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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

James B. Jackson, Jr., Master in Equity for Orangeburg County

Case No. 2017-CP-38-0948

Appellate Case No. 2021-000120

Cutter & Company, LLC, Appellant,

v.

Stafford Funding Group, LLC, O & P Properties, LLC, Kathy Henderson, as
Delinquent Tax Collector of Orangeburg County, Defendants,

Of which Stafford Funding Group, LLC and Kathy Henderson, as Delinquent Tax
Collector of Orangeburg County, are Respondents and O & P Properties, LLC is an
Appellant.

RECORD ON APPEAL

PART I

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STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)
)
Cutter & Company, LLC,)
)
Plaintiff,)
)
vs.)
)
Stafford Funding Group LLC, O & P)
Properties, LLC, Kathy Henderson as)
Delinquent Tax Collector of Orangeburg)
County,)
)
Defendants.)

IN THE COURT OF COMMON PLEAS
CASE NO. 2017-CP-38-0948

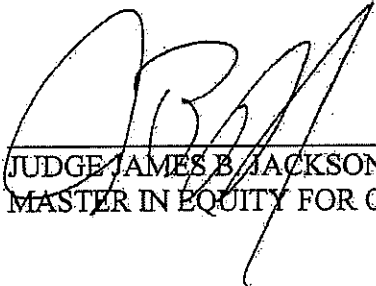
**ORDER TO DENY MOTION TO
RECONSIDER, ALTER OR
AMEND FINAL ORDER**

This Court has considered all of the matters set forth in the Plaintiff's Motion to Reconsider, Alter or Amend Final Order and finds that the Motion must be denied. The Court is aware that the tax sales statutes are to be strictly complied with as required by our Supreme Court. In this case, errors were made by the Delinquent Tax Office. However, there is no evidence that these errors would have materially altered the Plaintiff's failure to pay the taxes that were due.

The Court finds there were errors on the Notice sent to O and P Properties, LLC. However, this Mortgagee presented no evidence of the amount of any debt due or why he failed to receive the notice that was sent. There was no testimony that the errors caused the mortgagee confusion since it was never received or that it would have been received had it been sent by restricted delivery.

AND IT IS SO ORDERED.

January 11, 2021
Orangeburg, SC



JUDGE JAMES B. JACKSON, JR.
MASTER IN EQUITY FOR ORANGEBURG COUNTY

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)
)
Cutter & Company, LLC,)
)
Plaintiff,)
)
vs.)
)
Stafford Funding Group LLC, O & P)
Properties, LLC, Kathy Henderson as)
Delinquent Tax Collector of Orangeburg)
County,)
)
Defendants.)

IN THE COURT OF COMMON PLEAS
CASE NO. 2017-CP-38-0948

FINAL ORDER

This Court acquired full jurisdiction of this case by Consent Order of Reference enrolled on December 13, 2018. Jamie Cutter was present on behalf of Plaintiff Cutter & Company, LLC, along with Attorney Leonard R. Jordan, Jr. Paul W. Parsons, Jr. was present on behalf of Defendant O & P Properties LLC, along with Attorney S. R. Anderson. Tom Gasque on behalf of Defendant Stafford Funding Group, LLC was present along with Attorney Michael Tanner. Defendant Kathy Henderson, solely in her capacity as Orangeburg County Delinquent Tax Collector, attended along with Attorney Jerrod A. Anderson.

After due deliberation upon the record, all of the evidence and argument all of the parties presented, and the applicable law, this Court finds and concludes that the tax sale as to the parcel with Tax Map Number 0140-00-11-014 (herein after Parcel 2) is proper and should not be voided, and the Tax Sale as to the parcel with Tax Map Number 0153-10-02-002 (herein after Parcel 1) is improper and should be voided.

FINDING OF FACT

This lawsuit is an action to void the tax sale of real property located in Orangeburg County, that was owned by the Plaintiff Cutter & Company, LLC at the time of sale. The Amended Complaint contains the legal descriptions of both Parcel 1 and Parcel 2.

1. Cutter & Company, LLC received title to Parcel 1 by deed of Jamie O'Neal Cutter dated December 24, 2008, and recorded December 29, 2008, in the Orangeburg County office of the Register of Deeds in Deed Book 1296 at page 81.

2. Parcel 1 property was sold to Stafford Funding Group, LLC during Orangeburg County, South Carolina, Delinquent Property Tax Sale on December 8, 2016.

3. Parcel 1 property came into the possession of Stafford upon the issuance of an Orangeburg County Tax Deed on December 8, 2016, and such Tax Deed was duly recorded on March 31, 2017, in Book 1731 at page 331 in the Orangeburg County office of the Register of Deeds.

4. Cutter & Company, LLC received title to Parcel 2 by deed of O & P Properties, LLC dated April 19, 2012, and recorded April 25, 2012, in the Orangeburg County office of the Register of Deeds in Deed Book 1456 at page 93.

5. Parcel 2 property was sold to Stafford Funding Group, LLC during Orangeburg County, South Carolina, Delinquent Property Tax Sale on December 8, 2016.

6. Parcel 2 property came into the possession of Stafford upon the issuance of an Orangeburg County Tax Deed on December 8, 2016, and such Tax Deed was duly recorded on March 31, 2017, in Book 1731 at page 269 in the Orangeburg County office of the Register of Deeds.

7. As to Parcel 1, the Delinquent Tax Office failed to send the notice of levy described in S.C. Code Ann. § 12-51-40(b) or “Final Notice”, by certified mail to the Plaintiff.

8. As to Parcel 2, the first notice the Delinquent Tax Office sent in conducting the Tax Sale of the Property was the notice of delinquent taxes described in S.C. Code Ann. § 12-51-40(a). This “Execution Notice” was sent to Cutter & Company, LLC by regular mail addressed to 3430 Mill Stream Lane SW, Marietta, GA 30060-6218. This notice specified that if the taxes, penalties, assessments, and costs were not paid, the Property would be advertised and sold to satisfy the delinquency.

9. As to Parcel 2, the next notice the Delinquent Tax Office sent in conducting the Tax Sale of the Property was the notice of levy described in S.C. Code Ann. § 12-51-40(b). On or about May 7, 2015, the Delinquent Tax Office sent this “Final Notice” to Cutter & Company, LLC by certified, return receipt requested-restricted delivery mail addressed to 3430 Mill Stream Lane SW, Marietta, GA 30060-6218. The United States Postal Service returned the certified receipt, signed May 11, 2015 by Jamie Cutter, a managing member.

10. As to Parcel 2, the Delinquent Tax Office obtained exclusive possession of the Property by posting notice of the Tax Sale upon the Property, as provided in S.C. Code Ann. § 12-51-40(c). Notice of the Tax Sale was posted upon Parcel 2 on July 11, 2015.

11. As to Parcel 2, the Delinquent Tax Office next advertised the Property for sale at public auction in The Times and Democrat on November 15, November 22, and November 29, 2015. It is my opinion that The Times and Democrat is a newspaper of general circulation within the Town of Orangeburg, as well as Orangeburg County.

12. As to Parcel 2, at the Tax Sale, Stafford Funding Group, LLC purchased the Property with a bid of Seventeen Thousand and no/100 Dollars (\$17,000.00) and paid its bid on

the day of the Tax Sale.

13. As to Parcel 2, The Delinquent Tax Office provided Cutter & Company, LLC with the notice of approaching end of redemption period described in S.C. Code Ann. § 12-51-120 (the “Redemption Notice”). The “Redemption Notice” is dated October 31, 2016, and was sent by certified, return receipt requested-restricted delivery mail addressed to 3430 Mill Stream Lane SW, Marietta, GA 30060-6218. The United States Postal Service returned the certified mailing, assumed to be unclaimed.

14. As to Parcel 2, The Delinquent Tax Office provided O & P Properties, LLC with the notice of approaching end of redemption period described in S.C. Code Ann. § 12-51-120 (the “Redemption Notice”). The “Redemption Notice” is dated October 31, 2016, and was sent by certified, return receipt requested-restricted delivery mail addressed to 213 Valley Drive, Orangeburg, SC 29115 (address found in mortgage). The United States Postal Service returned the certified mailing, marked as unclaimed.

15. As to Parcel 2, The Delinquent Tax Office provided Cutter & Company, LLC with a notice of overages in accordance with S.C. Code Ann. § 12-51-120 (“Notice of Overage”). The Notice of Overage was sent certified, return receipt-restricted delivery mail addressed to 3430 Mill Stream Lane SW, Marietta, GA 30060-6218. The United States Postal Service returned the certified mailing, assumed to be unclaimed.

16. As to Parcel 2, Cutter & Company, LLC did not request the Delinquent Tax Office or any other department of Orangeburg County divide Parcel 2 to take and auction enough property to satisfy outstanding property taxes, assessments, penalties, and cost for the 2014 and 2015 tax years.

CONCLUSIONS OF LAW

17. This Court has jurisdiction over all the parties, all of the subject matter, and all of the real property this lawsuit involves.

18. Plaintiff argues that the tax sales of both Parcel 1 and Parcel 2 should be void because the Delinquent Tax Collector failed to comply strictly with provisions of Sections 12-51-120, 12-51-40, and 12-51-50 of the Code of Laws of South Carolina (1976), as amended. Plaintiff argued that some notices were insufficient in content to give the owner sufficient notice under Section 12-51-40; and the notices were not mailed to the best address available for the owner in accordance with Section 12-51-120.

19. As I found above with Parcel 1, the Delinquent Tax Office failed to send the notice of levy described in S.C. Code Ann. § 12-51-40(b) or “Final Notice”, by certified mail to the Plaintiff. As such the defendant failed to comply strictly with provisions of said statute, so the tax sale as to Parcel 1 is voided by the Court.

20. The Court had the opportunity to evaluate the demeanor and veracity of the witnesses who testified in this matter. As I found above with Parcel 2, I believe Orangeburg County complied with all the statutory requirements regarding notice to Cutter & Company, LLC and O & P Properties, LLC. Jamie Cutter testified for Cutter & Company, LLC. I find Jamie Cutter testified that he had gone online and downloaded a change of address form in October 2014. He testified that he faxed this change of address form to Orangeburg County however, no one from Orangeburg County acknowledged ever receiving the fax.

21. Jamie Cutter also testified that based upon a fax call log, he had an interaction with Orangeburg County employees regarding this change of address form. However, I find on cross examination it was shown that this call allegedly occurred on October 12, 2014 at 11:55 p.m. I

find this date was also a Sunday which strains the credibility of the truthfulness of his testimony. I further find that Jamie Cutter then changed his testimony on cross examination and stated that he listened to the voice prompts before he later had a follow up call.

22. I also find Jamie Cutter testified he had paid some taxes personally and was present in Orangeburg County on October 10, 2014, however, then traveled back to the Atlanta, Georgia area without leaving a hard copy of the change of address form at the tax office in Orangeburg. Mr. Cutter also reportedly has medidata computer records however, he was not qualified as an expert witness on medidata and offered no other expert witnesses regarding the veracity of these computer records. He also was unable to give any specific names of individuals the Orangeburg Tax Assessor's office that he spoke to despite his earlier assertion that he called the office on a weekly basis. He did acknowledge signing several tax documents from the Orangeburg County Tax Collector's office and further testified he had abandoned other parcels of property sold through the delinquent tax collection process without filing a lawsuit.

23. The testimony of Jamie Cutter regarding his alleged phone call of October 12, 2014, also strains his credibility. The Court takes judicial notice that Orangeburg County employees do not work on Sundays and certainly would not be working close to midnight. It is also constrained to believe that he was calling several days later for something that happened on a form dated October 10, 2014, which is according to his exhibit. Jamie Cutter then testified that was merely a date error however, it shows a pattern in which concerns the Court evaluating his candor, demeanor, and veracity. Additionally, Mr. Cutter could not have paid the 2014 taxes on October 10, 2014, because the tax bills for 2014 had not yet been issued. It is clear that Mr. Cutter never paid the 2014 taxes on Parcel 2.

24. The Court heard from Jim McClain of Orangeburg County who testified that

throughout this time, no change of address form was located by anyone employed by Orangeburg County. This testimony was corroborated by Kathy Henderson, also of Orangeburg County, regarding the fact that they did not have any valid change of address form completed by Defendant Cutter & Company, LLC. I also find there is no disputing that the subject matter property was properly posted and advertised for sale in accordance with the statutory framework. The Court finds that the testimony of Jamie Cutter to not be credible regarding his alleged completion and delivery by fax of the change of address form. As such, the Court finds that Orangeburg County used the best, proper address on file when it sent all appropriate tax notices to Cutter & Company, LLC. The Court further finds that the address used was valid since Mr. Cutter signed for the Final Notice on May 11, 2015.

25. The Court did not hear any testimony creating an issue that the mortgage holder, O&P Properties, LLC, did not receive proper notice of its statutory redemption due to its security interest in the property. It appears this notice was properly sent to the best address that Orangeburg County had on file and was not redeemed within the statutory time period by O&P Properties, LLC. While there were errors in the notice that was sent, those errors were immaterial since the notice was never received by O&P Properties, LLC, as it was returned to the Delinquent Tax Office.

26. The Court elected to bifurcate the issue of the escrow account for rents and property taxes between Stafford Funding and Cutter & Company, LLC. Based upon the ruling of the Court, the Court shall reserve jurisdiction to conduct a further hearing and testimony on the issue of the rents and taxes paid, ownership of, and other proceeds paid during the litigation if the parties cannot resolve this issue. The Court specifically reserves jurisdiction to issue a separate ruling on the issue of the ownership and distribution of these funds.

27. As to Parcel 2, Cutter & Company, LLC did not request the Delinquent Tax Office or any other department of Orangeburg County divide Parcel 2 to take and auction enough property to satisfy outstanding property taxes, assessments, penalties, and cost for the 2014 and 2015 tax years. As such, Section 12-51-40(d) does not place a pre-sale burden on the County or tax collector to determine divisibility. Plaintiff has the initial burden of requesting the County to determine divisibility prior to the sale. *H. Daniel Folk, Jr. v. W.O. Thomas, Jr. et.al.*, 336 S.C. at 82, 543 S.E.2d 556.

28. Since the tax sale of Parcel 1 has been voided by this Court, an obligation for the County under Section 12-51-50 is now moot.

29. The sales price of \$17,000.00 does not shock the conscience of the Court. Mr. Cutter testified that the tax assessed value of Parcel #2 was \$75,000.00 but he felt the property was worth \$120,000.00. I find Mr. Cutter's value is not credible.

IT IS THEREFORE ORDERED:

1. The Orangeburg Delinquent Tax Sale for parcel with TMS # 0153-10-02-002 (Parcel 1) is improper and void and the Tax Deed recorded at Book 1731, Page 331 to Stafford Funding shall be voided and shall be of no force and effect. Cutter and Company shall pay to Stafford Funding all bid amounts, penalties and interest and taxes paid by Stafford Funding since the tax sale of December 8, 2016, within thirty days of this Order. The Court shall retain jurisdiction to hear any further testimony on these amounts if this cannot be resolved by the parties.

2. The tax sale as to Parcel 2 with TMS number 0140-00-11-014 is proper and the Court confirms title has properly vested to Stafford Funding, as evidenced by the Deed recorded on March 31, 2017, in Book 1731, Page 269 filed with the Orangeburg RMC.

3. The Court shall reserve jurisdiction to conduct a further hearing and testimony on the issue of the rents and taxes paid, ownership of, and other proceeds paid during the litigation if the parties cannot resolve this issue. The Court specifically reserves jurisdiction to issue a separate ruling on the issue of the ownership and distribution of these funds.

AND IT IS SO ORDERED.

November____, 2020

Orangeburg, SC

JUDGE JAMES B. JACKSON, JR.
MASTER IN EQUITY FOR ORANGEBURG COUNTY



Orangeburg Common Pleas

Case Caption: Cutter & Company, Llc VS Stafford Funding Group Llc, , defendant,
et al
Case Number: 2017CP3800948
Type: Master/Order/Form 4

So Ordered

James B. Jackson, Jr. 3077 Master in Equity

Electronically signed on 2020-11-09 14:52:03 page 10 of 10

ELECTRONICALLY FILED - 2020 Nov 09 3:08 PM - ORANGEBURG - COMMON PLEAS - CASE#2017CP3800948

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT
CASE NO: 2017-CP-38-00948

Cutter & Company, LLC,)
Plaintiff,)

VS.)

Stafford Funding Group LLC, O & P)
Properties LLC, Kathy Henderson)
Delinquent Tax Collector of Orangeburg)
County,)
Defendants,)

ORDER OF REFERENCE

AND)

O&P Properties, LLC,)
Cross-Plaintiff,)

vs.)

Stafford Funding Group, LLC,)
Cross-Defendant.)

This matter came before me on Plaintiff's Motion for Order of Reference, filed on May 11, 2018, and it appearing that the matter should be referred to the Master in Equity for Orangeburg County, it is

ORDERED that the above-entitled action be, and the same hereby is, referred to the Master in Equity for Orangeburg County to make findings of fact and conclusions of law, to dispose of any and all issues and to enter a final judgment in the case.

Any appeal from the decision of the Master in Equity shall be directly to the South Carolina Court of Appeals.

AND IT IS SO ORDERED.



Orangeburg Common Pleas

Case Caption: Cutter & Company, Llc VS Stafford Funding Group Llc, , defendant,
et al
Case Number: 2017CP3800948
Type: Order/Referred to Master or Special Referee

So Ordered

s/Winnifia B. Clark, Clerk of Court by E.R.S

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STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

IN THE COURT OF COMMON PLEAS
CASE NO.: 2017-CP-38-00948

Cutter & Company, LLC,)
)
Plaintiff,)

-vs-

Stafford Funding Group LLC, O & P)
Properties, LLC, Kathy Henderson,)
Delinquent Tax Collector of Orangeburg)
County,)
)
Defendants.)

