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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 II

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STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

) COURT OF COMMON PLEAS
)
) C/A No. 2017-CP-38-00948

Cutter & Company, LLC,
Plaintiff,

v.

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

Defendants.

HEARING

Wednesday, September 16, 2020
10:00 a.m. - 2:54 p.m.

COPY

The hearing before the Honorable James B. Jackson, Jr., Master in Equity for Orangeburg County, was taken at The Orangeburg County Courthouse 151 Docket Street, Orangeburg, South Carolina on the 16th day of September, 2020, before Amanda Creel Godfrey, Court Reporter and Notary Public in and for the State of South Carolina.



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Also Present:
 Glenn Fletcher, Cutter & Company, LLC
 Jamie Cutter, Cutter & Company, LLC
 Tom Gasque, Stafford Funding Group, LLC
 Kathy Henderson, Defendant
 Jim McLean, County of Orangeburg

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1 (Plaintiff's Exhibit Numbers 1 through 16 were marked
2 prior to the beginning of the hearing).

3 THE CLERK: All rise.

4 CALL TO ORDER:

5 THE COURT: We're on the record in the matter of
6 Cutter and Company, LLC, Plaintiff, versus
7 Stafford Funding Group, LLC, O&P Properties,
8 LLC, and Kathy Henderson, Delinquent Tax
9 Collector of Orangeburg County, Defendants, and
10 there's a Cross Complaint, O&P Properties, LLC
11 is this cross-plaintiff versus Stafford Funding
12 Group, LLC, who is the cross-defendant. Mr.
13 Jordan, I'm going to ask you to kind of tell me
14 who all's here and let's put -- put it on the
15 record the appearances.

16 MR. JORDAN: Your Honor, first thing, let me ask is
17 what is your preference regarding face masks?

18 THE COURT: I'm fine.

19 MR. JORDAN: Okay.

20 THE COURT: If everybody's okay, I'm okay.

21 MR. JORDAN: All right.

22 THE COURT: We're -- we're ---

23 MR. JORDAN: Now ---

24 THE COURT: We're trying -- we're doing it in here
25 because we got a little bit more space.



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INTRODUCTIONS:

MR. JORDAN: Yes, sir. Now, I don't see Jerrod Anderson, who is the County Attorney.

THE COURT: I see Ms. Henderson.

MR. JORDAN: I thought that was probably Ms. Henderson in the back, but I mean, I ---

THE COURT: Here he is.

MR. JORDAN: Ah. Very good. Very good.

MR. J. ANDERSON: Sorry about that, Your Honor. I was ---

MR. JORDAN: Good -- good morning ---

MR. J. ANDERSON: --- with the -- with the Clerk.

MR. JORDAN: We just started.

THE COURT: That's all right. I didn't realize you weren't even here. We're just putting appearances on the record.

MR. J. ANDERSON: Yes, sir.

MR. JORDAN: Judge, I am Leonard Jordan. I represent the Plaintiff, Cutter and Company, LLC. Mr. S.R. Anderson, better known as Cam Anderson, is here representing O&P Properties. Michael Tanner in the -- in the back here is representing Stafford Funding Group, LLC. And of course, Jerrod Anderson is here, as County Attorney representing Ms. Henderson. Okay.



CUTTER V. STAFFORD

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1 All right.

2 THE COURT: Thank you, sir.

3 MR. JORDAN: So, I think everybody's here and if
4 you're ready, I'll -- I'd like to make a little
5 preliminary statement here.

6 THE COURT: Be glad to hear from you.

7 OPENING STATEMENT BY MR. JORDAN:

8 MR. JORDAN: All right. Judge, we -- we started
9 this suit back in -- in July of 2017. We filed
10 a lis pendens, filed a Summons and Complaint.
11 And then later on amended the lis pendens,
12 amended the Summons and Complaint. That was --
13 Amended Summons and Complaint was filed on
14 October the 24th, 2017. This matter has to do
15 with a tax sale. It was held on December of
16 7th of 2015, the purposes of which was to
17 collect past due taxes for 2014. Two
18 properties were involved in -- in that tax sale
19 and when I say two properties, I mean two tax
20 parcels. We have a tax map known as 0153-10-
21 02.002.000, which I would hope that everyone
22 will agree to me to refer to in the future as
23 Parcel 1. That parcel is the smaller of the
24 two parcels. It's about one acre in size. It
25 was sold as number 545 on the tax collector



CUTTER V. STAFFORD

8

1 sale list. The second tax parcel is TMS 0140-
2 00-11-014.000, which I would like to call
3 Parcel 2. It contains four lots and it was
4 referred to as sale number 546 on the track --
5 tax collector sale. Parcel 1 was an encumbered
6 piece of property. Parcel 2 was encumbered by
7 a mortgage held by the defendant O&P
8 Properties, LLC. The defendant, Stafford
9 Funding Group, LLC, was the purchaser of both
10 parcels. They purchased Parcel 1 for a bid of
11 \$600. They purchased Parcel 2 for a bid of
12 \$17,000. The properties were not timely
13 redeemed and Stafford Funding Group recovered
14 two tax deeds. The Amended Complaint in this
15 case contains eight causes of action, Judge,
16 and we intend to discuss each one of them,
17 hopefully in order. We have reached an
18 agreement among the attorneys with regard to
19 numerous exhibits for -- for trial and I have
20 a group of pre-marked exhibits that I would
21 hand up to the court reporter and give copies
22 to the attorneys in that file. I also have
23 copies of two -- of certain statutes and ---
24 (Plaintiff's Exhibit Numbers 1 through 16 were
25 referenced at this time.)



CUTTER V. STAFFORD

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1 **THE COURT:** Let -- let me stop you a minute with the
2 exhibits and make sure the court reporter is --
3 is okay with -- with the way they're marked and
4 -- whatever you need to do, go ahead. We'll go
5 ahead and admit those into evidence.

6 (Plaintiff's Exhibit Numbers 1 through 16 were
7 admitted into evidence.)

8 **MR. JORDAN:** And -- and a second thing, Judge, that
9 I have also determined on my own without any
10 input from the other lawyers, so there may be
11 other statutes, but I have -- I have presumed
12 that there are four statutes that come into
13 play today and I'm going -- and I have handed
14 already to the lawyers copies of section 12-51-
15 40, -50, -120 and -130. And I will also hand
16 up to you for your perusal a copy of those
17 statutes, as well.

18 **THE COURT:** Let me go ahead and get -- get a copy of
19 the exhibits too, if we can or get the
20 originals from the court reporter. Thank you.
21 Appreciate it. Are you okay with these?

22 **COURT REPORTER:** Yes, sir.

23 **THE COURT:** Thank you. All right. I'm sorry, Mr.
24 Jordan. Go ahead.

25 **MR. JORDAN:** Your Honor, that is -- that completes



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1 my preliminary -- well, not arguments, but
2 statements. And I'm prepared to call a
3 witness, but I certainly would be happy if any
4 of these other lawyers would have any
5 statements.

6 **THE COURT:** Mr. Anderson, do you have anything
7 prepared?

8 **OPENING STATEMENT BY MR. S. ANDERSON:**

9 **MR. S. ANDERSON:** I represent O&P. O&P is the
10 mortgagee on Parcel Number 2. And of course,
11 we maintain that the delinquent tax collector
12 did not properly abide by the statutes in the
13 sale of the property and, consequently, it
14 interfered with their mortgage and tax sale set
15 aside.

16 **THE COURT:** It just occurred to me, we've got two
17 Andersons now ---

18 **MR. J. ANDERSON:** Yes, sir.

19 **THE COURT:** --- involved in this case. I don't know
20 how y'all are related, but ---

21 **MR. J. ANDERSON:** Seven degrees probably.

22 **THE COURT:** Believe it or not, I've know this Mr.
23 Anderson longer than I've known you, so.

24 **OPENING STATEMENT BY MR. J. ANDERSON:**

25 **MR. J. ANDERSON:** It's hard to believe. Yes, sir.



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1 Well, we're contesting that the County did
2 follow the proper procedures as to the
3 delinquent tax sales. As to Parcel 0 -- Parcel
4 2 -- there's some question as to Parcel 1, but
5 we'll present our case and it'll be up to the
6 Court to decide what they decide.

