubt the rule is that inadequacy of price unless it is so gross as to shock the conscience, or accompanied by other circumstances warranting the interference of the court, is not enough to move the court to set aside a sale fairly made.” [Emphasis added.]

In the case of Investors Savings Bank v. Phelps, et al., 303 S.C. 15, 397 S.E.2d 780 (Ct. App. 1990), the Court of Appeals restated the rule for judicial sales succinctly by stating:

“Inadequacy of price will not justify setting aside a judicial sale unless the inadequacy is so gross as to shock the conscience of the court or is accompanied by other circumstances warranting interference by the court.” [Emphasis added.]

The Court makes it abundantly clear by stating, "we must assume that when our Supreme Court says "or," it means "or," not "and." [Emphasis added.]

It is important to note the cases speak of "judicial sales" and not "mortgage foreclosures" as was a contention advanced at the trial. A tax sale is a judicial sale.

The question is now whether the value of \$1,070,000.00 and the bid of \$130,000.00 was so grossly inadequate as to shock the conscience of the Court. It does not.

### **III. THE COURT INJECTED INTO THE PROCEEDING THE ISSUES OF CLEAN HANDS AND RESULTING TRUST OF MARY CLARK RAVENEL AFTER THE TRIAL HAD ENDED.**

After the parties concluded their cases and rested, the Court directed counsel to review the cases of Hayne Federal Credit Union v. Bailey, et al., 327 S.C. 242, 489 S.E.2d 472 (1997) and Bowen v. Bowen, 345 S.C. 243, 547 S.E.2d 877 (Ct. App. 2001).

The Court's position was that Mrs. Ravenel, by her deed to her children, created a resulting trust and she did not have clean hands.

The Hayne case deals with a party who purchased a residence with his own funds and placed it in the name of his son in an attempt to avoid creditors, which created a resulting trust.

The son passed away, leaving all of his property to his wife, who obtained a mortgage from Hayne Federal Credit Union on the property, paid by the father. The wife filed in bankruptcy and the father filed a claim asserting his ownership of the property based on the resulting trust. The claim was settled for \$12,000.00 and the father obtained a deed from the Bankruptcy Court subject to the mortgage.

Hayne Federal Credit Union filed an action to foreclose. The father answered and counterclaimed asserting a resulting trust.

The Court held:

The existence of the resulting trust could be rebutted by a showing of fraud on the part of Father. Thus, Father could only make out a resulting trust if he did not engage in fraudulent acts in effecting

the trust. The well-known maxim, "He who seeks equity must do equity," is applicable here. Accordingly, Credit Union was not required to affirmatively plead the defense of fraud. (Citation omitted.)

The Bowen case is simply a reiteration of the rule having to do with a resulting trust.

The Court held that these cases were appropriate with regard to Mrs. Ravenel's deed to her children and subsequent bankruptcy, for Mrs. Ravenel did not come into Court with clean hands.

After considerable thought and study, it appears that the question of a resulting trust and clean hands is fraught with problems and the cases cited by the Court differ markedly, both legally and factually, from the situation with Mrs. Ravenel and are inapposite.

Mrs. Ravenel did not put title in the name of her children when she purchased the five properties in 2001.

There is no resulting trust, nor is there any fraud, for Mrs. Ravenel told the truth that the deed to the children was made known to the Bankruptcy Court.

Even if that were untrue and it is not, Mrs. Ravenel's purported misfeasance should not be ascribed to her children<sup>2</sup>.

The issues of resulting trust and unclean hands, i.e., he who seeks equity must do equity, were not raised in the pleadings here, argued or ruled on by the Court.

Both unclean hands and resulting trust are affirmative defenses and these issues are not before the Court now.

The finding that "unclean hands" is an affirmative defense and was not pled was the subject of Rock Hill Nat'l Bank v. Honeycutt, 289 S.C. 98, 104, 344 S.E.2d 875, 879 (Ct. App. 1986).

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<sup>2</sup> "The son shall not suffer for the iniquity of the father. . ." Ezekiel 18:20

3. Written notice of agreement shall be provided to the Court. The Defendant, Equivest Financial, LLC, shall render a statement of the amount due it consisting of its bid of \$130,000.00 plus interest and taxes paid to the County of Charleston and the County of Charleston shall within thirty (30) from receipt thereof, pay the amount of the bill to Equivest Financial, LLC.

4. The Court will retain jurisdiction in this matter only to the extent that a dispute arises between Equivest Financial, LLC and the County relative to the validity of the bill.

AND IT IS SO ORDERED!

This \_\_\_\_ day of \_\_\_\_\_, 2012.

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The Honorable Mikell R. Scarborough  
Master-in-Equity, Charleston County

Charleston, South Carolina

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2010-CP-10-8732

BY 

2012 AUG 17 PM 1:00  
JULIE J. ARMSTRONG  
CLERK OF COURT

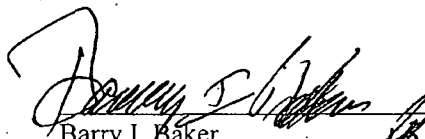
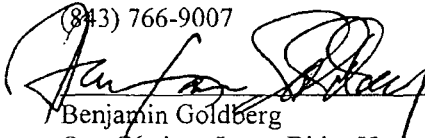
FILED

Lashanda Ravenel and Henry Lee Ravenel, II.....Appellants,  
v.  
Equivest Financial, LLC.....Respondent.

NOTICE OF APPEAL

Lashanda Ravenel and Henry Lee Ravenel, II (Jr.) appeal the Orders of the Honorable Mikell R. Scarborough, dated May 30, 2012 and filed on June 5, 2012 (Form Order and Final Order) and Form Order dated July 10, 2012 and filed on July 12, 2012. Appellants received written notice of the June 5, 2012 Orders on June 11, 2012 and timely filed a 59(e) SCRCF Motion on June 19, 2012. The Motion was denied by Form Order dated July 10, 2012, written notice of which was received on July 17, 2012.

August 14, 2012

  
Barry I. Baker  
One Carriage Lane, Bldg. H  
Charleston, South Carolina 29407  
(843) 766-9007  
  
Benjamin Goldberg  
One Carriage Lane, Bldg. H  
Charleston, SC 29407  
(843) 769-4595  
Attorneys for Appellants

Other Counsel of Record:  
S.R. Anderson, Esquire  
Law Office of Steven R. Anderson  
2008 Marion Street, Suite J  
Post Office Box 12188 (29211)  
Columbia, SC 29201  
(803) 252-2828  
Attorneys for Respondent