**PLAINTIFF’S MOTION TO
RECONSIDER, ALTER OR
AMEND FINAL ORDER**

Plaintiff, Cutter & Company, LLC, by and through its undersigned counsel, respectfully moves, pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure, for the Court to reconsider, alter or amend the Final Order (“Order”) filed on November 9, 2020, with regard to Parcel 2. Plaintiff contends that the Honorable James B. Jackson, Jr., Master in Equity, erred in the following particulars:

1. By failing to address the content of the end of the redemption period notices, which incorrectly stated the purpose of the tax sale and the amount required to redeem the property.
2. By mistakenly finding that the end of redemption period notice sent to O&P Properties, LLC was sent by restricted delivery.
3. By failing to find that the failure to mail an end of redemption notice by restricted delivery requires the invalidation of a tax sale.
4. By failing to find that the end of redemption period notice failed to cite the correct Book and Page where the Mortgage was recorded, which error appears twice in the notice, that the notice failed to describe properly the property (described as “Lot 24, 25 and 2 G Acres;” whereas

the proper description is Lots 24, 25, 26 and 31, Rolling Acres Subdivision).

5. By failing to find that, because notice under the tax sale is constructive rather than actual, tax sales must be conducted in strict compliance with statutory requirements.

6. By failing to find that Jamie Cutter provided compelling support (metadata and facsimile receipt confirmation) for his testimony that he personally prepared an application to change Cutter's mailing address using the Assessor's form, that he personally faxed same to the Assessor's Office's fax number and that the fax was received by the Assessor's Office fax machine on October 10, 2014 – a year or so prior to the tax sale.

7. By failing to consider and apply §12-51-40(b) (“... take exclusive possession of the property necessary to satisfy the payment of the taxes, assessments, penalties, and costs.”) when the tax assessed value of Parcel 2 was twenty (20) times the taxes due.

8. By failing to find that it was error (and directly adverse to the taxpayer's interests) to sell the entirety of Parcel 2.

9. By failing to find that the Tax Collector admitted that she didn't consider that making an evaluation of property value vis-à-vis the taxes to be collected was a part of her duties, so she didn't make any such evaluation in this case.

10. By failing to find the Tax Collector exercised no discretion with regard to evaluating the circumstances to determine if it would be an excessive sale to sell the entirety of the property.

11. By failing to consider and apply §12-51-40(d), which suggested that, when the real property was divisible, only so much of the property as would be sufficient to satisfy the tax debt should be sold.

12. By failing to find that Parcel 2 could easily have been separated into two or more

tax parcels at anytime.

13. By failing to consider and find that the property was divided (not merely divisible) into four (4) platted lots and that there would be no undue burden on the County to assign new tax map numbers and to sell one or more lots of the subdivided property rather than the entire tax map parcel.

14. By failing to find that the Assessor conceded that there would be no undue burden on the County to assign tax map numbers to the individual lots of Parcel 2, if one or more of the lots were deeded-out by the Plaintiff or should the Tax Collector have requested that Parcel 2 be subdivided for tax sale purposes.

15. By citing and relying on *H. Daniel Folk, Jr. v. W.O. Thomas, Jr., et al.*, 336 S.C. at 82, 543 S.E.2d 556, which case was subsequently reversed by the Supreme Court of South Carolina. See *Folk v. Thomas*, 344 S.C. 72, 543 S.E.2d 556 (2001).

16. By citing the *Folk* case for the proposition that “Plaintiff has the initial burden of requesting County to determine divisibility prior to sale,” when the facts of that case were clearly distinguishable from the present case (it involved undivided acreage while the present case involves subdivided lots previously approved by the County (i.e. a determination of divisibility had already been made)).

17. By citing the *Folk* case as controlling, when the circumstances of the present case do not require the County to take into account the following: “such regulations as county zoning restrictions, city, town or municipality restrictions, special land use restrictions, conservation easements, development restrictions such as covenants and bylaws, ingress and egress restrictions, availability of public utilities, minimum roadway frontage requirements, and coastal and wetlands restrictions.” See *Folk v. Thomas*, 344 S.C. 77, 82, 543 S.E.2d 556, 558-59 (2001).

s/Leonard R. Jordan, Jr.

Leonard R. Jordan, Jr.

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Attorney for Plaintiff

Columbia, South Carolina
November 19, 2020

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

IN THE COURT OF COMMON PLEAS
Case No.: 2017-CP-38-00948

Cutter & Company, LLC,)
)
Plaintiff,)

-vs-

Stafford Funding Group LLC, O & P)
Properties, LLC, Kathy Henderson,)
Delinquent Tax Collector of Orangeburg)
County,)
)
Defendants.)

rfm
AMENDED COMPLAINT
(Overturn Tax Sales)
(Non-Jury)

FILED
CLERK OF COURT
ORANGEBURG COUNTY
SOUTH CAROLINA
2017 OCT 10 10 58 AM

The Plaintiff, Cutter & Company, LLC, complaining of the Defendants herein, would respectfully show this Court that:

1. The Plaintiff, Cutter & Company, LLC ("Cutter"), is a limited liability company organized and existing under the laws of the State of Georgia.
2. The Defendant, Stafford Funding Group LLC ("Stafford"), is, upon information and belief, a limited liability company organized and existing under the laws of the State of South Carolina.
3. The Defendant, O & P Properties, LLC, is, upon information and belief, a limited liability company organized and existing under the laws of the State of South Carolina.
4. The Defendant, Kathy Henderson, Delinquent Tax Collector of Orangeburg County ("Henderson"), is, upon information and belief, a citizen and resident of the County of Orangeburg, State of South Carolina, and she is, or was at all relevant times, acting in her official capacity as Delinquent Tax Collector of Orangeburg County.
5. The real properties, which are the subjects of this action (collectively the

"Properties"), are located in Orangeburg County and are described individually as follows:

PARCEL I:

All that certain piece, parcel or tract of land, with improvements, situate, lying, being in the County of Orangeburg, State of South Carolina, being shown and designated as Parcel A, containing 1.0 acre and recorded in the Register of Deeds Office for Orangeburg County in Plat Book 8 at page 232.

PARCEL II:

All that certain piece, parcel or tract of land, situate, lying, being in the County of Orangeburg, State of South Carolina, being more particularly shown and delineated as Lot Nos.: 24, 25, 26 and 31 on a Plat of Rolling Acres Subdivision, containing 3.7 acres, and recorded in the Register of Deeds Office for Orangeburg County in Plat Book 41 at page 134.

6. At all relevant times prior to the recording of the two (2) tax deeds (hereinafter described), which purportedly conveyed the Properties to Stafford, the owner of record of the Properties was Cutter.

7. Henderson was charged with the responsibility of conducting the tax sales in strict compliance with the requirements of Title 12, Chapters 51, Code of Laws of South Carolina, 1976, as amended.

8. Such statutory requirements are intended to protect the property owner/taxpayer and are jurisdictional in nature.

FACTUAL BACKGROUND
(PARCEL I)

9. In December 2008, Cutter acquired the above-described Parcel I from Jamie O'Neal Cutter by deed recorded in the Office of the Register of Deeds for Orangeburg County in Deed Book 1296 at page 81. A copy of said deed is attached hereto as Exhibit "A."

10. Parcel I was assigned Tax Map No. 0153-10-02-002.000.

11. Parcel I was assessed by the Orangeburg County Assessor as having a value (for tax purposes) of \$7,800.00 in 2015.

12. The taxes on Parcel I were not paid for tax year 2014, and Henderson executed and levied on this parcel in or about March 2015.

13. Henderson scheduled a tax sale of Parcel I for December 7, 2015, and purportedly notified Cutter that the amount due (taxes and costs) prior to the sale date in order to avoid the tax sale was \$279.87.

14. When the 2014 taxes and costs were not timely paid, Parcel I was auctioned-off by, or on behalf of, Henderson on December 7, 2015.

15. The tax sale resulted in a purchase by Stafford for a high bid of \$600.00.

16. When the redemption period ended, Henderson issued to Stafford a deed (tax title) to Parcel I, which deed was dated December 8, 2016, and was recorded in the Office of the Register of Deeds for Orangeburg County on March 31, 2017, in Book 1731 at page 331. A copy of said deed is attached hereto as Exhibit "B."

FACTUAL BACKGROUND
(PARCEL II)

17. In April 2012, Cutter purchased the above-described Parcel II from O & P Properties, LLC by deed recorded in the Office of the Register of Deeds for Orangeburg County in Deed Book 1456 at page 93. A copy of said deed is attached hereto as Exhibit "C."

18. Parcel II, which is made up of various platted lots and is bi-sected by a public road, which divides the parcel into two, non-contiguous parcels, was, notwithstanding its clearly made up of already divided parcels, was assigned a single tax map number: 0140-00-11-014.000.

19. Parcel II was assessed by the Orangeburg County Assessor as having a value (for tax purposes) of \$75,000.00 in 2015.

20. The taxes on Parcel II were not paid for tax year 2014, and Henderson executed and levied on this parcel in or about March 2015.

21. Henderson set a tax sale of Parcel II for December 7, 2015, and purportedly notified Cutter that the amount due (taxes and costs) prior to the sale date in order to avoid the tax sale was \$1,895.92.

22. When the 2014 taxes and costs were not timely paid, Parcel II was auctioned-off by, or on behalf of, Henderson on December 7, 2015.

23. The tax sale resulted in a purchase by Stafford for a high bid of \$17,000.00.

24. When the redemption period ended, Henderson issued to Stafford a deed (tax title) to Parcel II, which deed was dated December 8, 2016, and was recorded in the Office of the Register of Deeds for Orangeburg County on March 31, 2017, in Book 1731 at page 269. A copy of said deed is attached hereto as Exhibit "D."

25. The Defendant, O & P Properties, LLC, holds a mortgage on Parcel II, which was recorded on April 26, 2012, in Book 2198 at page 187. A copy of said mortgage is attached hereto as Exhibit "E."

FOR A FIRST CAUSE OF ACTION

26. Cutter realleges Paragraphs 1 through 25 above as fully as if repeated herein verbatim.

27. The said Title 12, Chapter 51 requires, as a condition precedent, that the defaulting taxpayer be given proper notices preceding the tax sale and of the expiration of the redemption period.

28. The Treasurer failed to give sufficient notice to Cutter (the defaulting taxpayer) of the delinquent property taxes and the potential that the Properties would be sold at a tax sale, if the taxes are not paid (as required by S.C. Code Annot. §12-51-40) and to Cutter (the owner of record) immediately preceding the end of the redemption period, directed "to the best address of the owner


available" (as required by S.C. Code Annot §12-51-120).

29. Section 12-51-120 states, in relevant part, that the notice of approaching end of redemption period shall be mailed "to the defaulting taxpayer . . . to the best address of the owner available to the person officially charged with the collection of delinquent taxes"

30. The notices (to the defaulting taxpayers) with regard to both Properties were, it appears, sent to Cutter at the following address:

CUTTER & COMPANY, LLC
3430 MILL STREAM LN SW
MARIETTA, GA 30060-6218

31. This address was not the "best address of the owner available" to the collection official.

 32. On or about October 10, 2014, Cutter submitted a change of address form to the Office of County Assessor, which established the following address as the "best address" for the defaulting taxpayer/owner (Cutter) with regard to the Properties (and all other Orangeburg County properties owned by Cutter):

P.O. Box 83
Cordova, SC 29039

33. A copy of said change of address form, submitted by Cutter, is attached hereto as Exhibit "F."

34. At no time relevant to the circumstances of this case, did Henderson or other county official honor Cutter's request to communicate with it using its post office box address.

35. Importantly, §12-51-40(b) states, in relevant part, that "[i]f the address is an entity instead of an individual, the notice must be mailed to its last known *post office address* by certified mail, return receipt requested" (emphasis added)

36. Since the tax sales were conducted in a manner which was not in strict compliance

with Title 12, Chapter 51, the tax sales and the resulting deeds are null and void.

37. Cutter is entitled to an Order of this Court overturning the tax sales, declaring the tax deeds to be void and confirming the titles of the Properties in the name of Cutter.

FOR A SECOND CAUSE OF ACTION

38. Cutter realleges Paragraphs 1 through 37 above as fully as if repeated herein verbatim.

39. The said Title 12, Chapter 51 requires, as a condition precedent, that the defaulting taxpayer be given proper notices preceding the tax sale and of the expiration of the redemption period.

40. The Treasurer failed to give sufficient notice to Cutter of the delinquent property taxes and the potential that the Properties would be sold at a tax sale, if the taxes are not paid (as required by S.C. Code Annot. §12-51-40).

41. Section 12-51-40(c) states, in relevant part, as follows:

(c) If the "certified mail" notice has been returned, take exclusive physical possession of the property against which the taxes, assessments, penalties, and costs were assessed by posting a notice at one or more conspicuous places on the premises, in the case of real estate, reading: "Seized by person officially charged with the collection of delinquent taxes of (name of political subdivision) to be sold for delinquent taxes", the posting of the notice is equivalent to levying by distress, seizing, and taking exclusive possession of it, or by taking exclusive possession of personalty. . . .

42. It appears that, on or about, July 8, 2015, Henderson posted Parcel I with a notice of TAX SALE (on December 7, 2015).

43. It further appears that, on or about July 11, 2015, Henderson posted Parcel II with a notice of TAX SALE (on December 7, 2015).

44. Copies of said posted notices are attached hereto collectively as Exhibit "G."

45. A comparison of said notices of the statutorily-mandated wording will reveal that

Henderson failed to strictly comply with the requirements of §12-51-40(c), which makes clear that the exact language (in quotes) in the statute must be included in the posted notices.

46. Since the tax sales were conducted in a manner which was not in strict compliance with Title 12, Chapter 15, the tax sale and the resulting deed are null and void.

47. Cutter is entitled to an Order of this Court overturning the tax sales, declaring the tax deeds to be void and confirming the titles of the Properties in the name of Cutter.

FOR A THIRD CAUSE OF ACTION

48. Cutter realleges Paragraphs 1 through 47 above as fully as if repeated herein verbatim.

49. Shayla Wade, a member of Cutter's staff, was directed by Cutter's manager to contact Henderson's Office to inquire about the outstanding taxes due on Orangeburg County properties owned by Cutter; and Ms. Wade did communicate with said office by telephone on or about December 2, 2016 (prior to the end of the redemption period).

50. During this telephone conversation, which was lengthy, a county employee in Henderson's Office provided detailed tax information on all of the properties owned by Cutter, including the Properties. (Ms. Wade was initially directed to the county website to find the information online, but that information source did not reflect the tax map numbers for all of the properties on which information/clarification was needed.)

51. Ms. Wade was provided information on the taxes due on all of Cutter's properties in Orangeburg County, but the employee in Henderson's Office never mentioned that certain of these properties, including the Properties, had been sold at a tax sale on December 7, 2015, and, specifically, that the deadline to redeem the Property was only days later (December 7, 2016).

52. Cutter, in an effort to take care of its real property tax obligations, was effectively

misled by the employee in Henderson's Office, who neglected to make Ms. Wade aware of the tax sales involving the Properties.

53. Had Ms. Wade been informed by the employee in Henderson's Office, during said telephone conversation, about the tax sales and the redemption deadline, Cutter would have been afforded the opportunity to redeem the Properties.

54. Although Cutter was proactive with regard to paying taxes, Henderson's Office (through its employee) negligently failed to provide Cutter with critical information which it needed regarding the tax sales.

55. Since Henderson's Office failed, upon inquiry, to inform Cutter of the tax sales of the Properties prior to the end of the redemption period, it has failed to protect Cutter from the drastic result of losing the Properties to tax sales.

56. Since Cutter was not made aware by Henderson's Office, following inquiry, of the deadline to redeem the Properties, the tax sales should be found to have been conducted in a manner which was not in strict compliance with Title 12, Chapter 51, the tax sales and the resulting deeds are null and void.

57. Cutter is entitled to an Order of this Court overturning the tax sales, declaring the tax deeds to be void and confirming the titles of the Properties in the name of Cutter.

FOR A FOURTH CAUSE OF ACTION

58. Cutter realleges Paragraphs 1 through 57 above as fully as if repeated herein verbatim.

59. The said S.C. Code Ann. §12-51-120 (the redemption statute) has, as one of its purposes, the protection of holders of mortgages (among others) having an interest of record upon real estate sold at tax sales.

60. The said statute makes reference to S.C. Code Ann. § 12-51-40(b), which states, with regard to notices of the end of the redemption period, that, “[i]f the addressee is an entity instead of an individual, the notice must be mailed to its last known *post office address* by certified mail, return receipt requested....” (emphasis added).

61. Upon information and belief, no such notice was received by the Defendant, O & P Properties, LLC; no notice was sent to said mortgagee’s post office address; and the notice purportedly sent to O & P Properties, LLC was not sent by certified mail, return receipt requested-*restricted delivery*.

62. A copy of the notice purportedly sent to O & P Properties, LLC is attached hereto as Exhibit “H.”

63. The notice purportedly sent to O & P Properties, LLC was incorrect and misleading in that it failed to properly describe the land levied upon and sold and it incorrectly stated that the tax sale on December 7, 2015, had as its purpose the collection of the 2015 taxes (as well as the 2014 taxes).

64. Since the tax sale of Parcel II was conducted in a manner which was not in strict compliance with Title 12, Chapter 51, the tax sale and the resulting deed are null and void.

65. Cutter is entitled to an Order of this Court overturning the tax sale involving Parcel II, declaring the tax deed on Parcel II to be void and confirming the validity of the mortgage (on Parcel II) held by the Defendant, O & P Properties, LLC.