7 **THE COURT:** Okay. All right, Mr. Anderson.

8 **MR. J. ANDERSON:** Yes, sir.

9 **THE COURT:** Mr. Tanner.

10 **OPENING STATEMENT BY MR. TANNER:**

11 **MR. TANNER:** Yes, sir. May it please the Court. I
12 represent Stafford Funding, Mr. Tom Gasque. He
13 is the subsequent tax purchaser. We feel that
14 the county did everything right with the
15 parcels. There's another issue he has as to
16 rents on -- on, I believe, Parcel 2, the bigger
17 piece. And I'm not sure if all those rents
18 have been collected. He's been paying the
19 taxes. Your Honor issued an order about
20 payment of taxes and reimbursement and rents,
21 and that certainly will be an issue. But it's
22 our belief that -- that if the County did
23 everything they were supposed to, and his --
24 his deed should stand.

25 **THE COURT:** All right. All right, Mr. Jordan. I'm



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1 going to let you go ahead and call your first
2 witness.

3 PLAINTIFF'S CASE:

4 MR. JORDAN: Yes. Plaintiff calls Mr. Jamie Cutter.

5 THE COURT: Mr. Cutter, come around to this chair
6 here. Raise your right hand for me before you
7 sit down. Do you solemnly swear or affirm that
8 the testimony and evidence you're about to give
9 will be the truth, the whole truth, and nothing
10 but the truth, so help you God?

11 MR. CUTTER: Yes, sir.

12 THE COURT: You can have a seat. If you can give
13 the court reporter your full name, Mr. Cutter?

14 MR. CUTTER: Jamie Cutter. J-A-M-I-E, C-U-T-T-E-R.

15 THE COURT: Your witness, Mr. Jordan.

16 JAMIE CUTTER, having been duly sworn, testifies as
17 follows:

18 MR. CUTTER - DIRECT EXAMINATION BY MR. JORDAN:

19 Q: Mr. Cutter, please speak up when you're -- I
20 noticed your voice was a little low there, so
21 ---

22 A: All right.

23 Q: Please -- please project if you can when you
24 are answering questions.

25 A: Yes, sir.



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CUTTER V. STAFFORD

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1 Q: Now, what -- what is your position with Cutter
2 and Company, LLC?

3 A: I was the managing member.

4 Q: Okay. And the -- this company, Cutter and
5 Company, LLC, was the owner of record of the
6 two properties that I've previously described?

7 A: That's correct. Parcel 1 and Parcel 2.

8 Q: Parcel 1 and Parcel 2. Now, these were sold at
9 the tax sale in December 2015, correct?

10 A: Yes, sir.

11 Q: All right.

12 A: Correct.

13 Q: Let me -- let me ask as an aside, how did you
14 acquire these properties?

15 A: One was purchased -- Parcel 1 was purchased
16 back in 2008. I've owned that one for many
17 years. And Parcel 2, I acquired with a 1031
18 tax exchange. I had some family property that
19 -- from my grandmother that was deeded to me
20 and I sold that piece of property and -- and
21 subsequently acquired this property in 2012, I
22 believe it closed in April. And when I was
23 negotiating with a seller -- excuse me -- he
24 held a seller note where I had to pay my
25 mortgage payment every month for, I think it



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1 was maybe five years or something of that
2 nature.

3 Q: Okay. And that -- that mortgage you were
4 referring to was still on -- still on record,
5 but ---

6 A: Correct. Yes.

7 Q: --- that was to O&P Properties, LLC?

8 A: Uh-huh. Yes.

9 Q: Okay. Let me -- if I could get the exhibits --
10 and somehow, we're going to have spread them
11 out if we can just so we can keep -- keep up
12 with them, but ---

13 THE COURT: You don't -- you don't have an extra
14 copy?

15 MR. JORDAN: I -- I do have an extra copy. I'll be
16 happy to get that for you.

17 COURT REPORTER: Just be mindful, if you knock this
18 microphone, it will knock my system out.

19 MR. JORDAN: Okay. I'll -- I'll make an effort not
20 to do that.

21 COURT REPORTER: Thank you.

22 Q: Okay. I'm going to show you, Mr. Cutter, these
23 were documents previously marked as Plaintiff's
24 Exhibits 1 and 2 and I ask you to look at the
25 legal descriptions on both of those deeds and



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1 confirm that those are the properties we are,
2 in fact, talking about today.

3 (Plaintiff's Exhibit Numbers 1 and 2 were referenced
4 at this time).

5 A: Both appear to be correct.

6 Q: All right. Now, I would -- I want to flip
7 through to Exhibit Number -- I think it's 14.
8 Let's see here. Yes. Exhibit Number 14.
9 Here's a deed. This was -- this would be for
10 to Parcel 2. Do you recognize that deed as
11 being how you acquired the title to Parcel 2?

12 (Plaintiff's Exhibit Number 14 was referenced at this
13 time).

14 A: Yes. That -- that's the deed that I received
15 at closing.

16 Q: All right. I want you to explain for me how
17 that property is described.

18 A: The property is described -- it's made up into
19 four lots or -- or parcels itself, which is
20 numbers 24, 25, 26, and 31. The -- the seller
21 also had lots 32 and 33, and I believe, like
22 another five acres. So, when I acquired, these
23 are the four individual parcels and lots that
24 I acquired.

25 Q: Okay. And when you acquired those properties



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- 1 and a deed was recorded, was one tax map number
2 assigned for all of the four lots?
- 3 A: Eventually there was.
- 4 Q: Okay. The ---
- 5 A: Yeah. Tax map number -- the tax map number
6 0140-00-11-014.000, that's what was assigned.
- 7 Q: Okay. That's -- but that's -- that's Parcel 2
8 we've been talking about?
- 9 A: That's Parcel 2. That's for ---
- 10 Q: Okay.
- 11 A: --- one tax map number for all four lots is ---
- 12 Q: All right.
- 13 A: --- how it was recorded.
- 14 Q: All right. And the -- the -- let's talk for a
15 minute about the configuration of this
16 property. You said it was divided into four
17 lots. Is that -- is this shown on a particular
18 plat that that's the way it was?
- 19 A: It is.
- 20 Q: I'm going to show you a document that's Exhibit
21 -- Plaintiff's Exhibit 15 and -- and is that
22 the subdivision plat in question where the
23 prop- -- where the property exists?
- 24 (Plaintiff's Exhibit Number 15 was referenced at this
25 time).



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1 A: This is the correct plat.

2 Q: Okay. Now, flip to the second page of that --
3 of that exhibit. It shows the same
4 subdivision, but it is marked with some hashes
5 where the four lots are located. Is that a
6 correct depiction of what -- of what this
7 particular Parcel 2 looks like?

8 A: Yes. That's the -- that's the four lots that
9 I've purchased.

10 Q: Okay. Now, with regard to Parcel 1, is there
11 any configuration issues on that? I mean, it's
12 just ---

13 A: No. Not necessarily.

14 Q: It's a rectangular -- rec- -- rectangular lot.

15 A: Uh-huh.

16 Q: Okay. All right. Let me take these back from
17 you. The -- we'll discuss some more on the
18 configuration a little later. The -- let's --
19 let's talk about the taxes for 2014. Why were
20 not -- why weren't the taxes paid?

21 A: Well, I paid taxes on all the properties in
22 October 10th, 2014. I was down in Orangeburg
23 and I paid in cash. And those were paid and I
24 wrongfully assumed that -- when looking back
25 that I paid those taxes because it was in



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1 October 2014. So -- so I thought I had paid
2 those taxes, primarily. And then when I got a
3 notice in 2015 from there, I communicated with
4 the County, the Assessor's Office, and they
5 informed me that the taxes were paid.

6 Q: You communicated with the Treasurer's Office by
7 telephone or ---

8 A: By phone.

9 Q: Okay.

10 A: Many -- many of the times.

11 Q: Yeah. And you were told that the 2014 taxes
12 were -- were -- were indicated as paid at that
13 stage?

14 A: Yeah. And that's what reflected online, as
15 well.

16 Q: Okay. Now, the notice that you received that
17 you just mentioned, that was the -- the --
18 what's called the Notice of the Execution from
19 the Treasure's Office or Tax Collector's
20 office?

21 A: Right.

22 Q: Okay. I'll show you that. Show you
23 Plaintiff's Exhibit Number 4. Now, that's the
24 -- again, that's on Parcel 2.

25 (Plaintiff's Exhibit Number 4 was referenced at this



1 time).

2 A: Uh-huh.

3 Q: What does it show as being owed?

4 A: 8 -- \$1,830.92.

5 Q: Okay. Now, that is -- that is the amount
6 that's due as of what date?

7 A: April 1st, 2015.

8 Q: Okay. And you actually signed for that notice.
9 I'm going to hand you Plaintiff's Exhibit
10 Number 5.

11 (Plaintiff's Exhibit Number 5 was referenced at this
12 time).

13 A: Yes.

14 Q: Okay. So, you -- you're not contesting that
15 this was received or not -- you know, you --
16 you did, in fact, receive that notice?

17 A: Correct.

18 Q: And that's what prompted your call to the
19 Treasurer's Office?

20 A: Correct.

21 MR. J. ANDERSON: Excuse me for interrupting. Sir,
22 I just -- can I see that exhibit?

23 MR. JORDAN: You -- I -- I've given you copies of
24 everything.

25 MR. J. ANDERSON: I didn't know which one you were



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1 talking about.

2 MR. JORDAN: That's number 5. 4 and 5.

3 MR. J. ANDERSON: 4 and 5. Thank you. Sorry about
4 that. Thank you.

5 MR. JORDAN: Okay.

6 Q: Now, a notice is -- what is called a Notice of
7 Eviction -- or Notice of Execution was also
8 mailed with regard to Parcel 1. Did you
9 receive that notice?

10 A: No, sir.

11 Q: I'll hand you what has been marked as
12 Plaintiff's Exhibit Number 3.

13 (Plaintiff's Exhibit Number 3 was referenced at this
14 time).

15 A: I don't recall.

16 Q: Yeah. That's on -- that -- that's -- same time
17 frame, Parcel 1 ---

18 A: Same day.

19 Q: --- as opposed to Parcel 2.

20 A: I recall seeing this notice.

21 Q: Did you receive it? Did you sign for it?

22 A: I didn't sign for the notice. I didn't sign
23 for this notice.

24 Q: How -- how is it that you saw it?

25 A: Thereafter after the -- the case was filed,



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1 online I knew that -- I knew that this -- that
2 this was the same as the previous property that
3 showed they were paid, as well.

4 Q: So, you're saying Parcel 1, as well as Parcel
5 2 was shown as ---

6 A: Correct.

7 Q: 2014 taxes, now.

8 A: Uh-huh.

9 Q: Showed as paid. Okay.

10 A: And looking back, I think it showed that, I
11 believe maybe the -- the Stafford gentleman may
12 have paid the taxes. I'm not quite sure, but
13 if the County -- the Assessor's site today
14 tells you who paid the taxes. During this time
15 frame, it didn't tell you. It just told you if
16 taxes were paid. Since I've communicated with
17 the representative at the Assessor's Office,
18 the tax office, and you know, I -- it seemed
19 like they were looking at the same items I was
20 looking at online. The taxes were paid and
21 then from there I would get a notice I think
22 the following year, that gave me no indication
23 that anything was sold. It told me a different
24 amount that was owed and it had my name on it.

25 Q: Okay. Well, again, we're talking in -- let's



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1 call it the spring of 2015, when you got the
2 one notice.

3 A: Uh-huh.

4 Q: And you called the Treasurer's Office. And,
5 you know, after that conversation, you were
6 under the impression that both taxes were paid?

7 A: Correct.

8 Q: For 2014?

9 A: Uh-huh.

10 Q: Okay. So, obviously, you didn't do anymore
11 with it, right?

12 A: No. Not at that point.

13 Q: Okay. Now, the -- that being said, the next
14 steps that the Treasurer's -- or Tax
15 Collector's Office did was to post the
16 property. And I'll show you what has been
17 marked as Plaintiff's Exhibits 6 and 7. Both
18 of those, one -- one for each parcel. Did you
19 have any -- you have no notice or knowledge
20 that that notice was posted on the property?

21 (Plaintiff's Exhibit Numbers 6 and 7 were referenced
22 at this time).

23 A: None whatsoever.

24 Q: Okay. Now, the -- these are not properties
25 where your business is located, is it?



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1 A: No, sir.

2 Q: And now kind of explain what the purpose of the
3 properties are.

4 A: It was investment property. I'm -- I'm from
5 here, Orangeburg. I grew up in Cordova, but I
6 was in Atlanta for 14 years, in metro Atlanta.
7 So, I was back and forth during some
8 construction periods and -- and times when I
9 purchased properties. But I wasn't regularly
10 there at the properties. So, I wouldn't -- I
11 wouldn't have seen any of these notices posted
12 on here.

13 Q: Okay. But these -- these properties are -- are
14 -- what -- what are you -- what are you -- what
15 is your income stream from these properties?

16 A: Rental income.

17 Q: Okay. Are there permanent residents on the
18 property or is mobile homes or what?

19 A: They're mobile homes.

20 Q: Okay. And the property ---

21 A: Single-wide mobile homes.

22 Q: All right. And on the four lots on Parcel 2,
23 how many mobile homes do you have?

24 A: There's two mobile homes on each parcel.

25 Q: Okay. So, eight.



1 A: So, eight total.

2 Q: Eight total mobile homes. And now, par -- on
3 Parcel 1, what -- what's the status of that?
4 I mean, do you have mobile homes on that, as
5 well?

6 A: There's a mobile home on the -- on Parcel 1.

7 Q: Okay. These -- these were just rental
8 properties?

9 A: Uh-huh.

10 Q: And the mobile homes are not included in this
11 tax sale?

12 A: Correct.

13 Q: Okay. So, they're -- they aren't affected by
14 the fact that they -- that the land was sold by
15 the tax -- Tax Collector, correct?

16 A: Correct.

17 Q: Okay. Did you ever see any notice in the
18 newspaper that the property was set --
19 scheduled for sale in the tax sale?

20 A: I don't receive the newspaper.

21 Q: Okay. Did you ever receive any information
22 from -- from either -- from either the -- the
23 Tax Collector's office or -- or Stafford
24 Funding Group after the sale, to inform you of
25 the circumstances?



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1 A: Not -- no, sir.

2 Q: Okay. Now, I'm going to -- I've got a new
3 exhibit here. Let's see here. All right.
4 I'll ask if you recognize that notice?

5 A: I do.

6 Q: And that was a notice received by your company
7 in April of 2016?

8 A: Correct.

9 Q: And what does this notice say?

10 A: It says, for the tax year 2015 that \$1,952 and
11 a penny is owed on these prop- -- on the
12 property, Parcel 2. And it's -- it says Cutter
13 and coner -- Cutter and Company, LLC is the
14 owner. And it gives me an amount due after
15 October 31st, 2016, as well. And it reflects
16 a different amount than the prior year that was
17 received.

18 Q: All right. Did -- did this notice that you
19 received, did it -- did, you know, tip you off
20 that what your belief was was wrong?

21 A: It did. And I subsequently made several phone
22 calls to the -- I mean, I was in touch with the
23 Assessor's Office several times a month myself
24 and the assistant working for me, Shalah Wade.
25 And I relied on -- I brought this up to them



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1 about the difference in tax amounts and I also
2 mentioned to them that the mortgage holder --
3 the mortgagee holder had thought he paid taxes
4 in 2015 because the tax amount that he received
5 was the same as the tax amount I received. And
6 so, when I purchased the property in 2012, the
7 County never -- it never reflected in the
8 amount of taxes that were owed. And then I
9 remember the representative telling me to
10 disregard the notice, that the taxes have
11 already been paid on this property, Parcel 2.

12 Q: Okay. When I asked the question, I wasn't
13 really referring to the app- -- amount of the
14 taxes. I was asking you whether or not it --
15 it gave you information that con- -- conflicted
16 what -- what you already knew that, for
17 instance, the 2014 taxes had already been paid.