FOR A FIFTH CAUSE OF ACTION

66. Cutter realleges Paragraphs 1 through 65 above as fully as if repeated herein verbatim.


67. The said S.C. Code Ann. §12-51-120 requires that the amount necessary to redeem

the property sold for taxes be provided to the defaulting taxpayer, grantee, mortgagee and lessee of the property in order to give these interested parties a fair opportunity to redeem the property from the tax sale.

68. The intention of this requirement is that the redemption amount provided be the correct (precise) amount due to be paid by the redemption deadline.

69. By letter dated October 31, 2016, Henderson purportedly informed the taxpayer (Cutter) that the amount required to redeem Parcel I was \$683.37 (including the 2015 taxes). A copy of said letter is attached hereto as Exhibit "I."

70. Cutter is informed and believes that the said redemption amount is erroneous and that the correct amount is calculated as follows:



Pre-tax-sale Amount Due (including penalties and collection costs)	\$289.87
2015 Taxes	170.87
Interest (12%) on Bid (\$600.00)	<u>72.00</u>
TOTAL	\$532.74

71. The taxes, penalties and costs portion of the foregoing calculation are reflected on the Orangeburg County Treasurer online information sheet attached hereto as Exhibit "J."

72. For some unknown reason, the quoted redemption amount exceeded the actual amount due by \$150.63, the incorrect amount being 28.3% higher than the correct amount.

73. By quoting an erroneous, significantly higher amount to redeem Parcel I from the tax sale, Henderson's mistake, which was not an inconsequential error, failed to provide to Cutter a fair notice and opportunity to redeem Parcel I from the tax sale.

74. An incorrect redemption notice is only marginally better than no redemption notice whatsoever.

75. Since the tax sale of Parcel I was conducted in a manner which was not in strict

compliance with Title 12, Chapter 51, the tax sale and the resulting deed are null and void.

76. Cutter is entitled to an Order of this Court overturning the tax sale, declaring the tax deed on Parcel I to be void.

FOR A SIXTH CAUSE OF ACTION

77. Cutter realleges Paragraphs 1 through 76 above as fully as if repeated herein verbatim.

78. The said S.C. Code Ann. §12-51-120 requires that the amount necessary to redeem the property sold for taxes be provided to the defaulting taxpayer, grantee, mortgagee and lessee of the property sold for taxes in order to give these interested parties a fair opportunity to redeem the property from the tax sale.

79. The intention of this requirement is that the redemption amount provided be the correct (precise) amount due to be paid by the redemption deadline.

80. By letter dated October 31, 2016, Henderson purportedly informed the Defendant, O & P Properties, LLC, that the amount required to redeem Parcel II was \$6,042.93 (including the 2015 taxes). A copy of said letter is attached hereto as Exhibit "G."

81. Cutter did not receive a similar notice (end of redemption) as the aforesaid notice purportedly sent to the Defendant, O & P Properties, LLC, and it is informed and believes that no such notice was sent to it.

82. Cutter is informed and believes that said redemption amount stated in said notice to the Defendant, O & P Properties, LLC, is erroneous and that the correct amount is calculated as follows:

Pre-tax-sale Amount Due (including penalties and collection costs)	\$1,925.92
2015 Taxes	1,697.40
Interest (12%) on Bid (\$17,000.00)	<u>2,040.00</u>

TOTAL

\$5,663.32

83. The taxes, penalties and costs portion of the foregoing calculation are reflected on the Orangeburg County Treasurer online information sheet attached hereto as Exhibit "K."

84. For some unknown reason, the quoted redemption amount exceeded the actual amount due by \$379.61.

85. By quoting an erroneous, significantly higher amount to redeem Parcel II from the tax sale, Henderson's mistake, which was not an inconsequential error, failed to provide to the Defendant, O & P Properties, LLC, (and potentially Cutter) a fair notice and opportunity to redeem Parcel II from the tax sale.

86. An incorrect redemption notice is only marginally better than no redemption notice whatsoever.

87. Since the tax sale of Parcel II was conducted in a manner which was not in strict compliance with Title 12, Chapter 51, the tax sale and the resulting deed are null and void.

88. Cutter is entitled to an Order of this Court overturning the tax sale, declaring the tax deed on Parcel II to be void and confirming the validity of the mortgage (on Parcel II) held by the Defendant, O & P Properties, LLC.

FOR A SEVENTH CAUSE OF ACTION

89. Cutter realleges Paragraphs 1 through 88 above as fully as if repeated herein verbatim.

90. S.C. Code Ann. §12-51-40(d) suggested that, *when the real property is divisible*, Henderson may sell only so much of such property as would be sufficient to satisfy the tax debt.

91. Although assessed and taxed by Orangeburg County in the same fashion as unsubdivided acreage, the property comprising Parcel II was, as reflected by the legal description



of such property, subdivided into four (4) individual lots, as shown on a plat dated May 4, 1974, which was approved for recording and recorded in the Office of the Register of Deeds for Orangeburg County in Plat Book 41 at page 134. A copy of said plat is attached hereto as Exhibit "L."

92. Although the property comprising Parcel II was assigned a single tax map number, it was actually composed of two separate, non-contiguous parcels. A copy of Parcel II, as reflected on the Orangeburg County Assessor's website is attached hereto as Exhibit "M."

93. Parcel II was not just divisible, it was, in fact, divided into two distinct, non-contiguous parcels (as well as being divided into four (4) individual, platted lots).

94. Henderson knew, or should have known, that Parcel II was composed of two (or more) individual parcels and that, in order that the taxpayer not be deprived of more of its property than that needed to satisfy the taxes, penalties and costs, she should have determined what portion of Parcel II to sell, as one lot or parcel was, without question, ". . . sufficient to realize a sum upon the sale sufficient to satisfy the payment of the taxes . . ." pursuant to S.C. Code Ann. §12-51-40(d).

95. Upon information and belief, Henderson failed to consider the circumstances of Parcel II as suggested by S.C. Code Ann. §12-51-40(d); especially in light of the fact that Parcel II was comprised of two distinct, non-contiguous parcels as well as four (4) individual, platted lots.

96. The sale of as few as one lot, but certainly some number of the lots not to exceed 2 (or one of the distinct, divided parcels) would, without question, have been of sufficient value to realize sale proceeds sufficient to satisfy the alleged tax debt.

97. Since the tax sale of Parcel II was conducted in a manner which was not in strict compliance with the letter and intent of the statutory requirements, the tax sale and the resulting

tax deed are null and void.

98. Cutter is entitled to an Order of this Court overturning the tax sale, declaring the tax deed on Parcel II to be void and confirming the title of Parcel II in the name of Cutter.

FOR AN EIGHTH CAUSE OF ACTION

99. Cutter realleges Paragraphs 1 through 98 above as fully as if repeated herein verbatim.

100. S.C. Code Ann. §12-51-50 directs the tax sale official not to sell more items of a taxpayer's property than needed to recover sufficient funds to cover the taxes, penalties and costs then due.

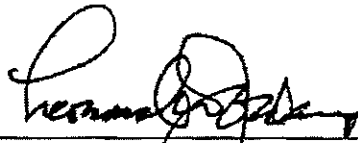
101. It is apparent that Henderson made no attempt to comply with this statute in selling Parcels I and II.

102. Since the tax sales were conducted in a manner which was not in strict compliance with Title 12, Chapter 51, the tax sales and the resulting deeds are null and void.

103. Cutter is entitled to an Order of this Court overturning the tax sales, declaring the tax deeds to be void and confirming the titles of the Properties in the name of Cutter.

WHEREFORE, having set forth its Amended Complaint, Cutter prays that:

- a. The tax sales be declared to be void;
- b. The tax deeds conveying the Properties to Stafford be declared to be void and cancelled of record;
- c. The Court confirm title to the Properties in the name of Cutter, subject to the mortgage of the Defendant, O & P Properties, LLC (on Parcel II); and
- d. For such other and further relief as this Court may determine to be just, equitable and proper.



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Attorney for Plaintiff

Columbia, South Carolina
October 20, 2017

STATE OF SOUTH CAROLINA)
)
 COUNTY OF ORANGEBURG)
)
 Cutter & Company, LLC,)
)
 PLAINTIFF.)
)
 VS.)
)
 Stafford Funding Group LLC, O & P)
 Properties, LLC, Kathy Henderson)
 Delinquent Tax Collector of Orangeburg)
 County,)
 DEFENDANTS,)

IN THE COURT OF COMMON PLEAS
 FOR THE FIRST JUDICIAL CIRCUIT
 CASE NO: 2017-CP-38-00948

AMENDED ANSWER
 AND COUNTERCLAIM

FILED FOR RECORD
 WINNIFRA B. CLARK
 2017 OCT 31 P 02:21
 CLERK OF COURT
 GREAT SMITH COUNTY

DEFENDANT, STAFFORD FUNDING GROUP, LLC, WOULD respectfully show that

AS A FIRST DEFENSE

1. Any and all allegations not specifically admitted, denied or modified are deemed denied and strict proof demanded.
2. Defendant is without sufficient information to either admit or deny the allegations contained in ¶1 of the Amended Complaint.
3. Defendant admits the allegations in ¶2 of the Amended Complaint.
4. Defendant is without sufficient information to either admit or deny the allegations contained in ¶3 of the Amended Complaint.
5. Defendant admits the allegations in ¶4-8 of the Amended Complaint.
6. Defendant admits the allegations in ¶9 & 10 of th Amended Complaint.
7. Defendant is without sufficient information to either admit or deny the allegations contained in ¶11 of the Amended Complaint.
8. Defendant admits the allegations in ¶12-16 of the Amended Complaint.
9. Defendant admits the allegations in ¶17 of the Amended Complaint.
10. Defendant denies the allegations in ¶18 of the Amended Complaint.
11. Defendant is without sufficient information to either admit or deny the allegations contained in ¶19 of the Amended Complaint.
12. Defendant admits the allegations in ¶20-24 of the Amended Complaint.
13. Defendant is without sufficient information to either admit or deny the allegations contained

- in ¶25 of the Amended Complaint.
14. Defendant admits the allegations in ¶27 of the Amended Complaint.
 15. Defendant denies the allegations in ¶28 of the Amended Complaint.
 16. Defendant is without sufficient information to either admit or deny the allegations contained in ¶29-30 of the Amended Complaint.
 17. Defendant denies the allegations in ¶31-37 of the Amended Complaint.
 18. Defendant is without sufficient information to either admit or deny the allegations contained in ¶39 of the Amended Complaint.
 19. Defendant denies allegations contained in ¶40 of the Amended Complaint.
 20. Defendant is without sufficient information to either admit or deny the allegations contained in ¶41-44 of the Amended Complaint.
 21. Defendant denies the allegations in ¶45-57 of the Amended Complaint.
 22. Defendant is without sufficient information to either admit or deny the allegations contained in ¶59-60 of the Amended Complaint.
 23. Defendant denies the allegations in ¶61 of the Amended Complaint.
 24. Defendant is without sufficient information to either admit or deny the allegations contained in ¶62 of the Amended Complaint.
 25. Defendant admits the allegations in ¶52 of the Amended Complaint.
 26. Defendant denies the allegations in ¶63-65 of the Amended Complaint.
 27. Defendant admits the allegations in ¶67 of the Amended Complaint.
 28. Defendant is without sufficient information to either admit or deny the allegations contained in ¶68-69 of the Amended Complaint.
 29. Defendant denies the allegations in ¶70 of the Amended Complaint.
 30. Defendant is without sufficient information to either admit or deny the allegations contained in ¶71 of the Amended Complaint.
 31. Defendant denies the allegations in ¶72-76 of the Amended Complaint.
 32. Defendant admits the allegations in ¶78 of the Amended Complaint.
 33. Defendant is without sufficient information to either admit or deny the allegations contained in ¶79-80 of the Amended Complaint.
 34. Defendant denies the allegations contained in ¶81-82 of the Amended Complaint.

35. Defendant is without sufficient information to either admit or deny the allegations contained in ¶83 of the Amended Complaint.
36. Defendant denies the allegations contained in ¶84-98 of the Amended Complaint.
37. Defendant admits the allegations contained in ¶100 of the Amended Complaint.
38. Defendant denies the allegations contained in ¶101-103 of the Amended Complaint.

AS A SECOND DEFENCE, BY WAY OF COUNTERCLAIM:

APPROVE TAX SALE/COSTS AND FEES

39. Defendant counterclaims pursuant to the provisions of the SC Uniform Declaratory Judgment Act §15-53-10, SC Code of Laws, 1976 for the purpose of obtaining a decree adjudging that the Defendant is seized in fee simple of a good and marketable title to the subject real estate and that no other party has an interest or estate in or lien upon the said real estate.
40. The subject property was sold to Defendant during the Orangeburg County Delinquent Property Tax Sale as alleged in the Amended Complaint.
41. All other parties failed to pay the real property taxes levied on the subject property and the property was conveyed to Defendant via the Delinquent Tax Collector for Orangeburg County as alleged in the Amended Complaint.
42. Plaintiff claims to have some right in, title to, claim or demand against, or lien or encumbrance upon the said land, or one or more of them or some part thereof. Such claims are unjust and all such claims which Plaintiff may have had upon the premises above described are wholly and effectually extinguished, cut off and barred by this court.
43. Defendant is seized and possessed of said premises free of and wholly discharged from any and every such claim or lien.
44. Defendant has paid the property taxes on the property every year since 2014, incurred both legal and other expenses in order to acquire ownership and take possession of the property.
45. Defendant is informed and believes that he is entitled to an order of this court granting all attorney fees and costs associated with protecting and preserving the subject property, regardless of a ruling in favor of any other party.
46. Defendant is informed and believes that the Court should approve the tax sale and declare the Defendant the sole owner of a fee simple title forever barring any claim and/or right of

the parties or lien upon the real estate described in this Amended Complaint.

WHEREFORE, Defendant prays that this Court Order that the tax sale be approved in favor of the Defendant; that the other parties who might claim any right, title, interest in or lien upon the real estate described in the Amended Complaint be barred from any claim thereto, and any cloud upon the title to the said premises be removed therefrom; all costs, taxes and fees expended in connection with the property; along with any and all other remedies that this Court deems just and proper.

St. Matthews, SC
October 31, 2017

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Martin R. Banks for Stafford Funding Group, LLC
716 F.R. Huff Dr.
St. Matthews, SC 29135
803-874-2100 Tel.

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

IN THE COURT OF COMMON PLEAS
Case No.: 2017-CP-38-00948

Cutter & Company, LLC,)
)
Plaintiff,)

-vs-

Stafford Funding Group LLC, O & P)
Properties, LLC, Kathy Henderson,)
Delinquent Tax Collector of Orangeburg)
County,)
)
Defendants.)

REPLY

FILED FOR RECORD
SHERIFF A. D. CLARK
CLERK OF COURT
ORANGEBURG COUNTY
SOUTH CAROLINA
2017 OCT 11 AM 10:00

Handwritten initials

The Plaintiff, Cutter & Company, LLC, hereby responds to the Amended Answer and Counterclaim served by the Defendant, Stafford Funding Group, LLC, and would show this Honorable Court as follows:

1. Each and every allegation of the Counterclaim not hereinafter admitted or explained is hereby denied, and strict proof thereof is demanded.
2. As the Plaintiff has asserted that the subject tax sales were improperly conducted, the Plaintiff denies the allegations contained in Paragraphs 39, 42, 43, 45 and 46 of the Counterclaim.
3. The Plaintiff admits the allegations contained in Paragraphs 40 and 41 of the Counterclaim.
4. The Plaintiff is without sufficient information to form a belief as to the allegations of Paragraph 44 of the Counterclaim, and it therefore denies same.

WHEREFORE, having fully replied to Counterclaim of Stafford Funding Group, LLC, the Plaintiff prays that the Court dismiss the Counterclaim, with costs charged to the Defendant,

Handwritten initials

Stafford Funding Group, LLC, and to grant to the Plaintiff the relief requested in its Amended Complaint.



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ljordan@ljordanlaw.com
Attorney for Plaintiff

Columbia, South Carolina
November 7, 2017

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

Cutter & Company, LLC,
Plaintiff.

v.

Stafford Funding Group, LLC; O & P
Properties, LLC; Kathy Henderson, Delinquent
Tax Collector of Orangeburg County.

Defendant.

AND

O & P Properties, LLC,
Cross-Plaintiff,

v.

Stafford Funding Group, LLC,
Cross-Defendant.

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT

C/A NO.: 2017-CP-38-0948

**CROSS-COMPLAINT OF DEFENDANT
O & P PROPERTIES, LLC**

FILED FOR REC. ORD
MIRANDA D. CLARK
JAN 13 2017

The Cross-Plaintiff, O & P Properties, LLC, complaining of the Cross-Defendant would show:

FOR A FIRST CAUSE OF ACTION

1. Cross-Plaintiff conveyed to Cutter & Company, LLC (Cutter), certain real property known as Lots 24, 25, 26, and 31, as shown on a plat dated May 4, 1974, as recorded in Orangeburg County in Book 41 at Page 134. Said deed was recorded on April 24, 2012, in Book 1456 at Page 93.
2. In conjunction with the above noted conveyance, Cutter granted the Cross-Plaintiff a mortgage upon said property, recorded on May 3, 2012, in Book 2187 at Page 187. Said mortgage being in the amount of \$20,000.
3. That the tax sale as alleged in the Plaintiff's Complaint was not conducted in strict accordance with the provisions of Title 12, Chapter 51, and same should be set aside and declared null and void.

FOR A SECOND CAUSE OF ACTION

4. This Cross-Plaintiff reiterates the allegations contained in Paragraphs 1 through 3 above as if set out herein verbatim.