18 A: Yeah. I mean, yeah. This -- this tells me
19 that I don't -- Cutter and Company doesn't owe
20 any -- only owes this -- these taxes, that it
21 wasn't sold in December 2015.

22 Q: Okay. When you say these taxes, that's 2015
23 taxes?

24 A: Correct. Or any past due taxes.

25 Q: Okay. There's no information in there



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1 regarding any kind of tax sale having already
2 occurred?

3 A: Nothing.

4 Q: There's no information in there regarding the
5 -- the past due taxes on 2014?

6 A: No. None of that.

7 Q: Is -- is it your belief that if you had paid
8 somewhere around \$2,000, the taxes would've
9 been paid and marked current 2/20 of 2015?

10 A: Correct.

11 Q: Okay.

12 MR. JORDAN: I would like the -- this exhibit to
13 offered as Plaintiff's Exhibit Number 17.

14 (Plaintiff's Exhibit Number 17 offered into
15 evidence).

16 THE COURT: Any objections?

17 MR. J. ANDERSON: I have no objection, Your Honor.

18 MR. TANNER: No objection, Your Honor.

19 MR. S. ANDERSON: No, sir.

20 THE COURT: So admitted as Plaintiff's Exhibit 17.

21 (Plaintiff's Exhibit Number 17 was admitted into
22 evidence).

23 Q: Okay. What -- explain what your process or
24 procedures were -- were to keep up with the
25 taxes on all these mobile homes and land that



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1 -- that Cutter Company owned and any other
2 companies that you owned -- owned in Orangeburg
3 County.

4 A: We had -- we have -- we had a CRM system that
5 we used for real estate, as well as Google
6 sheets, spreadsheets, similar to Microsoft
7 Excel. And we had them all charted out on --
8 on that.

9 Q: Okay. And you were satisfied based on that.
10 Then, what was the situation?

11 A: That all of our taxes were -- were paid.

12 Q: Okay. Now, did you discuss with the Tax
13 Collector's Office or the Treasurer's Office
14 with regard to changing the mailing address of
15 your company?

16 A: I did. I let him know that I'd most likely be
17 renting out my property in -- in Georgia,
18 Marietta. And that I needed to change the
19 mailing address.

20 Q: Okay. When did you do that?

21 A: October 2014. And I remember the -- I remember
22 the lady mentioned to me that I was supposed to
23 have a P.O. Box anyway if it's a business or
24 like the South Carolina statute or something
25 other than -- other than that, so. I had a



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1 post office box in Cordova where I had
2 submitted a -- an application for change of
3 address because I was back and forth so much
4 that I -- it would be easier to keep up with
5 the mail in South Carolina versus Georgia.

6 Q: Okay. In October of 2014, what did you
7 actually do to notify the Treasurer's Office or
8 the Tax Collector's Office with regard to the
9 -- the change of address?

10 A: I -- I faxed them a change of address form that
11 was found on their website that I was
12 instructed to fill out and fax in. And I did
13 that on the day that I paid the taxes on
14 October 10th. I asked for instructions on how
15 to go about changing the address, and they told
16 me I could find the form and download it with
17 a PDF document and fill it out and fax it in.

18 Q: Okay. I'm going to hand you a set of documents
19 here. I'll give copies to the other lawyers.
20 Now, that -- the top -- top page is a fax
21 confirmation sheet, do you recognize that?

22 A: I do.

23 Q: Okay. Did you personally fax this -- this
24 information that's attached to -- to someone in
25 the County?



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1 A: I did.

2 Q: Who was it faxed to?

3 A: It's faxed to the Assessor's Office fax number.

4 Q: Was that --

5 A: The -- the fax number I was given the day I
6 paid the taxes on the Parcel 1 and 2.

7 Q: Okay. And -- and did -- did the website that
8 you were consulting, did that indicate that the
9 Assessor's Office was the correct office to --
10 to make this name change application?

11 A: That's what I was told, yeah.

12 Q: Okay.

13 A: That's what I was told by the representatives
14 there, that the addressing department is ---

15 Q: Now, you per- ---

16 A: --- a part of the Assessor's Office.

17 Q: You personally, sitting at a computer, prepared
18 the attached sheet that indicates a request for
19 a change of address?

20 A: I did.

21 Q: Okay. And you actually signed the lower
22 portion of the -- of the form?

23 A: I did it on the same day that I paid ---

24 Q: Okay.

25 A: --- the taxes.



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1 Q: And -- and apparently, a fax cover sheet and
2 then you faxed it to the telephone number on
3 this fax ---

4 A: Correct.

5 Q: --- confirmation? Okay. And what does the
6 confirmation indicate?

7 A: It was sent successfully.

8 Q: Okay. And what was the date again that that
9 happened?

10 A: October 10th, 2014.

11 Q: Okay. Now, that was the same day you actually
12 paid a bunch of taxes to the Treasurer's Office
13 on other properties?

14 A: Yeah. Like 25,000 in taxes.

15 Q: Okay.

16 A: Correct.

17 Q: All right. Now, this -- this fax went in --
18 this was actually before the 2014 taxes were
19 actually due, correct?

20 A: Correct.

21 Q: Okay. Was -- was your address changed on the
22 -- on the future tax notifications that you
23 were sent?

24 A: No, sir. It never got changed. I made a
25 follow-up call to them on 10/12 as noted in the



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1 -- the phone call log that essentially I recall
2 the lady just letting me know that if you faxed
3 it and -- and you got a confirmation that it
4 was received and it'd be processed and that it
5 takes several weeks to a couple of months
6 before it ever get reflected.

7 Q: Okay. Well, let's -- let's drop back a step
8 here.

9 MR. JORDAN: I'd like to introduce the document
10 that has the fax cover sheet on -- on the top
11 as the next Plaintiff's Exhibit. What number
12 is that?

13 (Plaintiff's Exhibit Number 18 was offered into
14 evidence).

15 COURT REPORTER: 18.

16 MR. JORDAN: Number 18.

17 THE COURT: Any objections?

18 MR. JORDAN: I'll give you the copies.

19 MR. J. ANDERSON: No objection.

20 THE COURT: Mr. Anderson?

21 MR. S. ANDERSON: No, sir.

22 MR. J. ANDERSON: I -- I guess, Judge, I -- I have
23 an objection and maybe I'm just overlook- -- I
24 don't see anywhere on here where it says that
25 it was received by Orangeburg County. I



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1 certainly don't think there's been any
2 foundation that Mr. Cutter's fax machine was
3 working properly, what sort of maintenance he
4 did. Again, if I'm overlooking it, please,
5 someone, let me know. There's also nothing on
6 here that says what was faxed. I see he's got
7 a sheet, this third page stapled. But I don't
8 see anything where it says -- you know, it
9 says, to Orangeburg County, the RE -- the
10 subject line is blank. I'm not sure how he can
11 authenticate that.

12 **THE COURT:** I mean, I think you're arguing the --
13 the weight of it, not its admissibility, so I'm
14 going to admit it over your objection.

15 **MR. J. ANDERSON:** Yes, sir.

16 **THE COURT:** So admitted as Plaintiff's Exhibit 19
17 (sic).

18 (Plaintiff's Exhibit Number 18 was admitted into
19 evidence).

20 **MR. JORDAN:** Thank you, Your Honor.

21 **COURT REPORTER:** 18.

22 **Q:** I next will hand you ---

23 **THE COURT:** 18, excuse me.

24 **Q:** --- Mr. Cutter, you had mentioned your
25 telephone log.



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1 MR. JORDAN: Did I give a copy -- you got it
2 already?

3 MR. J. ANDERSON: Yes, sir.

4 Q: Okay. You had mentioned that you had placed a
5 call on October the 12th, 2014, to the
6 Assessor's Office. Is this log that I just
7 handed you reflective of a call on the 12th of
8 October 2014?