5. The said S.C. Code Ann. Section 12-51-120 requires that the amount necessary to redeem the property sold for taxes be provided to the defaulting taxpayer, grantee, mortgagee, and lessee of the property sold for taxes in order to give these interested parties a fair opportunity to redeem the property from the tax sale.

6. The intention of this requirement is that the redemption amount provided be the correct (precise) amount due to be paid by the redemption deadline.

7. By letter dated October 31, 2016, Henderson purportedly informed the Cross-Plaintiff that the amount required to redeem Parcel II was \$6,042.93 (including the 2015 taxes). A copy of said letter was attached to the Plaintiff's Complaint as Exhibit "H".

8. The Cross-Plaintiff is informed and believes that said redemption amount stated in said notice of the Cross-Plaintiff is erroneous and that the correct amount is calculated as follows:

Pre-tax-sale Amount Due (including penalties and collection costs)	\$1,925.92
2015 Taxes	\$1,697.40
Interest (12%) on Bid (\$17,000)	<u>\$2,040.00</u>
TOTAL	\$5,663.32

9. The taxes, penalties, and costs portion of the foregoing calculation are reflected on the Orangeburg County Treasurer online information sheet, attached to the Plaintiff's Complaint as Exhibit "K".

10. For some unknown reason, the quoted redemption amount exceeded the actual amount by \$379.61.

11. By quoting an erroneous, significantly higher amount to redeem Parcel II from the tax sale, Henderson's mistake, which was not an inconsequential error, failed to provide to the Cross-



Plaintiff (and potentially the Plaintiff) a fair notice and opportunity to redeem Parcel II from the tax sale.

12. An incorrect redemption notice is only marginally better than no redemption notice whatsoever.

13. Since the tax sale of Parcel II was conducted in a manner which was not in strict compliance with Title 12, Chapter 51, the tax sale and the resulting deed are null and void.

14. The Cross-Plaintiff is entitled to an Order of this Court overturning the tax sale, declaring the tax deed on Parcel II to be void and confirming the validity of the mortgage (on Parcel II) held by the Cross-Plaintiff.

FOR A THIRD CAUSE OF ACTION

15. This Cross-Plaintiff reiterates the allegations contained in Paragraphs 1 through 14 above as if set out herein verbatim.

16. S.C. Code Ann. Section 12-51-40(d) suggested that, *when the real property is divisible*. Henderson may sell only so much of such property as would be sufficient to satisfy the tax debt.

17. Although assessed and taxed by Orangeburg County in the same fashion as unsubdivided acreage, the property comprising Parcel II was, as reflected by the legal description of such property, subdivided into four (4) individual lots, as shown on a plat dated May 4, 1974, which was approved for recording and recorded in the Office of the Register of Deeds for Orangeburg County in Plat Book 41 at Page 134. A copy of said plat was attached to the Plaintiff's Complaint as Exhibit "L".

18. Although the property comprising Parcel II was assigned a single tax map number, it was actually composed of two separate, non-contiguous parcels. A copy of Parcel II, as reflected on the Orangeburg County Assessor's website, was attached to the Plaintiff's Complaint as Exhibit "M".

19. Parcel II was not just divisible, it was, in fact, divided into two distinct, non-contiguous parcels (as well as being divided into four (4) individual, platted lots).

28. Since the tax sales were conducted in a manner which was not in strict compliance with Title 12, Chapter 51, the tax sales and the resulting deeds are null and void.

29. The Cross-Plaintiff is entitled to an Order of this Court overturning the tax sales, declaring the tax deed to be void, and confirming the titled of the property in the name of the Plaintiff.

WHEREFORE, the Cross-Plaintiff prays that the above referenced tax sale be set aside and deemed null and void.

ATTORNEY FOR THE CROSS-PLAINTIFF
O & P PROPERTIES, LLC



S.R. ANDERSON
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P.O. Box 12188
Columbia, SC 29211
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sraatlaw@bellsouth.net

November 9, 2017

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

Cutter & Company, I.L.C.,
Plaintiff.

v.

Stafford Funding Group, LLC; O & P
Properties, LLC; Kathy Henderson, Delinquent
Tax Collector of Orangeburg County,
Defendant.

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT

C/A NO.: 2017-CP-38-0948

**DEFENDANT O & P PROPERTIES,
LLC'S REPLY TO COUNTERCLAIM OF
STAFFORD FUNDING GROUP, LLC**

FILED FOR RECORD
MANIFA B. CLARK
CLERK OF COURT
ORANGEBURG, SC
NOV 17 A 3:44

The Defendant, O & P Properties, LLC ("O & P"), replying to the Counterclaim of the Defendant, Stafford Funding Group, LLC ("Stafford"), would show:

1. That the Defendant O & P denies each and every allegation contained in the Counterclaim of the Defendant Stafford not specifically admitted hereto.
2. That the Defendant O & P denies those allegations as contained in Paragraphs 41, 43, 45, and 46 of the Counterclaim of the Defendant Stafford.

WHEREFORE, having fully replied to the Counterclaim of the Defendant Stafford, the Defendant O & P prays that same be dismissed.

ATTORNEY FOR THE DEFENDANT
O & P PROPERTIES, LLC

S.R. ANDERSON
SC Bar No. 391
P.O. Box 12188
Columbia, SC 29211
(803) 252-2828
sraatlaw@bellsouth.net

Columbia, South Carolina
November 9, 2017

STATE OF SOUTH CAROLINA)
)
 COUNTY OF ORANGEBURG)
)
 Cutter & Company, LLC,)
)
 Plaintiff,)
)
 vs.)
)
 Stafford Funding Group LLC, O & P)
 Properties, LLC, Kathy Henderson as)
 Delinquent Tax Collector of Orangeburg)
 County,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 CASE NO. 2017-CP-38-0948

ANSWER TO AMENDED
 COMPLAINT

Handwritten initials

The Defendant Kathy Henderson, in her capacity as Delinquent Tax Collector for Orangeburg County, above named, answering the Amended Complaint of the Plaintiff, would respectfully show this Honorable Court as follows:

1. Any and all allegations not specifically admitted or denied are deemed denied and strict proof is demanded.
2. With regard to the allegations contained in Paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 29, 30, 33, 34, 35, 39, 41, 42, 43, 44, 62, and 80 of the Plaintiff's Complaint, hereinafter the Complaint, Defendant admits to the allegations as stated.
3. With regard to the allegations contained in Paragraphs 11, 19, 25, 48, 49, 50, 51, 52, 53, 54, 55, 56, and 57 of the Complaint, Defendant does not have enough information to admit or deny so they are deemed denied.
4. With regard to the allegations contained in Paragraphs 18, 26, 28, 31, 32, 36, 37, 38, 40, 45, 46, 47, 58, 59, 60, 61, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, and 103 of the Plaintiff's Complaint, hereinafter the Complaint, Defendants deny to the allegations as stated.

WHEREFORE, the Defendant prays that this Honorable Court will inquire into the matters set forth herein; and granting such other and further relief as the Court deems just and proper.

ANDERSON LAW OFFICE, P.A.

A handwritten signature in black ink, appearing to read "J.A. Anderson", written over a horizontal line.

Date: December 4, 2017
Orangeburg, South Carolina

Jerrod A. Anderson
Post Office Box 2629
Orangeburg, SC 29116
(803) 536-4751
Attorney for Kathy Henderson

STATE OF SOUTH CAROLINA)
)
 COUNTY OF ORANGEBURG)
)
 Cutter & Company, LLC,)
 PLAINTIFF.)
)
 VS.)
)
 Stafford Funding Group LLC, O & P)
 Properties, LLC, Kathy Henderson)
 Delinquent Tax Collector of Orangeburg)
 County,)
 DEFENDANTS,)
 AND)
)
 O&P Properties, LLC,)
 Cross-Plaintiff,)
 vs.)
)
 Stafford Funding Group, LLC,)
 Cross-Defendant.)

IN THE COURT OF COMMON PLEAS
 FOR THE FIRST JUDICIAL CIRCUIT
 CASE NO: 2017-CP-38-00948

ANSWER TO CROSS-COMPLAINT
 OF CROSS- DEFENDANT
 STAFFORD FUNDING GROUP, LLC

FILED FOR RECORD
 WYNNEFA B. CLARK
 2017 DEC 21 AM 11:19
 CLERK OF COURT
 ORANGEBURG, SC

CROSS-DEFENDANT, STAFFORD FUNDING GROUP, LLC, WOULD respectfully show that:

AS A FIRST DEFENSE

1. Cross-Defendant is without sufficient information to either admit or deny the allegations contained in ¶1 & ¶2 of the Cross Complaint and demand strict proof thereof.
2. Cross-Defendant denies the allegations in ¶3 of the Cross Complaint.

AS A SECOND DEFENSE

3. Cross-Defendant reiterates all the allegations contained in Paragraphs 1 through 2 above as if set out herein verbatim.
4. Cross-Defendant is without sufficient information to either admit or deny the allegations contained in ¶5 ¶7 of the Cross Complaint and demand strict proof thereof.
5. Cross-Defendant denies the allegations in ¶6 of the Cross Complaint.
6. Cross-Defendant is without sufficient information to either admit or deny the allegations contained in ¶7 of the Cross Complaint and demand strict proof thereof.
7. Cross-Defendant denies the allegations in ¶8 of the Cross Complaint.

8. Cross-Defendant is without sufficient information to either admit or deny the allegations contained in ¶9 of the Cross Complaint and demand strict proof thereof.
9. Cross-Defendant denies the allegations in ¶10, ¶11, ¶12, ¶13 & ¶14 of the Cross Complaint.

AS A THIRD DEFENSE


10. This Cross-Defendant reiterates all the allegations contained in Paragraphs 1 through 9 above as if set out herein verbatim.
11. Cross-Defendant is without sufficient information to either admit or deny the allegations contained in ¶16, of the Cross Complaint and demand strict proof thereof.
12. Cross-Defendant denies the allegations in ¶17, ¶18, ¶19, ¶20, ¶21, ¶22, ¶23 & ¶24 of the Cross Complaint.

AS A FOURTH DEFENSE

13. Cross-Defendant reiterates all the allegations contained in Paragraphs 1 through 12 above as if set out herein verbatim.
14. Cross-Defendant is without sufficient information to either admit or deny the allegations contained in ¶26 of the Cross Complaint and demand strict proof thereof.
15. Cross-Defendant denies the allegations in ¶27, ¶28 & ¶29 of the Cross Complaint.

WHEREFORE, Cross-Defendant prays that this Court Order that the tax sale be approved in favor of the Cross-Defendant; that the other parties who might claim any right, title, interest in or lien upon the real estate described in the Cross- Complaint be barred from any claim thereto, and any cloud upon the title to the said premises be removed therefrom; all costs, taxes and fees expended in connection with the property; along with any and all other remedies that this Court deems just and proper.

St. Matthews, SC
December 19, 2017



Martin R. Banks for Cross-Defendant
716 F.R. Huff Dr.
St. Matthews, SC 29135
803-874-2100 Tel.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

James B. Jackson, Jr., Master in Equity for Orangeburg County

Case No. 2017-CP-38-0948

Cutter & Company, LLC, is an Appellant,

v.

Stafford Funding Group, LLC, O & P Properties, LLC, Kathy Henderson as Delinquent Tax Collector of Orangeburg County, of which O & P Properties, LLC, is an Appellant, and of which Stafford Funding Group, LLC and Kathy Henderson as Delinquent Tax Collector of Orangeburg County,.....Defendants.

Of whom O & P Properties, LLC, is an Appellant.

NOTICE OF APPEAL

Cutter & Company, LLC and O & P Properties, LLC appeal the Final Order, filed on November 9, 2020, and the Order to Deny Motion to Reconsider, Alter or Amend Final Order, filed on January 13, 2021, both issued by the Honorable James B. Jackson, Jr., Master in Equity for Orangeburg County. Copies of the appealed Orders are attached hereto.

s/Leonard R. Jordan, Jr.
Leonard R. Jordan, Jr., #3221
JORDAN LAW FIRM
211 Veterans Road, Suite D
Columbia, South Carolina 29209
(803) 726-1950 Tel
(803) 726-1951 Fax
ljordan@ljordanlaw.com
Attorney for Appellant, Cutter & Company,
LLC

s/S.R. Anderson
S.R. ANDERSON
S.C. Bar No. 391
P.O. Box 12188
Columbia, SC 29211
(803) 252-2828
sraatlaw@bellsouth.net
Attorney for Appellant, O & P Properties,
LLC

February 3, 2021

Other Counsel of Record:

Michael C. Tanner, Esquire
Attorney at Law
P.O. Box 1061
Bamberg, SC 29003

Jerrod A. Anderson, Esquire
Anderson Law Office, P.A.
P.O. Box 2629
Orangeburg, SC 29116

STATE OF SOUTH CAROLINA)
)
 COUNTY OF ORANGEBURG)
)
 Cutter & Company, LLC,)
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 Plaintiff,)
)
 vs.)
)
 Stafford Funding Group LLC, O & P)
 Properties, LLC, Kathy Henderson as)
 Delinquent Tax Collector of Orangeburg)
 County,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 CASE NO. 2017-CP-38-0948

FINAL ORDER

This Court acquired full jurisdiction of this case by Consent Order of Reference enrolled on December 13, 2018. Jamie Cutter was present on behalf of Plaintiff Cutter & Company, LLC, along with Attorney Leonard R. Jordan, Jr. Paul W. Parsons, Jr. was present on behalf of Defendant O & P Properties LLC, along with Attorney S. R. Anderson. Tom Gasque on behalf of Defendant Stafford Funding Group, LLC was present along with Attorney Michael Tanner. Defendant Kathy Henderson, solely in her capacity as Orangeburg County Delinquent Tax Collector, attended along with Attorney Jerrod A. Anderson.

After due deliberation upon the record, all of the evidence and argument all of the parties presented, and the applicable law, this Court finds and concludes that the tax sale as to the parcel with Tax Map Number 0140-00-11-014 (herein after Parcel 2) is proper and should not be voided, and the Tax Sale as to the parcel with Tax Map Number 0153-10-02-002 (herein after Parcel 1) is improper and should be voided.

FINDING OF FACT

This lawsuit is an action to void the tax sale of real property located in Orangeburg County, that was owned by the Plaintiff Cutter & Company, LLC at the time of sale. The Amended Complaint contains the legal descriptions of both Parcel 1 and Parcel 2.

1. Cutter & Company, LLC received title to Parcel 1 by deed of Jamie O'Neal Cutter dated December 24, 2008, and recorded December 29, 2008, in the Orangeburg County office of the Register of Deeds in Deed Book 1296 at page 81.

2. Parcel 1 property was sold to Stafford Funding Group, LLC during Orangeburg County, South Carolina, Delinquent Property Tax Sale on December 8, 2016.

3. Parcel 1 property came into the possession of upon the issuance of an Orangeburg County Tax Deed on December 8, 2016, and such Tax Deed was duly recorded on March 31, 2017, in Book 1731 at page 331 in the Orangeburg County office of the Register of Deeds in the Orangeburg County office of the Register of Deeds.

4. Cutter & Company, LLC received title to Parcel 2 by deed of O & P Properties, LLC dated April 19, 2012, and recorded April 25, 2012, in the Orangeburg County office of the Register of Deeds in Deed Book 1456 at page 93.

5. Parcel 2 property was sold to Stafford Funding Group, LLC during Orangeburg County, South Carolina, Delinquent Property Tax Sale on December 8, 2016.

6. Parcel 2 property came into the possession of upon the issuance of an Orangeburg County Tax Deed on December 8, 2016, and such Tax Deed was duly recorded on March 31, 2017, in Book 1731 at page 269 in the Orangeburg County office of the Register of Deeds in the Orangeburg County office of the Register of Deeds.

7. Parcel 2 property was sold to Stafford Funding Group, LLC during Orangeburg

County, South Said property came into the possession of upon the issuance of an Orangeburg County Tax Deed on December 8, 2016, and such Tax Deed was duly recorded on March 31, 2017, in Book 1731 at page 269 in the Orangeburg County office of the Register of Deeds in the Orangeburg County office of the Register of Deeds.

8. As to Parcel 1, the Delinquent Tax Office failed to send the notice of levy described in S.C. Code Ann. § 12-51-40(b) or “Final Notice”, by certified mail to the Plaintiff.

9. As to Parcel 2, the first notice the Delinquent Tax Office sent in conducting the Tax Sale of the Property was the notice of delinquent taxes described in S.C. Code Ann. § 12-51-40(a). This “Execution Notice” was sent to Cutter & Company, LLC by regular mail addressed to 3430 Mill Stream Lane SW, Marietta, GA 30060-6218. This notice specified that if the taxes, penalties, assessments, and costs were not paid, the Property would be advertised and sold to satisfy the delinquency.

10. As to Parcel 2, the next notice the Delinquent Tax Office sent in conducting the Tax Sale of the Property was the notice of levy described in S.C. Code Ann. § 12-51-40(b). On or about May 7, 2015, the Delinquent Tax Office sent this “Final Notice” to Cutter & Company, LLC by certified, return receipt requested-restricted delivery mail addressed to 3430 Mill Stream Lane SW, Marietta, GA 30060-6218. The United States Postal Service returned the certified receipt, signed May 11, 2015 by Jamie Cutter, a managing member.

11. As to Parcel 2, the Delinquent Tax Office obtained exclusive possession of the Property by posting notice of the Tax Sale upon the Property, as provided in S.C. Code Ann. § 12-51-40(c). Notice of the Tax Sale was posted upon Parcel 2 on July 11, 2015.

12. As to Parcel 2, the Delinquent Tax Office next advertised the Property for sale at public auction in The Times and Democrat on November 15, November 22, and November 29,

2015. It is my opinion that The Times and Democrat is a newspaper of general circulation within the Town of Orangeburg, as well as Orangeburg County.

13. As to Parcel 2, at the Tax Sale, Stafford Funding Group, LLC purchased the Property with a bid of Seventeen Thousand and no/100 Dollars (\$17,000.00) and paid its bid on the day of the Tax Sale.

14. As to Parcel 2, The Delinquent Tax Office provided Cutter & Company, LLC with the notice of approaching end of redemption period described in S.C. Code Ann. § 12-51-120 (the "Redemption Notice"). The "Redemption Notice" is dated October 31, 2016, and was sent by certified, return receipt requested-restricted delivery mail addressed to 3430 Mill Stream Lane SW, Marietta, GA 30060-6218. The United States Postal Service returned the certified mailing, assumed to be unclaimed.

15. As to Parcel 2, The Delinquent Tax Office provided O & P Properties, LLC with the notice of approaching end of redemption period described in S.C. Code Ann. § 12-51-120 (the "Redemption Notice"). The "Redemption Notice" is dated October 31, 2016, and was sent by certified, return receipt requested-restricted delivery mail addressed to 213 Valley Drive, Orangeburg, SC 29115 (address found in mortgage). The United States Postal Service returned the certified mailing, marked as unclaimed.

16. As to Parcel 2, The Delinquent Tax Office provided Cutter & Company, LLC with a notice of overages in accordance with S.C. Code Ann. § 12-51-120 ("Notice of Overage"). The Notice of Overage was sent certified, return receipt-restricted delivery mail addressed to 3430 Mill Stream Lane SW, Marietta, GA 30060-6218. The United States Postal Service returned the certified mailing, assumed to be unclaimed.

17. As to Parcel 2, Cutter & Company, LLC did not request the Delinquent Tax Office

or any other department of Orangeburg County divide Parcel 2 to take and auction enough property to satisfy outstanding property taxes, assessments, penalties, and cost for the 2014 and 2015 tax years.

CONCLUSIONS OF LAW

18. This Court has jurisdiction over all the parties, all of the subject matter, and all of the real property this lawsuit involves.

19. Plaintiff argues that the tax sales of both Parcel 1 and Parcel 2 should be void because the Delinquent Tax Collector failed to comply strictly with provisions of Sections 12-51-120, 12-51-40, and 12-51-50 of the Code of Laws of South Carolina (1976), as amended. Plaintiff argued that some notices were insufficient in content to give the owner sufficient notice under Section 12-51-40; and the notices were not mailed to the best address available for the owner in accordance with Section 12-51-120.

20. As I found above with Parcel 1, the Delinquent Tax Office failed to send the notice of levy described in S.C. Code Ann. § 12-51-40(b) or “Final Notice”, by certified mail to the Plaintiff. As such the defendant failed to comply strictly with provisions of said statute, so the tax sale as to Parcel 1 is voided by the Court.

21. The Court had the opportunity to evaluate the demeanor and veracity of the witnesses who testified in this matter. As I found above with Parcel 2, I believe Orangeburg County complied with all the statutory requirements regarding notice to Cutter & Company, LLC and O & P Properties, LLC. Jamie Cutter testified for Cutter & Company, LLC. I find Jamie Cutter testified that he had gone online and downloaded a change of address form in October 2014. He testified that he faxed this change of address form to Orangeburg County however, no one from

Orangeburg County acknowledged ever receiving the fax.

22. Jamie Cutter also testified that based upon a fax call log, he had an interaction with Orangeburg County employees regarding this change of address form. However, I find on cross examination it was shown that this call allegedly occurred on October 12, 2014 at 11:55 p.m. I find this date was also a Sunday which strains the credibility of the truthfulness of his testimony. I further find that Jamie Cutter then changed his testimony on cross examination and stated that he listened to the voice prompts before he later had a follow up call.

23. I also find Jamie Cutter testified he had paid some taxes personally and was present in Orangeburg County on October 10, 2014, however, then traveled back to the Atlanta, Georgia area without leaving a hard copy of the change of address form at the tax office in Orangeburg. Mr. Cutter also reportedly has medidata computer records however, he was not qualified as an expert witness on medidata and offered no other expert witnesses regarding the veracity of these computer records. He also was unable to give any specific names of individuals the Orangeburg Tax Assessor's office that he spoke to despite his earlier assertion that he called the office on a weekly basis. He did acknowledge signing several tax documents from the Orangeburg County Tax Collector's office and further testified he had abandoned other parcels of property sold through the delinquent tax collection process without filing a lawsuit.

24. The testimony of Jamie Cutter regarding his alleged phone call of October 12, 2014, also strains his credibility. The Court takes judicial notice that Orangeburg County employees do not work on Sundays and certainly would not be working close to midnight. It is also constrained to believe that he was calling several days later for something that happened on a form dated October 10, which is according to his exhibit. Jamie Cutter then testified that was merely a date error however, it shows a pattern in which concerns the Court evaluating his candor, demeanor,

and veracity.

25. The Court heard from Jim McClain of Orangeburg County who testified that throughout this time, no change of address form was located by anyone employed by Orangeburg County. This testimony was corroborated by Kathy Henderson, also of Orangeburg County, regarding the fact that they did not have any valid change of address form completed by Defendant Cutter & Company, LLC. I also find there is no disputing that the subject matter property was properly posted and advertised for sale in accordance with the statutory framework. The Court finds that the testimony of Jamie Cutter to not be credible regarding his alleged completion and delivery by fax of the change of address form. As such, the Court finds that Orangeburg County used the best, proper address on file when it sent all appropriate tax notices to Cutter & Company, LLC.

26. The Court did not hear any testimony creating an issue that the mortgage holder, O&P Properties, LLC, did not receive proper notice of its statutory redemption due to its security interest in the property. It appears this notice was properly sent to the best address that Orangeburg County had on file and was not redeemed within the statutory time period by O&P Properties, LLC.

27. The Court elected to bifurcate the issue of the escrow account for rents and property taxes between Stafford Funding and Cutter & Company, LLC. Based upon the ruling of the Court, the Court shall reserve jurisdiction to conduct a further hearing and testimony on the issue of the rents and taxes paid, ownership of, and other proceeds paid during the litigation if the parties cannot resolve this issue. The Court specifically reserves jurisdiction to issue a separate ruling on the issue of the ownership and distribution of these funds.

28. As to Parcel 2, Cutter & Company, LLC did not request the Delinquent Tax Office

or any other department of Orangeburg County divide Parcel 2 to take and auction enough property to satisfy outstanding property taxes, assessments, penalties, and cost for the 2014 and 2015 tax years. As such, Section 12-51-40(d) does not place a pre-sale burden on the County or tax collector to determine divisibility. Plaintiff has the initial burden of requesting the County to determine divisibility prior to the sale. *H. Daniel Folk, Jr. v. W.O. Thomas, Jr. et.al.*, 336 S.C. at 82, 543 S.E.2d 556.

29. Since the tax sale of Parcel 1 has been voided by this Court, an obligation for the County under Section 12-51-50 is now moot.

IT IS THEREFORE ORDERED:

1. The Orangeburg Delinquent Tax Sale for parcel with TMS # 0153-10-02-002 (Parcel 1) is improper and void and the Tax Deed recorded at Book 1731, Page 331 to Stafford Funding shall be voided and shall be of no force and effect. Cutter and Company shall pay to Stafford Funding all bid amounts, penalties and interest and taxes paid by Stafford Funding since the tax sale of December 8, 2016, within thirty days of this Order. The Court shall retain jurisdiction to hear any further testimony on these amounts if this cannot be resolved by the parties.
2. The tax sale as to Parcel 2 with TMS number 0140-00-11-014 is proper and the Court confirms title has properly vested to Stafford Funding, as evidenced by the Deed recorded on March 31, 2017, in Book 1731, Page 269 filed with the Orangeburg RMC.
3. The Court shall reserve jurisdiction to conduct a further hearing and testimony on the issue of the rents and taxes paid, ownership of, and other proceeds paid during the litigation if the parties cannot resolve this issue. The Court specifically reserves jurisdiction to issue a separate ruling on the issue of the ownership and distribution of these funds.

AND IT IS SO ORDERED.

October ____, 2020

Orangeburg, SC

JUDGE JAMES B. JACKSON, JR.
MASTER IN EQUITY FOR ORANGEBURG COUNTY

STATE OF SOUTH CAROLINA

**DELINQUENT TAX TITLE
TO REAL ESTATE**

COUNTY OF ORANGEBURG

KNOW ALL MEN BY THESE PRESENTS, that I, Kathy Henderson, Delinquent Tax Collector of Orangeburg County, in the State aforesaid, for and in consideration of the sum of \$600.00 to me paid by **STAFFORD FUNDING GROUP LLC**, the receipt of which is hereby acknowledged, have granted, bargained, sold, released, and forever quitclaimed, and by these presents do grant, bargain, sell, release, and forever quitclaim unto the said **STAFFORD FUNDING GROUP LLC**, the property which is described as follows (herein the "Property"):

ALL THAT CERTAIN PIECE, PARCEL, OR TRACT OF LAND WITH IMPROVEMENTS, SITUATE, LYING, BEING IN THE COUNTY OF ORANGEBURG, STATE OF SOUTH CAROLINA, BEING SHOWN AND DESIGNATED AS PARCEL A, CONTAINING 1.0 ACRES, AND RECORDED IN THE REGISTER OF DEEDS OFFICE FOR ORANGEBURG COUNTY IN PLAT BOOK 8 AT PAGE 232.

ALL MEASUREMENTS ARE MORE OR LESS AND LESS ANY PREVIOUS CONVEYANCE.

EXCLUDING MOBILE HOME
TMS #0153-10-02-002.000
DERIVATION: DEED BOOK 1296, PAGE 0081

GRANTEE ADDRESS:
STAFFORD FUNDING GROUP LLC
P.O. BOX 7179
FLORENCE, SC 29502

Orangeburg County	03-31-2017
SOUTH CAROLINA	
County Revenue Stamp	\$1.10
State Revenue Stamp	\$2.60

TOGETHER with all and singular, the right, members, hereditaments and appurtenances to the said premised belonging or in anywise incident or appertaining; however, exclusive of any mobile home that may be situate on the Property.

TO HAVE AND TO HOLD all and singular the Property before mentioned unto the said **STAFFORD FUNDING GROUP LLC**, his/her Heirs and Assigns forever.



ENTERED IN THE OFFICE OF THE ASSESSOR
DATE: 03-31-2017
JIM MCLEAN, ORANGEBURG COUNTY ASSESSOR


FILED Mar 31, 2017 09:15 am
BOOK 01731
PAGE 0331 THRU 0332
INSTRUMENT # 2017001466
Elaine G. Douglas

FILED
ORANGEBURG
COUNTY
ELAINE G. DOUGLAS
REGISTER
OF DEEDS

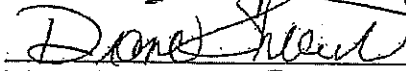
In accordance with the South Carolina Code of Laws, Section 12-51-130, as amended, I, Kathy Henderson included in this delinquent tax title the following information regarding the Property:


1. Name of defaulting taxpayer: CUTTER & COMPANY LLC.
2. Date of tax execution: MARCH 17, 2015
3. Date certified notice was mailed, MAY 07, 2015 and was NOT received.
4. Date Property was posted: JULY 08, 2015
5. Name of person who posted Property: SANDY FOWLER
6. Date certified notice was mailed, OCTOBER 31, 2016 and was NOT received.

WITNESS my Hand and Seal this 8th day of December, 2016.

 (SEAL)
Kathy Henderson
Delinquent Tax Collector,
Orangeburg County

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:


Diane Shecut

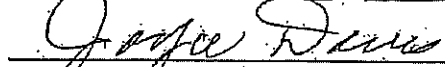
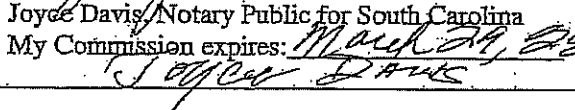

Joyce Davis

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

Personally appeared before me the undersigned witness and made oath that she saw the within named Kathy Henderson, Delinquent Tax Collector of Orangeburg County sign, seal and as her Act and Deed, deliver the within written Deed and that she with Joyce Davis witnessed the execution thereof.


Diane Shecut

SWORN to before me this 8th of December, 2016


Joyce Davis, Notary Public for South Carolina
My Commission expires: March 24, 2021


STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

DELINQUENT TAX TITLE
TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that I, Kathy Henderson, Delinquent Tax Collector of Orangeburg County, in the State aforesaid, for and in consideration of the sum of \$17,000.00 to me paid by STAFFORD FUNDING GROUP LLC, the receipt of which is hereby acknowledged, have granted, bargained, sold, released, and forever quitclaimed, and by these presents do grant, bargain, sell, release, and forever quitclaim unto the said STAFFORD FUNDING GROUP LLC, the property which is described as follows (herein the "Property"):

ALL THAT CERTAIN PIECE, PARCEL, OR TRACT OF LAND, SITUATE, LYING, BEING IN THE COUNTY OF ORANGEBURG, STATE OF SOUTH CAROLINA, BEING MORE PARTICULARLY SHOWN AND DELINEATED AS LOT NOS.: 24, 25, 26, AND 31 ON A PLAT OF ROLLING ACRES SUBDIVISION, CONTAINING 3.7 ACRES, AND RECORDED IN THE REGISTER OF DEEDS OFFICE FOR ORANGEBURG COUNTY IN PLAT BOOK 41 AT PAGE 134.

ALL MEASUREMENTS ARE MORE OR LESS AND LESS ANY PREVIOUS CONVEYANCE.

EXCLUDING MOBILE HOME
TMS #0140-00-11-014.000
DERIVATION: DEED BOOK 1456, PAGE 0093

GRANTEE ADDRESS:
STAFFORD FUNDING GROUP LLC
P.O. BOX 7179
FLORENCE, SC 29502

Orangeburg County 03-31-2017
SOUTH CAROLINA
County Revenue Stamp \$18.70
State Revenue Stamp \$44.20

TOGETHER with all and singular, the right, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining; however, exclusive of any mobile home that may be situate on the Property.

TO HAVE AND TO HOLD all and singular the Property before mentioned unto the said STAFFORD FUNDING GROUP LLC, his/her Heirs and Assigns forever.



ENTERED IN THE OFFICE OF THE ASSESSOR
DATE: 03-31-2017
JIM MCLEAN, ORANGEBURG COUNTY ASSESSOR


FILED Mar 31, 2017 08:44 am
BOOK 01731
PAGE 0269 THRU 0270
INSTRUMENT # 2017001435
Clair H. Lupton
Signature

FILED
ORANGEBURG
COUNTY
ELAINE G. DOUGLAS
REGISTER
OF DEEDS

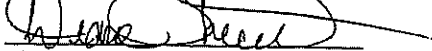
In accordance with the South Carolina Code of Laws, Section 12-51-130, as amended, I, Kathy Henderson included in this delinquent tax title the following information regarding the Property:


1. Name of defaulting taxpayer: CUTTER & COMPANY LLC.
2. Date of tax execution: MARCH 17, 2015
3. Date certified notice was mailed, MAY 07, 2015 and was received.
4. Date Property was posted: JULY 11, 2015
5. Name of person who posted Property: JOHN GUILFOYLE
6. Date certified notice was mailed, OCTOBER 31, 2016 and was NOT received.

WITNESS my Hand and Seal this 8th day of December, 2016.

 (SEAL)
 Kathy Henderson
 Delinquent Tax Collector,
 Orangeburg County

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

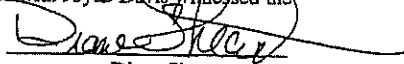

 Diane Shecut


 Joyce Davis


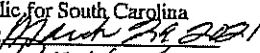
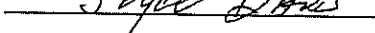
STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

Personally appeared before me the undersigned witness and made oath that she saw the within named Kathy Henderson, Delinquent Tax Collector of Orangeburg County sign, seal and as her Act and Deed, deliver the within written Deed and that she with Joyce Davis witnessed the execution thereof.


 Diane Shecut

SWORN to before me this 8th of December, 2016


 Joyce Davis, Notary Public for South Carolina
 My Commission expires: 


546

COUNTY OF ORANGEBURG EXECUTION NOTICE
Delinquent Tax Office
P.O. Drawer 9000
Orangeburg, SC 29116-9000



701400011014000

Type 91

CUTTER & COMPANY LLC
3430 MILL STREAM LN SW
MARIETTA GA 30060-6218

April, 01, 2015

RECEIPT #	DIST	MAP-SHEET-BLOCK		NO. ACRES	NO. LOTS	NO IMPS.	TAX YEAR
1752247	40	0140-00-11-014.000		3.70			2014
LAND	IMPROVEMENTS	REAL	PERSONAL	TOTAL	LEVY	PROPERTY TAXES	LESS EXEMPTIONS
				4500	X 353 =	1830.92	
DESCRIPTION OF REAL ESTATE OR PERSONAL PROPERTY						AMOUNT DUE	1830.92
REAL-ESTATE. 2137000						AMOUNT DUE AFTER APRIL 30, 2015	1875.92
Lot 24, 25, 26, 31 ROLLIN OLD MAP: 0140-00-11-014.000						AMOUNT DUE AFTER JUNE 30, 2015	1895.92
						AMOUNT DUE AFTER OCTOBER 30, 2015	1915.92

ALL DELINQUENT TAXES MUST BE SATISFIED WHEN TAXES ARE PAID.

RECEIPT #	DIST	MAP-SHEET-BLOCK		NO. ACRES	NO. LOTS	NO IMPS.	TAX YEAR
1752247	40	0140-00-11-014.000		3.70			2014
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						AMOUNT DUE AFTER OCTOBER 30, 2015	1915.92

ALL DELINQUENT TAXES MUST BE SATISFIED WHEN TAXES ARE PAID.