9 A: It does.

10 Q: Okay. Now, how did -- how did you manage to
11 obtain this particular report, the document?

12 A: They're just phone call records.

13 Q: But I ---

14 A: But I think ---

15 Q: Yeah. I -- I'm not in the computer age person.
16 Tell me how you actually go about doing that.

17 A: Well, this is one of like three phone systems
18 we had and this was -- this is one of like
19 three phone systems that we -- we had, so I
20 mean, I -- I recall -- I was in touch with the
21 Assessor's Office almost on a weekly basis,
22 myself personally, as well as my assistant,
23 because I had 50 rental properties here in
24 Orangeburg, roughly. So, we had -- I'm always
25 calling the main county line at the



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1 administrative building for something. And so,
2 I had talked with them at some point shortly
3 thereafter that I had faxed it to see if it was
4 -- if the fax was sent out on my end. To the
5 gentleman's question, it says on the front page
6 it was sent successfully. So, there's no --
7 there's no -- on the outgoing part, that's
8 confirmation to me that they -- that it -- the
9 fax was sent successfully. As far as them
10 encoding it, I mean, of course, we don't have
11 that information because we're not privy to it,
12 but -- but during these time periods and these
13 years, I've -- I was calling the Assessor's
14 Office repeatedly for a number of properties,
15 especially Parcel 1 and Parcel 2 as it relates
16 to taxes, because this was also at the time
17 that the County was switching over from old map
18 numbers to new map numbers, and there was a lot
19 of -- 2014 is when they changed from old map
20 numbers to new map numbers. So, there was a
21 lot of confusion always as to the notices that
22 we would receive versus what the online states
23 whether taxes have been paid versus the
24 amounts, as well as being recent property
25 purchases, if it's been divided up properly.



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1 In other words, the taxes should have went down
2 maybe a tad or the other gentleman's, but we're
3 paying the same amounts for both parcels when
4 it's been sold and divided.

5 Q: Okay. Well, again, you called them after you
6 faxed this. You called them two days later and
7 what were you told in that phone call?

8 A: I'm not sure if that was the date that I spoke
9 with them or not. Again, it could have been on
10 my mobile phone. This was a -- this is a
11 Google voice phone -- phone that we use in our
12 office, as well. But when I did speak with
13 them, and I spoke with them in person within
14 maybe one to two weeks after that. I walked up
15 to the second floor of the administrative
16 building and asked them if they'd received my
17 fax and to change the address. And I brought
18 them a notice of my post office -- the
19 confirmation of my post office address that
20 matched my company along with my LLC articles
21 that showed me as the managing member. And
22 basically, nobody put their hands on it, but I
23 was assured that it -- as long as the fax was
24 received, that it would get processed and I was
25 reminded that it would take weeks to a couple



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1 months before it would ever get reflected on-
2 -- online.

3 Q: Okay. Now, I want -- I'm going to offer this
4 in -- in evidence and the purpose of offering
5 is just to demonstrate that you called. It's
6 not to demonstrate anybody confirmed anything
7 to you or that you were assured that it was
8 received and was working -- but everything was
9 working the way it's supposed to work.

10 A: That's good with me. I called them all the
11 time.

12 MR. JORDAN: I'd offer this as the next Plaintiff's
13 Exhibit.

14 COURT REPORTER: 19.

15 (Plaintiff's Exhibit Number 19 was offered into
16 evidence).

17 MR. JORDAN: This is just -- this is the phone --
18 phone log.

19 MR. TANNER: I didn't get a copy of that. If I
20 could just ---

21 MR. JORDAN: I laid it somewhere.

22 MR. J. ANDERSON: I switched out with him.

23 THE COURT: Any objections? Jerrod.

24 MR. J. ANDERSON: Well, Your Honor, I -- I really
25 see on outgoing calls, I see dates; I see a



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1 number. But I don't know who made it. That's

2 ---

3 A: I made it.

4 MR. J. ANDERSON: That's where I'm saying. I ---

5 THE COURT: All right. Here's what I'm going to do.

6 MR. J. ANDERSON: Okay.

7 THE COURT: I'm not going to allow that in. He's

8 testified he made a call.

9 MR. J. ANDERSON: Yeah.

10 THE COURT: Let -- you know ---

11 MR. JORDAN: Very good.

12 THE COURT: --- he called them all the time. You

13 know, he -- he certainly called. You know, so

14 I don't -- I don't think that really helps us

15 one way or the other, so. So, I'm going to

16 deny the admission of that exhibit.

17 Q: Mr. Cutter, did -- during the progress of this

18 case, were you instructed to obtain proof that

19 you actually prepared the documents that we've

20 put into evidence where it was talking about

21 the name change form primarily? Okay.

22 A: Yes.

23 Q: Did you -- were you put to the task -- you

24 know, effectively, by these other attorneys in

25 this -- in this case to actually prove that you



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- 1 actually prepared that document?
- 2 A: Yes. Defendants counsel sent -- sent us a --
- 3 a response that required me to send them the --
- 4 the metadata of the -- of the date that I
- 5 created the form or what have you and we
- 6 supplied them also with the zip drive.
- 7 Q: And you -- you have actually already pro- --
- 8 sent -- provided to the attorneys this
- 9 information?
- 10 A: Yeah. That information.
- 11 Q: Okay. Now, I have handed you the metadata as
- 12 I understand it.
- 13 A: Uh-huh.
- 14 Q: This is -- this is what you obtained off of --
- 15 off of your computer?
- 16 A: Right.
- 17 Q: You personally did that?
- 18 A: Correct.
- 19 Q: Okay. And again, we've provided it to Mr.
- 20 Stafford's attorney way -- almost a year ago.
- 21 A: Via zip ---
- 22 Q: Okay.
- 23 A: Via zip drive.
- 24 Q: And is it your position that that information
- 25 right there confirms that you, in fact,



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1 prepared that document, the -- the name change
2 form?

3 A: It does. What they asked for was the -- the
4 metadata, which is basically, it's -- as it
5 relates to the -- the -- the forms -- as it
6 relates to the forms of when I downloaded the
7 document from the County website. It was a
8 blank document. And when I filled it out --
9 filled out that form and then subsequently
10 saved that and then sent it -- and faxed it in
11 and, essentially, the metadata is information
12 stored within a document that's -- that you
13 can't just see by looking at it. It's almost
14 like an electronic fingerprint. So, this came
15 from my Windows Explorer, which just tells the
16 date created, the date modified and it's -- the
17 second page on there is the blank document, the
18 one that says TSS for address change, that
19 reflects the blank document that was
20 downloaded. And then it shows the general and
21 the detailed information, that it came from my
22 PC on the third page. And then the fourth and
23 fifth page relate to the -- relate to the
24 actual downloaded copy or -- I'm sorry, the
25 actual one I filled out and that's where you



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1 see the name -- I changed the name to something
2 different from what it downloaded as. But as
3 soon as I downloaded it, within 30 minutes, I
4 filled it out and after that I faxed it over.

5 **MR. JORDAN:** Your Honor, I ask that this document be
6 accepted into evidence as Plaintiff's Exhibit
7 Number 9- -- 20.

8 (Plaintiff's Exhibit Number 20 was offered into
9 evidence).

10 **COURT REPORTER:** I have clarification on that. Do
11 you want me to leave Exhibit 19 marked in the
12 record, though you did not admit it or do you
13 want to mark this one 20?

14 **THE COURT:** Yeah.

15 **COURT REPORTER:** Okay.

16 **THE COURT:** Let's do that.

17 **COURT REPORTER:** Thank you.

18 (Plaintiff's Exhibit Number 20 was marked for
19 identification purposes).

20 **A:** Can I also point out that it says -- it says
21 the date I accessed it, which was October of
22 2018, so after I did that on October 10th,
23 2014, I haven't looked at that file since. You
24 know, pulled it up. There was no need to, but
25 at that time was when we were instructed to



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1 provide this information to the defendant's
2 counsel.

3 MR. J. ANDERSON: I have no objection, Your Honor.

4 MR. TANNER: Your Honor, I have the same objection.

5 The metadata -- I mean, I get there's not a lot
6 of case law out there with these electronic ---

7 THE COURT: I -- I've heard the word metadata and
8 that's it. Okay. If you know something about
9 it, you're the one that asked for it.

10 MR. TANNER: Yes, sir.

11 THE COURT: You got it. You -- I mean, is there
12 anything in it that ---

13 MR. TANNER: Well, I guess there's nothing that
14 proves that he -- you know, we see words on the
15 page, but there's nothing to prove that these
16 -- these were done at the time he says they
17 were. Again, there's nothing to show that it
18 was sent from his computer to the Orangeburg
19 County. There's nothing to show that they
20 received it. He testified earlier that he
21 signed his name, but it sure looks like some
22 sort of electronic signature. And so, there's
23 nothing -- again, there's no authentication
24 about when this was prepared, when this was
25 done. What -- what has happened to it since



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1 October 10th, 2014, and for all those reasons,
2 Your Honor, I don't think it's reliable; I
3 don't think it's relevant evidence and it's
4 more prejudicial than it is probative, and --
5 and so we would object for all of those bases.

6 **MR. JORDAN:** Your Honor -- Your Honor, the total --
7 totality of this particular exhibit is for no
8 other reason to support -- than to support Mr.
9 Cutter's own testimony, that he prepared the
10 document on his computer and faxed it out and
11 we've got the fax confirmation, as well, but
12 this -- this is -- again, something that Mr.
13 Cutter and probably very few human beings can
14 modify this information. This was requested,
15 you know, by -- by Mr. Stafford's attorney, and
16 -- and provided because they wanted to see it.
17 Now that we produced it, they don't want to
18 have anything to do with it.

19 **THE COURT:** Well, the fact that they asked for it
20 doesn't make it admissible, but -- but again,
21 I think this argument goes more to the weight
22 of it. I can tell you that it probably has
23 zero weight to me because I don't understand
24 what it means. I do see these dates on here,
25 but that's all I see. But I'm going to -- I'm



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1 going to admit it for whatever it's worth.
2 (Plaintiff's Exhibit Number 20 was admitted into
3 evidence).

4 MR. JORDAN: Thank you, Your Honor. The ---

5 MR. J. ANDERSON: What number was that? I'm sorry.

6 THE COURT: 20.

7 MR. J. ANDERSON: 20. Thank you, Your Honor.

8 THE COURT: Okay. We're leaving 19 as marked as 19
9 even though I'm -- I've denied its admission.
10 If there's any appeal from this, that would be
11 the way to do that.

12 Q: All right. Mr. Cutter, let's go back to the
13 configuration of -- of Parcel 2 with the four
14 lots shown on the plat. Was it your
15 understanding that at any point in time that
16 you wanted to, you could've deeded one of those
17 lots or a couple of those lots to somebody else
18 and it would not have had any kind of issue
19 regarding subdividing the property or that type
20 of thing?

21 A: Yes, sir. Of course they were -- they were
22 their individual lots.

23 Q: Okay. And it wouldn't have been any kind of
24 issue regarding, you know, sub- -- typical sub-
25 -- subdivision requirements, like lot size and



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1 frontage and -- and minimum -- minimum square
2 footage and that type of thing.

3 A: No, sir.

4 Q: If the plat had already been approved and was
5 recorded in the courthouse, so -- you know, you
6 -- you could have any point and time sold one
7 of the lots and deeded it out and that would
8 not have been a question about it?

9 A: We -- we had future plans to take each of the
10 four lots and divide them up since there was
11 two mobile homes on those lots, divide 'em up
12 to essentially create eight lots.

13 Q: Okay. So, that would have been a problem
14 potentially, but you know, if you do that one
15 pro- -- one -- one of the lots or one of the
16 mortgage, one of the lots as opposed to all
17 four, you could've done that without any
18 problem, right?

19 A: But they're -- they're off a paved road and
20 they're off two different streets, Kal Lane and
21 Valley Drive.

22 (Plaintiff's Exhibit Number 16 was introduced into
23 the record at this time).

24 Q: Okay. Well, let's -- let's talk about the road
25 here. I'm going to hand you Plaintiff's



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1 Exhibit 16 and ask you if that depicts Parcel
2 2?

3 A: It does.

4 Q: Okay. And that's -- that's a tax map, GIS
5 sheet that shows the -- that shows the
6 properties all in -- in the neighborhood, but
7 it has Parcel 2 specifically marked, correct?

8 A: Correct.

9 Q: Now, what -- what's interesting about Parcel 2
10 in that picture?

11 A: That there -- that it -- it shows two different
12 plots here. It don't show the individual four
13 parcels itself.

14 Q: Okay. But it show -- it shows two parcels.

15 A: Uh-huh.

16 Q: Okay. Divided actually by a public route.

17 A: Correct. Valley Drive and Kal Lane.

18 Q: Are -- are the two parcels actually contiguous?
19 Are they touching each other?

20 A: No, sir.

21 Q: Okay. So, it's -- it's effectively two
22 different parcels, correct?

23 A: Uh-huh. Yes.

24 Q: Okay. So, from that -- from that perspective,
25 in -- in your way of thinking, if the



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1 Treasurer's Office wanted to sell your
2 property, it could've sold part of your
3 property very easily or -- as opposed to all
4 the property?

5 A: A portion of it. I think one lot would've --
6 one of the parcels would've covered the tax --
7 tax requirement.

8 Q: Okay. All right. All right. What -- what is
9 the value of Parcel 2?

10 A: In total?

11 Q: Yeah. What's -- what's -- well, tell -- let's
12 start with the -- with the -- with the assessed
13 value, if you know it.

14 A: Maybe 75,000 in land ---

15 Q: Okay. All right.

16 A: --- is what they have.

17 Q: Now, what -- what do you think the retail or
18 real market value of the property is?

19 A: 25 ---

20 **MR. TANNER:** Your Honor, I -- I object. He's --
21 he's -- there's got to be some basis for his --
22 his -- he's no longer the owner of the
23 property. He's not -- I hadn't heard that he's
24 a real estate appraiser or anything else. I'm
25 not sure if he can testify what he thinks the



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1 fair market value is.

2 **THE COURT:** I'm going to overrule that. I -- he's a
3 former owner, at the -- at the least. So, I'm
4 going to let him testify.

5 Q: Okay. You say the -- the retail value or real
6 fair market value of the property is
7 approximately ---

8 A: It would've been 25 to 30,000 per -- per one
9 parcel, so times ---

10 Q: For one lot or one -- what are you talking
11 about per ---

12 A: One lot. So, times four total, say 120.

13 Q: \$120,000? Okay. So, when this property was
14 sold at the tax sale, \$120,000 was -- of valued
15 property was sold to collect the taxes on -- on
16 -- on that particular property.

17 A: Correct.

18 Q: Okay. And what was the amount of the taxes
19 that were due at that time?

20 A: It was like ---

21 Q: Do you know precisely?

22 A: Roughly, \$2,000.

23 Q: Okay. Well, that -- that pretty close to
24 correct. So, I'll let that slide. But that's
25 \$2,000 per year for both properties, correct?



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1 A: Yes, sir.

2 Q: Okay. So, the grand total of \$4,000 was due to
3 be collected by the Tax Collector in -- at the
4 tax sale in -- in December 20 -- 2015.

5 A: Correct.

6 Q: Okay. So -- so to do that, the -- the Tax
7 Collector sold Parcel 1 and, obviously, didn't
8 collect enough money to -- to pay the full
9 amount of the taxes. So, then she sold Parcel
10 2, correct?

11 A: Correct.

12 Q: So, she's just in round numbers selling, you
13 know, 120-plus thousand dollars of property to
14 collect \$4,000?

15 A: Not counting Parcel 1.

16 Q: Well, that's -- that's really counting Parcel
17 1, too.

18 A: Okay.

19 Q: Okay. So, she -- she made no effort to try to
20 protect your interest as the taxpayer with
21 regard to selling the property?

22 A: No, sir.

23 Q: Okay. Now, she could've sold a single light if
24 it was worth 25 or \$30,000 or \$35,000, I think
25 you said, and that would've more than been



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1 enough to -- to satisfy the tax obligation at
2 that point.

3 A: Correct.

4 Q: Now, you -- you didn't ask her to do that or
5 anything like that, did you?

6 A: No, sir.

7 Q: Okay.

8 A: As well as both parcels were sold, Parcel 1 and
9 Parcel 2. If Parcel 2 was sold first, then
10 they would've had enough money to -- for all
11 the taxes to be paid and then Parcel 1 would --
12 wouldn't had to have been sold at all.