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

1. AN "OFFICIAL NOTICE OF LEVY" MAY BE MAILED TO YOU.
2. A SIGN MAY BE PLACED ON YOUR PROPERTY ANNOUNCING THAT THE PROPERTY IS TO BE SOLD FOR NON-PAYMENT OF TAXES.
3. YOUR PROPERTY MAY BE ADVERTISED IN THE TIMES AND DEMOCRAT NEWSPAPER.
4. NO PERSONAL CHECKS WILL BE ACCEPTED AFTER OCTOBER 30, 2015.
5. ALL REAL ESTATE AND PERSONAL PROPERTY TAXES MUST BE PAID ON OR BEFORE 5:00 P.M. DECEMBER 4, 2015 IN ORDER TO AVOID HAVING THE PROPERTY SOLD.
6. YOUR PROPERTY MAY BE SOLD AT A PUBLIC AUCTION ON DECEMBER 7, 2015.

IF YOU HAVE ANY QUESTIONS REGARDING THIS BILL, PLEASE CALL 803-533-6142

To: Orangeburg County Delinquent Tax Collector
Date: March 17, 2015

County of Orangeburg
Orangeburg, South Carolina

WHEREAS, the party(ies) whose name(s) appear(s) above have been assessed for the sum above, the same being for State, County, School and Special Taxes for the tax year shown. The named party(ies) has(have) neglected to pay their county taxes.

THEREFORE, in the name of the State of South Carolina and the County of Orangeburg you are hereby charged and commanded to levy by distress, and to cause the sale of so much of the defaulting taxpayers estates, real or personal, or both, as may be sufficient to satisfy all taxes, penalties, and costs pursuant to state and county statutes (12-45-180), and for so doing this shall be sufficient warrant.

Given under my hand and seal, pursuant to the South Carolina Code of Laws.

J. Steve Summers
J. Steve Summers
County Treasurer



ORANGEBURG COUNTY

DELINQUENT

1137522

TAX SALE



THIS IS TO CERTIFY THAT I, KATHY HENDERSON, DELINQUENT TAX COLLECTOR OF ORANGEBURG COUNTY, SOUTH CAROLINA, HAVE THIS DAY SEIZED AND LEVIED ON: **3.7 ACRE(S)**

TMS: **01400011014000** AND IMPROVEMENTS, IF ANY IN THE NAME OF:
CUTTER & COMPANY LLC

BY VIRTUE OF TAX EXECUTIONS ISSUED AGAINST SAID PROPERTY TO ME DIRECTED, I WILL ADVERTISE AND SELL THE SAME TO THE HIGHEST BIDDER AT PUBLIC AUCTION, AT THE ORANGEBURG COUNTY LAW ENFORCEMENT COMPLEX, BEGINNING AT 10:00 AM MONDAY, **DECEMBER 7, 2015**, TO SATISFY THE TAX EXECUTION AND COST FOR THE TAX YEAR (S):

TAX AND COST DUE \$ 1895.92

IF THE TAXES, ASSESSMENTS, PENALTIES AND COSTS ARE NOT PAID BY **OCTOBER 30, 2015**, A **\$20.00** COST WILL BE ADDED. ALL TAXES DUE MAY NOT BE INCLUDED ON REAL ESTATE OR MOBILE HOMES.

PAYMENT MUST BE CASH, CERTIFIED CHECK OR MONEY ORDER

Kathy Henderson

DELINQUENT TAX COLLECTOR

P.O. DRAWER 9000

ORANGEBURG, SC 29116

TELEPHONE: **803-533-6142**

**IT IS ILLEGAL TO REMOVE UNTIL TAXES ARE PAID.
VIOLATORS WILL BE PROSECUTED**



END OF REDEMPTION NOTICE

SALE NUMBER: 2015000546

CUTTER & COMPANY LLC
3430 MILL STREAM LN SW
MARIETTA GA 30060-6218

Dear Property Owner:

On DECEMBER 7, 2015 the property defined by Tax Map Number 01400011014000 was sold at public auction by Orangeburg County for the purpose of collecting delinquent taxes. You may redeem your property by remitting to the Orangeburg County Delinquent Tax Collector, the amount of \$ 6042.93 which includes your 2015 taxes.

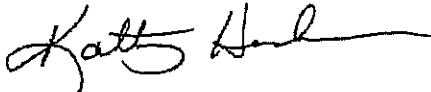
All taxes, penalties and cost may not be included in this redemption amount.

Property must be redeemed no later than 5:00 P.M., DECEMBER 8, 2016 or a tax title will be issued to the successful bidder. If you have any questions, please contact us at 803-533-6142.

NO PERSONAL CHECKS, BUSINESS CHECKS OR CREDIT CARDS ACCEPTED!

PLEASE GIVE THIS YOUR IMMEDIATE ATTENTION!

Sincerely,



Kathy Henderson
Delinquent Tax Collector

OCTOBER 31, 2016

DELINQUENT TAX COLLECTOR
COUNTY OF ORANGEBURG
P.O. DRAWER 9000
ORANGEBURG SC 29116-9000



SEE REVERSE SIDE FOR OPENING INSTRUCTIONS

BO-5308233

RETURN RECEIPT REQUESTED
USPS® MAIL CARRIER
DETACH ALONG PERFORATIONS

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

Agent

Addressee

D. Is delivery address different from item 17
If YES, enter delivery address below

Yes

No

2. Article Number

9215 6907 6480 0101 2454 33

3. Service Type

CERTIFIED MAIL®

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

CUTTER & COMPANY LLC
3430 MILL STREAM LN SW
MARIETTA GA 30060-6218

2015000546

PS Form 3811, July 2001

Domestic Return Receipt

CERTIFIED MAIL®



DELINQUENT TAX COLLECTOR
COUNTY OF ORANGEBURG
PO DRAWER 0000
ORANGEBURG SC 29118-9000

USPS CERTIFIED MAIL™



9215 6907 6480 0101 2454 33

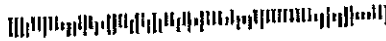
FIRST-CLASS MAIL
U.S. POSTAGE
PAID
COLUMBIA, SC
Permit No. 813

Single-Piece
0000122

IMPORTANT NOTICE RESTRICTED DELIVERY

PLEASE RETURN THIS STATEMENT WITH PAYMENT

CUTTER & COMPANY LLC
3430 MILL STREAM LN SW
MARIETTA GA 30060-6218



9215 6907 6480 0101 2454 33

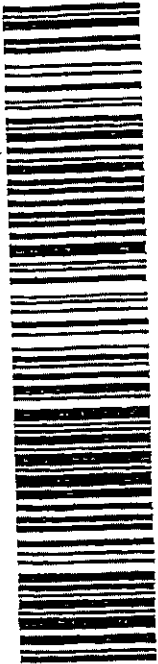
X

CUTTER & COMPANY LLC
3430 MILL STREAM LN SW
MARIETTA GA 30060-6218

DELINQUENT TAX COLLECTOR
COUNTY OF ORANGEBURG
PO DRAWER 9000
ORANGEBURG SC 29116-9000

CERTIFIED MAIL

USPS CERTIFIED MAIL™



9215 6907 6480 0101 2454 33

FIRST-CLASS MAIL
U.S. POSTAGE
PAID
COLUMBIA, SC
Permit No. 813

IMPORTANT NOTICE
RETURN RECEIPT REQUESTED
RESTRICTED DELIVERY

Single-Piece
0000122

PLEASE RETURN THIS STATEMENT WITH PAYMENT

CUTTER & COMPANY LLC
3430 MILL STREAM LN SW
MAPLETTA, GA 30056-3000

*NR LN
11-2-16*

MAPLETTA, GA 30056-3000 FE 17 86 0001722/17

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

29116-9000
UTF
29116-9000

REMOVE SIDE EDGES FIRST
FOLD, CREASE AND TEAR ALONG PERFORATION
SLIDE FINGER OR PENCIL ACROSS BOTTOM

REMOVE SIDE EDGES FIRST
FOLD, CREASE AND TEAR ALONG PERFORATION
SLIDE FINGER OR PENCIL ACROSS BOTTOM

Williams & Williams

2200
0013

M-BK:02200 PG:0013

Recording Requested By and
When Recorded Mail to:

Recording Time, Book & Page

*Corrected Derivation Mortgagebk 2187
Pg 187*
SOUTH CAROLINA MORTGAGE

COUNTY: Orangeburg
CITY: _____

TAX MAP NUMBER: 0140-00-11-006.000
DATE: May 3, 2012

Mortgagor
Cutter & Company, LLC
3430 Mill Stream Lane
Marietta, GA 30060

Mortgagee
O & P Properties, LLC
213 Valley Drive
Orangeburg, SC 29115

FILED May 03, 2012 04:53:19 pm
BOOK 02200
PAGE 0013 THRU 0016
INSTRUMENT #1 2012001594
Bill Addison

FILED
ORANGEBURG
COUNTY
BILL ADDISON
REGISTER
OF DEEDS

The designation Mortgagor and Mortgagee as used herein shall include the named parties and their heirs, successors and assigns and shall include singular, plural, masculine, feminine or neuter as required by context.

WHEREAS Mortgagor in and by that certain note (hereinafter the "Note"), bearing the date hereof is justly indebted to Mortgagee in the sum of Twenty Thousand and no/100 Dollars (\$20,000.00), together as set forth in the Note and payable according to the Note and conditions thereof, reference being hereunto had will more fully appear; the Note to have a maturity date no later than August 2015.

NOW, KNOW ALL MEN BY THESE PRESENTS that, (a) to secure the payment and performance of the Note and any renewal, extension or modification thereof to Mortgagee according to the conditions of the Note; and (b) also to secure in accordance with Section 29-3-50 Code of Laws of South Carolina 1976, as amended; all future advances and readvances that may subsequently be made to Mortgagor by Mortgagee, evidenced by the Note and all renewals, extensions and modifications thereof; provided, however, that: (i) nothing contained herein shall create an obligation on the part of Mortgagee to make future advances or readvances to Mortgagor and (ii) the maximum amount of all indebtedness outstanding at any one time secured hereby shall not exceed twice the face amount of the Note, plus interest thereon and costs of collection (including court costs and reasonable attorneys' fees); and (c) in consideration of the further sum of Three Dollars (\$3.00) to Mortgagor in hand well and truly paid by Mortgagee at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, Mortgagor has granted, bargained, sold, and released, and by these presents does hereby grant, bargain, sell, release and convey unto Mortgagee the real estate (the "Premises") described as follows:

All those certain pieces, parcels or lots of land with any and all improvements thereon, situate, lying and being in Zion Township, County of Orangeburg, State of South Carolina, and being more particularly shown and delineated as Lot Nos. 24, 25, 26, and 31 on a plat of Rolling Acres Sub-Division prepared for Fred H. Carr by A. R. Parler, Jr., R.L.S. dated May 4, 1974 and recorded in the office of the Register of Deeds for Orangeburg County in Plat Book 41 at Page 134 and said lots having such size, shape, area, courses, distances, boundaries and measurements as set forth and shown on said plat which is incorporated herein and made a part of this description by reference.

This being a portion of the property conveyed to Cutter & Company, LLC, by deed of O and P Properties, LLC, dated April 19, 2012, and recorded on April 24, 2012, in the Office of the Register of Deeds for Orangeburg County in Deed Book 1456 at Page 93.

Portion of Tax Map # 0140-00-11-006-000



TOGETHER with all and singular the rights, members, hereditaments, and appurtenances to the Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the Premises unto Mortgagee, and Mortgagee's heirs, successors and assigns forever.

And Mortgagor does hereby assign, set over and transfer to Mortgagee, Mortgagee's heirs, successors and assigns, all of the rents, issues, and profits of the Premises accruing and falling due from and after the service of a summons issued in an action to foreclose this Mortgage after default in the conditions thereof.

And Mortgagor does hereby bind Mortgagor and Mortgagor's heirs, successors and assigns to warrant and forever defend all and singular the Premises unto Mortgagee, and Mortgagee's heirs, successors and assigns, from and against Mortgagor and Mortgagor's heirs, executors, administrators, successors and assigns, and all other persons whomsoever lawfully claiming or to claim the same or any part thereof.

AND IT IS AGREED, by and between the parties, that Mortgagor and Mortgagor's heirs, successors and assigns shall insure such buildings or other improvements as may be constructed on the Premises and keep the same insured from loss or damage by fire in the sum of the actual cash value thereof and assign the policy of insurance to Mortgagee, and Mortgagee's heirs, successors and assigns. And in case Mortgagor shall at any time neglect or fail to do so, then the holder of this Mortgage may cause the same to be insured in Mortgagee's own name, and all amounts so expended shall be secured by this Mortgage and be due and payable by Mortgagor to Mortgagee upon demand with interest at the rate set forth in the Note.

AND IT IS FURTHER AGREED, that Mortgagor, and Mortgagor's heirs, successors and assigns, shall pay promptly all taxes assessed and chargeable against the Premises; and in default thereof, that the holder of this Mortgage may pay the same, and all amounts so expended shall be secured by this Mortgage and be due and payable by Mortgagor to Mortgagee upon demand with interest at the rate set forth in the Note.

AND IT IS FURTHER AGREED, if all or any part of the Premises or any interest therein is sold, transferred or encumbered by Mortgagor without Mortgagee's prior written consent (which consent may be withheld in Mortgagee's sole and absolute discretion), all sums secured by this Mortgage shall, at the option of Mortgagee, be immediately due and payable.

AND IT IS FURTHER AGREED, that in case of default in any of the payments of interest or principal as provided in the Note or the breach of any provision contained herein, which default is not cured during the applicable grace period set forth in the Note, if any, the whole amount of the debt secured by this Mortgage shall become due and payable at once in accordance with the terms and conditions of the Note.

AND IT IS FURTHER AGREED that in the case of foreclosure of this Mortgage, by suit or otherwise, Mortgagee shall recover of Mortgagor a reasonable sum as attorney's fees, which shall be secured by this Mortgage and shall be included in any judgment of foreclosure.

PROVIDED ALWAYS, NEVERTHELESS, and it is the true intent and meaning of the parties to these presents, that if Mortgagor does truly pay, or cause to be paid unto Mortgagee the said debt or sum of money aforesaid, with interest thereon, if any shall be due, according to the true intent and meaning of the Note and conditions thereunder written, then this Mortgage shall cease, determine, and be utterly null and void, but shall otherwise remain in full force and effect.

2200
0015

IN WITNESS WHEREOF, Mortgagor has caused this Mortgage to be executed under seal this 3rd day of May, 2012.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

MORTGAGOR:

Scott Bralley
Witness #1

Cutter & Company, LLC

By: *Jamie O'Neal* (SEAL)
Jamie O'Neal Cutter

Its: Managing Member

[Signature]
Witness #2

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

Acknowledgment

I, a Notary Public for South Carolina, do hereby certify that CUTTER & COMPANY, LLC, Mortgagor, by JAMIE O'NEAL CUTTER Its: Managing Member, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 3rd day of May 2012.

[Signature]
Notary Public for South Carolina

My Commission Expires:

8/16/2016

ORANGEBURG COUNTY
DELINQUENT TAX COLLECTOR
NOTICE TO OWNER OF MORTGAGE

Sale # 2015000546

Notice is hereby given to OIP Properties LLC as the owner of a certain mortgage recorded in the office of the Register of Deeds in book 1456, page 93, of the County of Orangeburg, State of South Carolina and recorded in Deed Book 01456, page 0093, that the property of:

CUTTER & COMPANY LLC,
TM# 01400011014000

was sold on DECEMBER 7, 2015 for unpaid taxes and cost for the following year(s):

2015
2014

If the amount of \$6042.93 is not redeemed by **December 8, 2016** a tax title will be issued to the successful bidder.

DESCRIPTION OF LAND LEVIED UPON

Lot 24, 25, 2
G ACRES

Kathy Henderson
Delinquent Tax Collector

October 31, 2016

PLAINTIFF'S
EXHIBIT

11

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

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the multipiece, or on the front if space permits.

1. Article Addressed to:

O & P PROPERTIES LLC
213 VALLEY DRIVE
ORANGETHURB SC 29115
2015000546

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
 Addressee
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

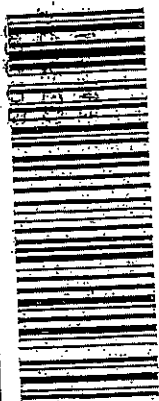
3. Service Type Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail O.O.D.
4. Restricted Delivery? (Extra Fee) Yes

2. ZIP+4® 7015 1520 0003 0259 2637

PS Form 3811, February 2004 Domestic Return Receipt

102595-02-00-10540

CERTIFIED MAIL



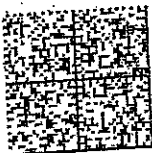
7015 1520 0003 0259 2637

COUNTY OF ORANGEBURG
DELINQUENT TAX OFFICE
POST OFFICE DRAWER 9000
ORANGEBURG, S.C. 29116-9000

O & P PROPERTIES LLC
213 VALLEY DRIVE
ORANGEBURG SC 29115
2015000546

*ms
7-11
No*

U.S. POSTAGE PITNEY BOWES
ZIP 29115 \$ 006.46⁵
02 4H
0000337064 NOV 02 2016



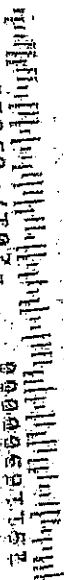
NIXIE 296 SE 1st WILMINGTON

RETURN TO SENDER
UNLESS OTHERWISE
INDICATED

2017-05-02-59

UNC
7015 1520 0003
29116-9000

BC: 2911690000



74

Custom Search

REAL ESTATE / MOBILE HOME

PLAINTIFF'S EXHIBIT

13

Unpaid Taxes Billed For Parcel ID: 0140-00-11-014.000 **

** Click to view tax map for this parcel.

* Tax bill information is updated between 5:00 & 5:30 pm daily.

* Bill to Names in Green indicate taxes are paid.

* Bill to Names in Red indicate taxes paid from Delq. Tax Sale.

* Interest on penalties not shown.

To view tax assessment information related to a parcel, click the ORANGE tax receipt number. If the "Bill to Name" appears in GREEN, the status has been paid. This page does not display the total penalties breakdown.

Type 91 = Real Estate Type 92 = Mobile Home

Bill to Name	Tax Receipt Year	Assessed Value	Millage	Gross Taxes	Homestead	Tax Relief	Net Taxes	Total Penalties	Collection Fees	Tax Status
CUTTER & COMPANY LLC	20161751870	4500	x 373.6	= \$1,681.20	-\$0.00	-\$0.00	= \$1,681.20	+\$252.18	+\$45.00	*\$1,978.38
Type District: 91 40 100% of Value Owed										
CUTTER & COMPANY LLC	20161752007	4500	x 377.2	= \$1,697.40	-\$0.00	-\$0.00	= \$1,697.40	+\$0.00	+\$0.00	Paid
Type District: 91 40 100% of Value Owed										

Bill to Name	Tax Receipt Year	Assessed Value	Millage	Gross Taxes	Homestead	Tax Relief	Net Taxes	Total Penalties	Collection Fees	Tax Status
CUTTER & COMPANY LLC	2014 752247	4500	x 353.8	= \$1,592.10	-\$0.00	-\$0.00	= \$1,592.10	+ \$236.82	+ \$95.00	Paid
Type District: 91 40										

100% of Value Owed

Bill to Name	Tax Receipt Year	Assessed Value	Millage	Gross Taxes	Homestead	Tax Relief	Net Taxes	Total Penalties	Collection Fees	Tax Status
CUTTER & COMPANY LLC	2013 1752268	4500	x 354.3	= \$1,594.35	-\$0.00	-\$0.00	= \$1,594.35	+ \$0.00	+ \$0.00	Paid
Type District: 91 40										

100% of Value Owed

All information subject to disclaimer.

2017 Orangeburg County, S.C. All Rights Reserved

Copyright © 2006 - 2017

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, That, O AND P PROPERTIES, LLC, a South Carolina Limited Liability Company, in the State aforesaid, for and in consideration of the sum of Seventy-five Thousand and 00/100 (\$75,000.00) Dollars, to it paid by CUTTER & COMPANY, LLC, a Georgia Limited Liability Company, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and released and by these presents do grant, bargain, sell and release unto the said CUTTER & COMPANY, LLC, the following described real estate:

All those certain pieces, parcels or lots of land, with any and all improvements thereon, situate, lying and being in Zion Township, County of Orangeburg, State of South Carolina, and being more particularly shown and delineated as Lot Nos.: 24, 25, 26 and 31 on a plat of Rolling Acres Sub-Division prepared for Fred H. Carr by A. R. Parler, Jr., RLS, dated May 4, 1974 and recorded in the office of the Register of Deeds for Orangeburg County in Plat Book 41 at Page 134 and said lots having such shape, size, area, courses, distances, boundaries and measurements as set forth and shown on said plat which is incorporated herein and made part of of this description by reference.

This being a portion of the same property conveyed to O and P Properties, LLC by deed of Ray Jeffcoat dated September 24, 2008 and recorded in the office of the Register of Deeds for Orangeburg County September 30, 2008 in Deed Book 1284 at Page 0004.

Portion of Tax Map No: 0140-00-11-006.000

Said conveyance is subject to easements, rights-of-way, restrictions, applicable zoning ordinances, matters revealed by an accurate up-to-date survey of the property, matters revealed by a visual inspection of the property and all other matters of record, and further subject to County of Orangeburg property taxes for the current year and all subsequent years.

FILED Apr 24, 2012 04:13:14 pm FILED
BOOK 01456 ORANGEBURG
PAGE 0093 THRU 0094 COUNTY
INSTRUMENT # 2012004652 BILL ADDISON
REGISTER
OF DEEDS
Bill Addison
Signature

Orangeburg County 04-24-2012
SOUTH CAROLINA
County Revenue Stamp \$82.50
State Revenue Stamp \$195.00

PLAINTIFF'S
EXHIBIT
14

RECORDED IN THE OFFICE OF ASSESSOR
0140 SHEET 00 PARCEL
25 DAY OF April 2012
ORANGEBURG COUNTY JIM MOLENAAR COUNTY ASSESSOR (006)

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the premises before mentioned unto the said CUTTER & COMPANY, LLC, its Successors and Assigns forever.

And O AND P PROPERTIES, LLC, does hereby bind itself and its Successors and Assigns to warrant and forever defend all and singular the said premises unto the said CUTTER & COMPANY, LLC, its Successors and Assigns, against itself and its Successors and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS its Hand and Seal this 19th day of April in the year of our Lord two thousand and twelve and in the 236th year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

O AND P PROPERTIES, LLC

Henry M. Kinsey
Witness

By: Dorothy R. O'Cain
Dorothy R. O'Cain
Its Member

Ronald E. Hutto
Witness

By: Paul W. Parsons, Jr.
Paul W. Parsons, Jr.
Its Member

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

PERSONALLY appeared before me the undersigned witness and made oath that he/she saw the within named O and P Properties, LLC, a South Carolina Limited Liability Company by Dorothy R. O'Cain and Paul W. Parsons, Jr., its Members, sign, seal and as its act and deed, deliver the within written Deed, and that he/she with the other witness witnessed the execution thereon.

Henry M. Kinsey
Witness

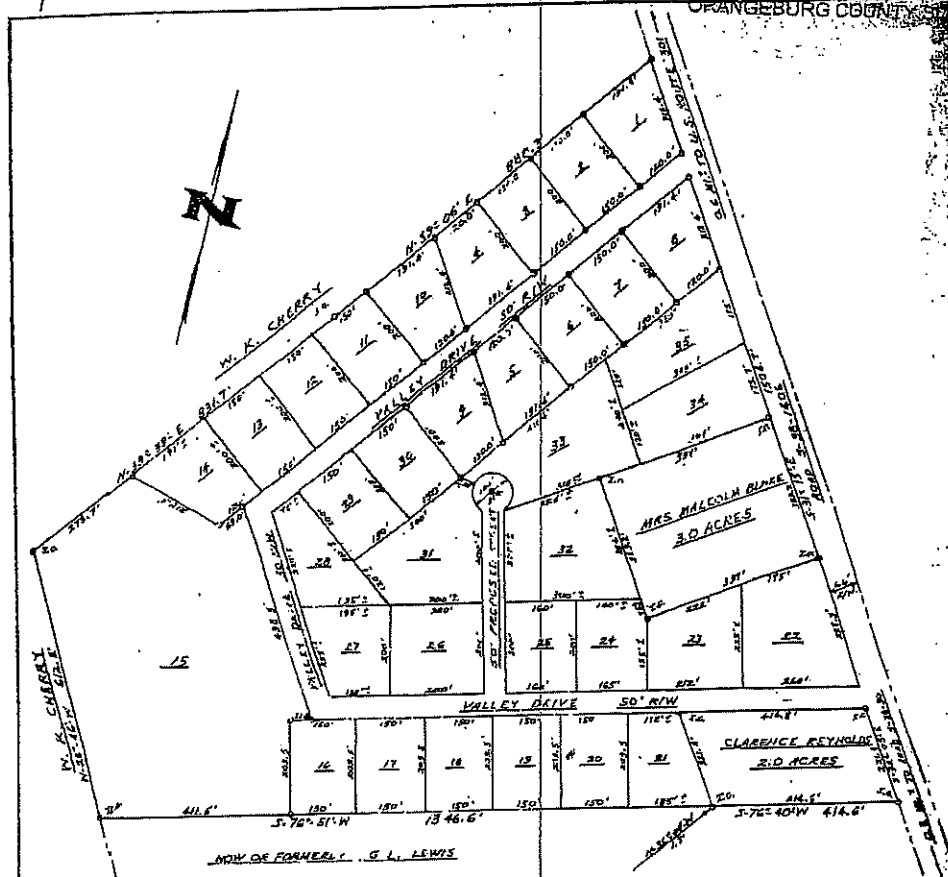
SWORN to before me this 19th
day of April, 2012.
Ronald E. Hutto
Notary Public, South Carolina
My Commission Expires: 2/6/18

ATTEST: TRUE COPY

Bill Addison

REGISTER OF DEEDS

ORANGEBURG COUNTY



REFERENCE:

PLAT OF PROPERTY OF CLYDE L. WOLEN BY
D.E. WOODWARD, S.L.S. NO. 1240 DATED
APRIL 3, 1963.
PLAT OF PROPERTY OF CLARENCE REYNOLDS BY
D.E. WOODWARD, S.L.S. NO. 1240 DATED FEB. 15, 1968.
PLAT OF ROLLING ACRES SUB-DIVISION FOR FRED H.
CARR BY R.E. SAULS, L.S. DATED JUNE 20, 1971.
PLAT OF 3.0 ACRES TRACT FOR MRS. MALCOLM BLAKE
BY JOHN F. COLLINS DATED FEB. 26, 1973.
PART OF 4 LOTS IN ROLLING ACRES SUB-DIVISION FOR
FRED H. CARR BY JOHN F. COLLINS DATED MTS. 30, 1973.

FILED FOR RECORD
J. K. WEETSURY
CLERK OF COURT
7th OCT 14 AM 11 97
40
60
ORANGEBURG COUNTY, S.C.

PLAT OF
ROLLING ACRES SUB-DIVISION
FOR FRED H. CARR

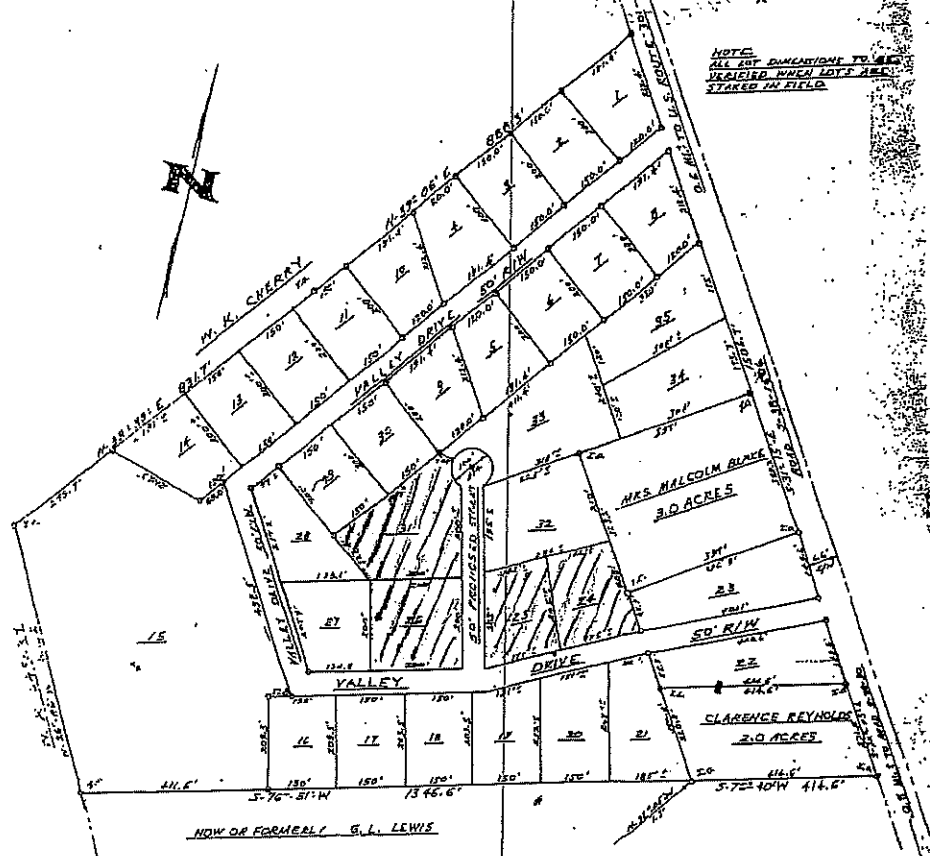
STATE OF SOUTH CAROLINA
ORANGEBURG COUNTY
ZION TOWNSHIP

SURVEYED & PREPARED BY
R. SAULS JR. S.L.S.
FEBRUARY 1971

PLAINTIFF'S
EXHIBIT
15

ATTEST TRUE COPY
Bill Addison
 REGISTER OF DEEDS
 ORANGEBURG COUNTY SC

NOTE:
 ALL LOT DIMENSIONS TO BE
 VERIFIED WHEN LOTS ARE
 STAKED IN FIELD.



Reference: Plat of 83.449 Acres
 Owned by Maggie Brown &
 divided by Lloyd S. Moore, Jr.
 dated Dec. 19 1924

REFERENCE:

- PLAT OF PROPERTY OF CLYDE L. ROLEN BY
 D. E. WOODWARD, P.L.S. NO. 1240 DATED
 APRIL 7, 1925.
- PLAT OF PROPERTY OF CLARENCE REYNOLDS BY
 D. E. WOODWARD, P.L.S. NO. 1150 DATED - FEB. 16, 1920.
- PLAT OF ROLLING ACRES SUB-DIVISION FOR FRED H.
 CARR BY R. E. SAULS, L.S. DATED - JUNE 19, 1921.
- PLAT OF 3.0 ACRE TRACT FOR MRS. MALCOLM BLAKE
 BY JOHN F. COLLINS DATED - FEB. 26, 1923.
- PLAT RE 4 LOTS IN ROLLING ACRES SUB-DIVISION FOR
 FRED H. CARR BY JOHN F. COLLINS DATED - AUG. 26, 1922.

NOTE:
 LOTS NO. 19 THRU NO. 25 & NO. 28
 REVISED - FEBRUARY 22, 1925.

PLAT OF
ROLLING ACRES SUB-DIVISION
FOR FRED H. CARR

FILED FOR RECORD
 S.C. SEP 31, 1925 (O')
 41-134



STATE OF SOUTH CAROLINA
ORANGEBURG COUNTY
ZION TOWNSHIP

SURVEYED & PREPARED BY
 J. R. PARLER, CIVIL ENGINEER
 SHELLEY - 2004 - 404-1111

ALL PLATS: PROPERTY OF
 HERBERT THURMAN WOODWARD, JR.
 REGISTERED HERE IN ORANGEBURG COUNTY
 S.C. 1925
 J. Chas.
 C3120

0025 0015659

County of Orangeburg Execution Notice
Delinquent Tax Office
P.O. Drawer 9000
Orangeburg, SC 29116-9000

FIRST-CLASS MAIL
U.S. POSTAGE
PAID
COLUMBIA, SC
Permit No. 813

IMPORTANT
PLEASE RETURN THIS STATEMENT WITH PAYMENT

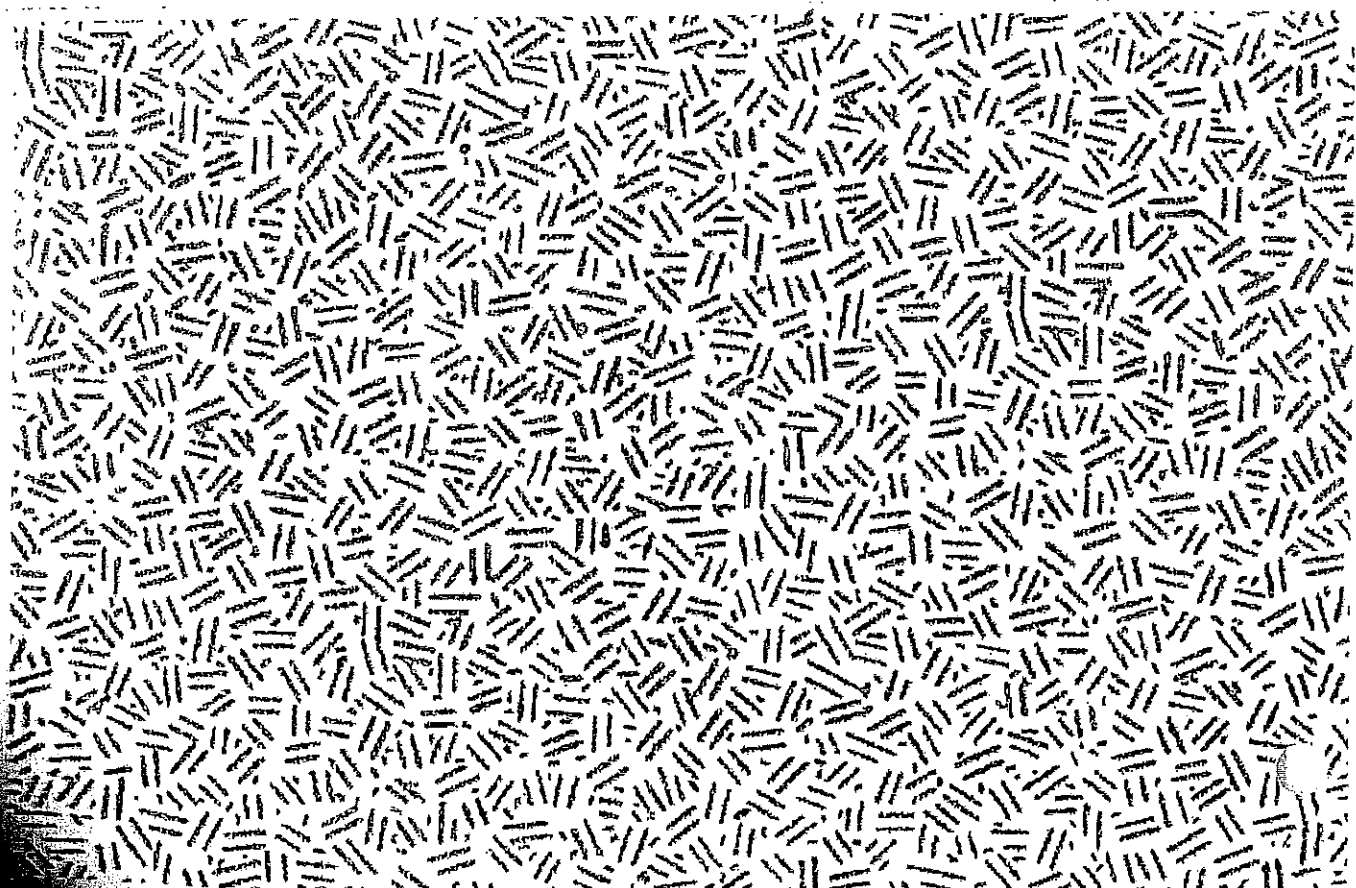


*701400011014000 *

0025 0015659 Automated Presort



CUTTER & COMPANY LLC
3430 MILL STREAM LN SW
MARIETTA GA 30060-6218



REMOVE SIDE EDGES FIRST
THEN FOLD, CREASE AND TEAR THIS STUB ALONG PERFORATION



2. ARTICLE NUMBER

9215 6907 6480 0101 0488 81

COMPLETE THIS SECTION ON DELIVERY	
A. Received by (Please Print Clearly)	B. Date of Delivery 5-11-15
C. Signature <i>[Signature]</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Address
D. Is delivery address different from item 1? If YES, enter delivery address below	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