13 Q: So, it's -- it's your opinion that Parcel 2
14 should've been sold first and not Parcel --
15 Parcel 1.

16 A: Correct. Because it gave -- it would've gave
17 them the val -- it would've gave them enough
18 income for taxes owed to satisfy both parcels
19 in total.

20 Q: All right. And ---

21 A: So, I lost two properties basically -- two --
22 two properties when one could've been sold and
23 I retained the other.

24 Q: Okay. And you're saying by -- by virtue of the
25 various reasons we've discussed this morning,



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1 that the two tax sales are void?

2 A: Yes, sir.

3 Q: And the resulting tax deeds to the Stafford
4 Group are -- are void?

5 A: Yes, sir.

6 Q: And the title should be returned back to the
7 name of Cutter and Company, LLC?

8 A: Yes, sir.

9 MR. JORDAN: That's all the questions I have at this
10 time.

11 THE COURT: Mr. Jerrod Anderson, you're next.

12 MR. JORDAN: Just stay there.

13 MR. J. ANDERSON: Thank you, Your Honor.

14 COURT REPORTER: Before -- I'm sorry. Before you
15 start, I see an exhibit in your stack of
16 papers.

17 A: Oh, I'm sorry.

18 COURT REPORTER: Can you just -- no, that's okay. I
19 just want to make sure it doesn't get lost.
20 Thank you.

21 A: Okay. Thank you.

22 MR. CUTTER - CROSS EXAMINATION BY MR. J. ANDERSON:

23 Q: Mr. Cutter.

24 A: Yes, sir.

25 Q: It's your testimony that you are the managing



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- 1 member of Cutter and Company, LLC?
- 2 A: Correct. Yes, sir.
- 3 Q: Can you tell this Court about the entity Homes
- 4 Orangeburg, LLC?
- 5 A: It's an entity that I own, as well.
- 6 Q: Okay. Are you the managing member of that LLC
- 7 also?
- 8 A: Yes, sir.
- 9 Q: And is that a South Carolina -- domestic to
- 10 South Carolina or Georgia?
- 11 A: It's South Carolina.
- 12 Q: Okay. And your office for this Orangeburg is
- 13 -- where is that located?
- 14 A: 1-8 -- 108 Kal Lane was the office for Homes
- 15 Orangeburg.
- 16 Q: Okay. Secondly, you -- it was your testimony
- 17 earlier about paying taxes as to Parcel 1 and
- 18 2.
- 19 A: Correct.
- 20 Q: When did you pay those taxes?
- 21 A: The last time I recall being here and paying
- 22 taxes was in October 10, 2014, the same day I
- 23 sent that fax to change the address, that's
- 24 when I paid taxes on all of the parcels. At
- 25 the same time, in December of that year --



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1 December 2014, we acquired a mobile home park
2 known as Hidden Acres and we paid \$249,000 in
3 cash for that mobile home park. So, I was back
4 here at that same time period and I was back in
5 the Assessor's Office. And as I -- as I
6 testified earlier, I -- I regularly visit the
7 administrative building with business items to
8 do, as well as made plenty of phone calls to
9 the Assessor's Office. So, when it comes to
10 not paying the 2014 taxes, you know, it -- it
11 was my assumption that they were already paid.
12 Obviously, we had the funds to pay those taxes.
13 I wouldn't let a property that was, you know,
14 given to me by my grandmother through my mom
15 dissipate by not paying these taxes when I'm
16 buying another mobile home park in 2014 in
17 December.

18 Q: Okay. Is it a possibility that you paid the
19 2013 taxes in 2014 because the 2014 bill hasn't
20 even come out as of October?

21 A: Looking back, that -- that -- that is a
22 possibility.

23 Q: Okay. Now, you know that the properties
24 initially were sold for lack of payment of 2014
25 taxes.



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1 A: Correct.

2 Q: Okay. Do you recall getting a bill for 2014
3 taxes in 2014 at all?

4 A: No, sir. I don't really recall getting much
5 mail at all. I -- I use the online ---

6 Q: Yes, sir.

7 A: --- Orangeburg Assessor -- the assessor.org
8 website. And -- and that's where I usually go
9 for my -- all my information to keep up with it
10 and so forth. And I remember -- I remember at
11 one point -- I remember when I bought the
12 mobile home park in December 2014 knowing that
13 I'd have to be there the following year to take
14 care of taxes for -- for both of the parcels.
15 And then, when I remember checking the -- the
16 Assessor's website, it showed -- it displayed
17 that the taxes for Parcel 1 and 2 were paid.
18 And so when I would call up there, that's the
19 answer I'd get. Now, when I look back at it
20 and I look at the changes that the County's
21 made to their website -- like, for instance,
22 today I can go look up this map number and
23 it'll tell you that Stafford Funding paid those
24 taxes. But during this time period in '15,
25 '16, that -- it just said paid and I don't even



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1 -- I don't think the representatives working at
2 the -- the administrative building had access
3 to that, as well, because surely if I would
4 have been notified it was -- you need to redeem
5 this property or you're going to lose this
6 property, you know, we would've took action
7 immediately.

8 Q: Okay.

9 MR. J. ANDERSON: To address that point, may I
10 approach the witness, Your Honor?

11 THE COURT: Sure.

12 Q: You've entered as Plaintiff's Exhibit 12, I
13 guess information and this is as to -- wait a
14 minute -- a mobile home. All right.
15 Plaintiff's Exhibit 13.

16 (Plaintiff's Exhibit Number 13 was referenced at this
17 time).

18 A: Uh-huh.

19 Q: And -- where you stated back in that time frame
20 of 2014 that it just indicated paid and now
21 it's more current as in the current year it
22 says who paid them. But if you notice it says
23 bills to names in red indicates that tax paid
24 by delinquent tax sale. Could it have been
25 that when you saw these numbers that they were



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1 in red and they referred to this that it
2 could've been paid by delinquent taxes?

3 A: I don't think so. I mean, I -- I don't recall
4 seeing any -- anything that was red on there.
5 It's that the colored one right there?

6 Q: Yeah. I -- this is not colored.

7 A: Oh, I'm sorry.

8 Q: But we'll -- we'll present that later. But it
9 could've been the fact that it was in red and
10 -- and that could've indicated that it was paid
11 by delinquent taxes back when you were looking
12 at these. That's my question to you.

13 A: Okay. Yeah. I -- I'm not -- I'm not sure.

14 Q: Okay.

15 A: My answer would be I don't think -- I don't
16 think so. I mean, from -- from what I've seen
17 it said, paid and current, and when I spoke --
18 when I call over to the Assessor's Office on a
19 weekly basis, myself or my assistant, for all
20 kind of matters, especially as it got --
21 approached tax time and -- in the fall months
22 of the year, we were making sure that we were
23 -- were good to go.

24 Q: Okay.

25 A: Yeah. And we -- we were -- we were real



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1 proactive at calling, you know. And I will
2 say, out of being -- you know, transparency,
3 you know, we were busy. We were busy, you
4 know, we were buying properties and we had a
5 lot of things -- moving parts, which is the
6 exact reason why we tried to stay active by
7 relying on the information that we were given
8 from the County. And then when I would visit
9 the website and -- and show that it was paid.
10 And then the following year in 2016, I get a
11 notice, the year that I could've redeemed the
12 property, I got a notice from you guys that
13 said that -- nothing about taxes and a tax sale
14 or any of that nature or that they've been sold
15 in '15. And it's got my name on it and it even
16 goes so far to say that if I -- if I wait until
17 October, I can pay them after October 31st with
18 a penalty amount. So, when I -- when I -- when
19 I think back and I look at that, you know, it
20 helped justify what the representative was
21 telling me in the -- the Treasurer's Office
22 because that's the same information that you
23 guys mailed me, that -- which I'm not sure how
24 that got I mailed if Mr. Stafford purchased it
25 in '15, how I was getting mail in 2016 that



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- 1 said the amount I owe with my name on it. That
2 said nothing about a tax sale.
- 3 Q: But you would agree with me that if there was
4 a tax sale for the property in 2015 for
5 nonpayment of taxes in 2014, you would have one
6 year to redeem it until December 2016, correct?
- 7 A: Correct. And that year that I'm referring to
8 is April of 2016, that -- where I had no -- no
9 notice or inference that that had occurred.
- 10 Q: Gotcha. I see.
- 11 A: I didn't ---
- 12 Q: But ---
- 13 A: --- find out about the tax sale until some time
14 in 2017, the middle of the year.
- 15 Q: But that April 2016 date would fall in between
16 December of 2015 and December of 2016 ---
- 17 A: But ---
- 18 Q: --- to redeem?
- 19 A: That was taxes for 2015 that it stated.
- 20 Q: Correct. Correct. Yes. I'm going to take you
21 to Parcel 2. I just want to confirm you have
22 already -- you received a certified mail and
23 it's a -- it was associated with a final tax
24 notice as to Parcel 2. And can you tell this
25 Court, is that your signature?