3. Service Type **CERTIFIED MAIL[®]**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

CUTTER & COMPANY LLC
3430 MILL STREAM LN SW
MARIETTA GA 30060-6218

40
91

0140-00:11-014-000

*2015
Sale # 546*

DEFENDANT'S
EXHIBIT
Orangeburg

PENGAD 900-661-6886



DELINQUENT TAX COLLECTOR
 COUNTY OF ORANGEBURG
 P.O. DRAWER 9000
 ORANGEBURG SC 29116-9000

First-Class[®]
 U.S. Postage Pa
 USPS[®]
 Permit No. G-10



UNITED STATES POSTAL SERVICE[®]

Orangeburg County Delinquent Tax Collector
P.O. Drawer 9000
Orangeburg, SC 29116

Final Tax Notice

5/07/2015

CUTTER & COMPANY LLC
3430 MILL STREAM LN SW
MARIETTA GA 30060-6218

91



ACCOUNT #	DIST	MAP-SHEET-BLOCK	NO. ACRES	NO. LOTS	NO. IMPS.
2137000	40	0140-00-11-014-000	3.7		
2014	1875.92				
					PAY THIS AMOUNT
					1875.92
					OR AMOUNT AFTER JUNE 30, 2015
					1895.92
					OR AMOUNT AFTER OCTOBER 30, 2015
					1915.92
DESCRIPTION OF REAL ESTATE OR PERSONAL PROPERTY(S) Lot 24, 25, 26, 31 ROLLIN 2137000					

ACCOUNT #	DIST	MAP-SHEET-BLOCK	NO. ACRES	NO. LOTS	NO. IMPS.
2137000	40	0140-00-11-014-000	3.7		
2014	1875.92				
					PAY THIS AMOUNT
					1875.92
					OR AMOUNT AFTER JUNE 30, 2015
					1895.92
					OR AMOUNT AFTER OCTOBER 30, 2015
					1915.92
DESCRIPTION OF REAL ESTATE OR PERSONAL PROPERTY(S) Lot 24, 25, 26, 31 ROLLIN 2137000					

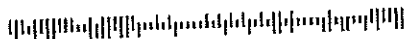
IF YOU DO NOT PAY THE AMOUNT DUE, THE FOLLOWING ACTIONS MAY BE TAKEN:

1. RETURN RECEIPT OF THIS NOTICE SHALL BE DEEMED EQUIVALENT TO "LEVYING BY DISTRESS".
2. A SIGN MAY BE PLACED ON YOUR PROPERTY ANNOUNCING THAT THE PROPERTY IS TO BE SOLD FOR NON-PAYMENT OF TAXES.
3. YOUR PROPERTY MAY BE ADVERTISED IN THE TIMES AND DEMOCRAT NEWSPAPER.
4. YOUR PROPERTY MAY BE SOLD AT A PUBLIC AUCTION ON DECEMBER 7, 2015.
5. NO PERSONAL CHECKS WILL BE ACCEPTED AFTER OCTOBER 30, 2015.
6. ALL REAL ESTATE AND PERSONAL PROPERTY TAXES MUST BE PAID ON OR BEFORE 5:00 P.M. DECEMBER 4, 2015 IN ORDER TO AVOID HAVING THE PROPERTY SOLD.
7. PRIOR TO THE DELINQUENT TAX SALE A \$50.00 RESEARCH FEE WILL BE ADDED.
8. REAL ESTATE TAXES - CAN BE PAID ONLINE AT WWW.ORANGEBURGCOUNTY.ORG
9. PLEASE SUBMIT TOP PORTION WITH YOUR PAYMENT.

ALL TAXES DUE MAY NOT BE INCLUDED ON MOBILE HOMES OR REAL ESTATE.
ALL DELINQUENT TAXES MUST BE PAID IN FULL.
IF YOU HAVE ANY QUESTIONS REGARDING THIS BILL PLEASE CALL 803-533-6142

MAIL PAYMENT TO:
ORANGEBURG COUNTY DELINQUENT TAX COLLECTOR
P.O. DRAWER 9000
ORANGEBURG, SC 29116-9000

DELINQUENT TAX COLLECTOR
COUNTY OF ORANGEBURG
P.O. DRAWER 9000
ORANGEBURG SC 29116-9000



DELINQUENT TAX COLLECTOR
COUNTY OF ORANGEBURG
PO DRAWER 9000
ORANGEBURG SC 29116-9000

USPS CERTIFIED MAIL™



9215 6907 6480 0101 0488 81

FIRST-CLASS MAIL
U.S. POSTAGE
PAID
COLUMBIA, SC
Permit No. 813

IMPORTANT NOTICE

RESTRICTED DELIVERY

Single-Piece
0005656

PLEASE RETURN THIS STATEMENT WITH PAYMENT



70140-00-11-014-000
CUTTER & COMPANY LLC
3430 MILL STREAM LN SW
MARIETTA GA 30060-6218

40
91



9215 6907 6480 0101 0488 81

X

CUTTER & COMPANY LLC
3430 MILL STREAM LN SW
MARIETTA GA 30060-6218

40
91

0140-00-11-014-000

ORANGEBURG COUNTY

DELINQUENT

1137522

TAX SALE



THIS IS TO CERTIFY THAT I, KATHY HENDERSON, DELINQUENT TAX COLLECTOR OF ORANGEBURG COUNTY, SOUTH CAROLINA, HAVE THIS DAY SEIZED AND LEVIED ON: **3.7 ACRE(S)**

TMS: **01400011014000** AND IMPROVEMENTS, IF ANY IN THE NAME OF:
CUTTER & COMPANY LLC

BY VIRTUE OF TAX EXECUTIONS ISSUED AGAINST SAID PROPERTY TO ME DIRECTED, I WILL ADVERTISE AND SELL THE SAME TO THE HIGHEST BIDDER AT PUBLIC AUCTION, AT THE ORANGEBURG COUNTY LAW ENFORCEMENT COMPLEX, BEGINNING AT 10:00 AM MONDAY, **DECEMBER 7, 2015**, TO SATISFY THE TAX EXECUTION AND COST FOR THE TAX YEAR (S):

TAX AND COST DUE \$ 1895.92

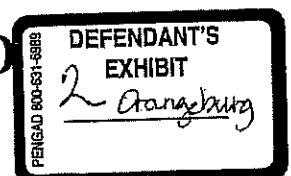
IF THE TAXES, ASSESSMENTS, PENALTIES AND COSTS ARE NOT PAID BY **OCTOBER 30, 2015**, A **\$20.00** COST WILL BE ADDED. ALL TAXES DUE MAY NOT BE INCLUDED ON REAL ESTATE OR MOBILE HOMES.

PAYMENT MUST BE CASH, CERTIFIED CHECK OR MONEY ORDER

Kathy Henderson

DELINQUENT TAX COLLECTOR
P.O. DRAWER 9000
ORANGEBURG, SC 29116
TELEPHONE: **803-533-6142**

**IT IS ILLEGAL TO REMOVE UNTIL TAXES ARE PAID.
VIOLATORS WILL BE PROSECUTED**



Sale No. 2015000546

CUTTER & COMPANY LLC
3430 MILL STREAM LN SW
MARIETTA GA, 30060

Dear Property Owner:

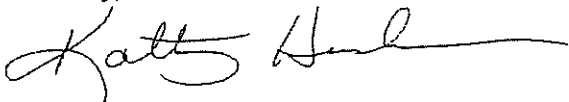
On **DECEMBER 7, 2015** the property defined by Tax Map Number 01400011014000 was sold at public auction by Orangeburg County for the purpose of collecting delinquent taxes. You may redeem your property by remitting to the Orangeburg County Delinquent Tax Collector, the amount of \$ 2475.92 which includes 3% interest of the bid amount. **All taxes, cost, and interest due may not be included in this redemption amount.**

The interest on the bid will increase by 3% every three months from the date of sale. If delinquent taxes are not paid by **March 16, 2016** the 2015 taxes will be added to the redemption amount.

Property must be redeemed no later than **5:00 P.M., DECEMBER 8, 2016** or a tax title will be issued to the successful bidder. If you have any questions, please contact us at 803-533-6142.

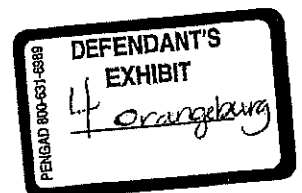
**NO PERSONAL CHECKS, BUSINESS CHECKS OR CREDIT CARDS
ACCEPTED. PLEASE GIVE THIS YOUR IMMEDIATE ATTENTION!**

Sincerely,



Kathy Henderson
Delinquent Tax Collector

January 11, 2016



END OF REDEMPTION NOTICE

SALE NUMBER: 2015000546

CUTTER & COMPANY LLC
3430 MILL STREAM LN SW
MARIETTA GA 30060-6218

Dear Property Owner:

On **DECEMBER 7, 2015** the property defined by Tax Map Number **01400011014000** was sold at public auction by Orangeburg County for the purpose of collecting delinquent taxes. You may redeem your property by remitting to the Orangeburg County Delinquent Tax Collector, the amount of \$ **6042.93** which includes your **2015** taxes.

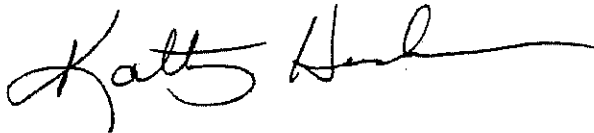
All taxes, penalties and cost may not be included in this redemption amount.

Property must be redeemed no later than **5:00 P.M., DECEMBER 8, 2016** or a tax title will be issued to the successful bidder. If you have any questions, please contact us at **803-533-6142**.

NO PERSONAL CHECKS, BUSINESS CHECKS OR CREDIT CARDS ACCEPTED!

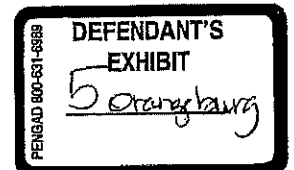
PLEASE GIVE THIS YOUR IMMEDIATE ATTENTION!

Sincerely,



Kathy Henderson
Delinquent Tax Collector

OCTOBER 31, 2016



9215 6907 6480 0101 2454 33

COMPLETE THIS SECTION ON DELIVERY	
A. Received by (Please Print Clearly)	B. Date of Delivery
C. Signature	
X	Agent Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below	
	Yes No

RETURN RECEIPT REQUESTED
USPS MAIL CARRIER
DETACH ALONG PERFORATIONS

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

CUTTER & COMPANY LLC
3430 MILL STREAM LN SW
MARIETTA GA 30060-6218

2015000546

PS Form 3811, July 2001

Domestic Return Receipt



DELINQUENT TAX COLLECTOR
COUNTY OF ORANGEBURG
PO DRAWER 9000
ORANGEBURG SC 29116-9000

USPS CERTIFIED MAIL™



9215 6907 6480 0101 2454 33

FIRST-CLASS MAIL
U.S. POSTAGE PAID
COLUMBIA, SC
Permit No. 813

IMPORTANT NOTICE RETURN RECEIPT REQUESTED
RESTRICTED DELIVERY

Single-Piece
0000122

PLEASE RETURN THIS STATEMENT WITH PAYMENT

CUTTER & COMPANY LLC
3430 MILL STREAM LN SW
MARIETTA GA 30060-6218

NELN
11-2-16

RECEIVED 589 PM 1789 0001/22-17



BE LAY TO SEND
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

ORANGEBURG COUNTY
DELINQUENT TAX COLLECTOR
NOTICE TO OWNER OF MORTGAGE

Sale # 2015000546

Notice is hereby given to OIP Properties LLC as the owner of a certain mortgage recorded in the office of the Register of Deeds in book 1456, page 93, of the County of Orangeburg, State of South Carolina and recorded in Deed Book 01456, page 0093, that the property of:

CUTTER & COMPANY LLC,
TM# 01400011014000

was sold on DECEMBER 7, 2015 for unpaid taxes and cost for the following year(s):

2015
2014

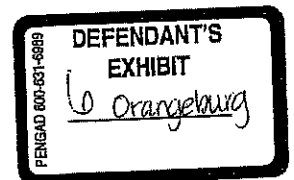
If the amount of \$6042.93 is not redeemed by **December 8, 2016** a tax title will be issued to the successful bidder.

DESCRIPTION OF LAND LEVIED UPON

Lot 24, 25, 2
6 ACRES

Kathy Henderson
Delinquent Tax Collector

October 31, 2016



CERTIFIED MAIL

COUNTY OF ORANGEBURG
DELINQUENT TAX OFFICE
POST OFFICE DRAWER 9000
ORANGEBURG, S.C. 29116-9000



7015 1520 0003 0259 2637



US POSTAGE
ZIP 29115
02 44
139033708

DN
11-4
CW

O & P PROPERTIES LLC
213 VALLEY DRIVE
ORANGEBURG SC 29115
2015000546

NIXIE 296 VE 1 9842

RETURN TO SENDER
UNDELIVERED
UNABLE TO FORWARD

29116
2015-000546

SC 291169000000 2917-0582
[Barcode]

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

O & P PROPERTIES LLC
213 VALLEY DRIVE
ORANGEBURG SC 29115
2015000546

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
X

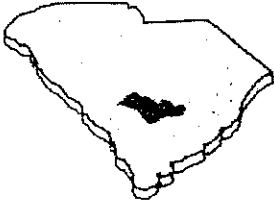
B. Received by (*Printed Name*) C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (*Extra Fee*) Yes

2. 7015 1520 0003 0259 2637



COUNTY OF ORANGEBURG

P.O. DRAWER 9000, ORANGEBURG, S.C. 29116-9000
TELEPHONE 803/533-6142
FAX NUMBER 803/533-6143
WWW.ORANGEBURGCOUNTY.ORG/DELINQUENT



DELINQUENT TAX COLLECTOR
KATHY HENDERSON

COUNCIL MEMBERS
JOHNNIE WRIGHT, SR., CHM.
JANIE COOPER, VICE CHAIR
CLYDE S. LIVINGSTON
HEYWARD H. LIVINGSTON
WILLIE B. OWENS
JOHNNY RAVENELL
HARRY WIMBERLY

MARCH 13, 2017

STAFFORD FUNDING
PO BOX 7179
FLORENCE, SC 29502

Dear Sir or Madam:

Sale Number 2015000546

A tax title for Tax Map Number 0140-00-11-014.000, which you were the successful bidder at the December 7, 2015 Delinquent Tax Sale is in the process of being prepared.

Section 12-51-150- In the case that the official in charge of the tax sale discovers before a tax title has passed, the failure of any action required to be properly performed, the official may void the sale and refund the bid amount plus actual interest earned to the successful bidder.

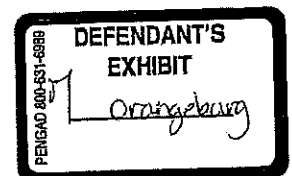
Any changes must be submitted in writing and notarized prior to the issuance of tax titles. All changes after the title has been passed will be your responsibility.

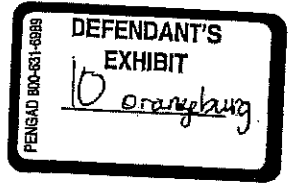
Please remit \$87.90 for your recording fees within ten (10) days to record your tax title.

If you have any questions, please contact me at 803-533-6140.

Sincerely,

Kathy Henderson
Delinquent Tax Collector





Orangeburg County
Delinquent Property Sale Receipt



Sale Date 20151207
SaleReceipt# 0
Buyer Number: 259

Name of Taxpayer
CUTLER & COMPANY LLC
3430 MILL STREAM LN SW

MARIETTA GA 30060-621

Buyer:
STAFFORD FUNDING,
N/A
PO BOX 7179
FLORENCE

29502

Sale# 2015000546
School District 40
Tax Map# 0140-00-11-014-000
Property Description 3.7 ACRES(S)

Bid Price 17000.00

Kate S. White
Delinquent Tax Collector