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1 A: Yes, sir.

2 Q: Okay. And it was your testimony earlier that
3 you did receive that final -- it -- it would be
4 considered a final tax notice that comes after
5 the execution.

6 A: Correct.

7 Q: And you -- and you did -- go ahead.

8 A: Yes. Yeah. When you say, execution, you're
9 referring to ---

10 Q: The first -- and I'll -- I'm not -- this is the
11 execution notice that was sent first by regular
12 mail to that same address and it doesn't
13 require your signature. I just wanted your
14 testimony as to whether or not that was your
15 signature that you received that final tax
16 notice and I just wanted to confirm.

17 A: I did. Yeah.

18 Q: Okay.

19 A: And that's the time period when I reached out
20 to -- reached out to the office about the taxes
21 and the fact that I got another -- the other --
22 the other exhibit that shows the tax amount
23 being different.

24 Q: Okay.

25 A: So, it was -- it was a confusing time period I



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1 can assure you that. But when I got tax
2 notices, I did -- I mean, that -- when I signed
3 that, that prompted me to investigate. That's
4 one reason why we reached out so often is
5 because of that notice I -- I received.

6 Q: And so when you signed for this, and it's dated
7 May 11th of 2015, what was your -- what did you
8 recall doing as a result ---

9 A: We ---

10 Q: --- of seeing that?

11 A: We called the -- we called the Treasurer's
12 Office, Delinquent Tax Office, and at that
13 time, the taxes that showed that were owed were
14 showed paid as it -- like as if you just showed
15 me on that other page. Now regard- --
16 regarding the color, if it was red or paid by
17 somebody else, that I'm not aware of.

18 Q: So -- and let me get this understanding, you
19 went online, saw information that led you to
20 believe that the taxes for this parcel had been
21 paid for 2014?

22 A: Correct.

23 Q: Okay. All right.

24 A: And -- and also, to add to that, that was --
25 what was that? April of '15? I was just there



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1 in ---

2 Q: That was May.

3 A: --- October and December, and February paying
4 taxes and purchasing another property. So, in
5 my -- when -- when you asked earlier if I'd
6 paid -- or maybe Mr. Jordan, if I'd paid taxes
7 in 2014, that -- in October 10th, it turns out
8 to be 2013, that's a possibility. But I -- but
9 I -- I felt like -- if I can turn back time,
10 I'd have been -- I'd have been extremely more
11 prudent than I -- than I thought I was trying
12 to be. And, of course, we probably wouldn't be
13 here.

14 Q: Yes, sir. Now, when you received the execution
15 notice on Parcel 2 for, not 2014, but for 2015
16 taxes, and it was entered in as Plaintiff's
17 Exhibit 17.

18 (Plaintiff's Exhibit Number 17 was referenced at this
19 time).

20 A: Uh-huh.

21 Q: Obviously, this would have lead you to believe
22 that the address change hadn't been -- hadn't
23 gone through or there was an issue. Is -- is
24 that a safe assumption?

25 A: It is, yes.



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1 Q: Did you take any action to confirm the change
2 of address with the County?

3 A: I kind of gave up on it at that matter -- at
4 that time.

5 Q: Okay.

6 A: Because at the -- because I decided not to rent
7 my home. And I was traveling back and forth,
8 so -- a lot. And I'd eventually come on to
9 some mail, but again, I was -- I was keeping up
10 with it mainly by online versus what was
11 mailed. But when I got that notice that you're
12 referring to in '16, that's when -- that -- for
13 me -- to me that's the most -- that's the most
14 illuminating piece of this is that -- the
15 exhibit you just referred to tells me that --
16 tells me nothing that taxes were -- my property
17 was sold in '15. Like that piece of mail is --
18 that exhibit that shows the taxes is -- is way
19 -- is different than what y'all -- you know,
20 the things you were saying a while ago. That
21 -- that don't say anything about a tax sale.
22 It don't say anything about Stafford. It don't
23 anything. It just says that, hey, you owe
24 taxes for this previous year, '15. So, that
25 tells me that I have, you know, all year to pay



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1 -- pay the taxes or so forth. So, I wasn't --
2 I wasn't alarmed that I had to redeem them by
3 then. This was April of '16, because if I
4 didn't pay the taxes that November or December,
5 that tells me that it's -- it -- there's no
6 redemption or -- around that this would be the
7 first year that it would be sold and executed
8 at tax sale. Then I'd have the following year
9 to be able to redeem the property. That's --
10 that's the part that -- that really drove me --
11 that and along with talking to the
12 representatives at you guys' office. There was
13 no further action to really take because that
14 tells me that I'm -- there's -- I'm not in any
15 chance of losing the property. It just says,
16 taxes are a few months late.

17 Q: So, is it safe to say you were receiving mail
18 at the 34030 Mill Stream Lane, Southwest
19 Marietta, Georgia and the P.O. Box in Cove?

20 A: Cordova.

21 Q: Cordova. I'm sorry. At the same time.

22 A: Yes. I mean, I received mail there, as well.

23 Q: Okay. Were you handling your business between
24 Georgia and South Carolina between the two mail
25 boxes or the -- or Cutter or -- well, or Homes



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1 Orangeburg, LLC?

2 A: Correct.

3 Q: Okay. All right. Turning your attention
4 towards ---

5 MR. J. ANDERSON: Which exhibit is this? I didn't
6 note it when you had this marked.

7 MR. JORDAN: That's -- that's -- I ---

8 MR. J. ANDERSON: Is it 18?

9 COURT REPORTER: If you'll tell me what it is, I'll
10 tell you ---

11 MR. J. ANDERSON: I'm sorry. It's the fax
12 confirmation sheet of the -- and ---

13 COURT REPORTER: That's 18.

14 MR. J. ANDERSON: It is 18. Thank you. I'll make a
15 note of that.

16 Q: Okay. Turning your attention to Plaintiff's
17 Exhibit 18. In this request to change address,
18 did you have a number of tax map numbers? And
19 I'll go ahead and say three of them deal with
20 real estate and two with mobile homes. And I
21 know it's hard to keep up with numbers as to
22 property.

23 (Plaintiff's Exhibit Number 18 was referenced at this
24 time).

25 A: Okay.



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1 Q: Two of the items are -- are dealing with the
2 subject property we're here about today, Parcel
3 1 and 2. But I'll just your attention to a
4 real estate property and that's ending in 057.
5 We haven't discussed that. This is my first
6 time bringing it in front of this Court and to
7 you. I was going to try to get on the same
8 page with you. Okay. This is the deed of that
9 property of tax map number, and I'll say it for
10 the record, 015310-01-057.000. And this is a
11 deed to that property. I'm just going to give
12 this to you to refresh your recollection.

13 A: Okay.

14 Q: And there's assessor information on the front
15 and I'll just let you look at it.

16 MR. J. ANDERSON: We're it -- begging the Court's
17 indulgence, if I can give the witness a moment
18 to look here.

19 Q: And again, it's not before this Court.

20 A: Yeah. Correct.

21 Q: Okay. Now, you requested that the address be
22 changed on this also.

23 A: Uh-huh.

24 Q: Do you recall any history of this property
25 being sold at -- for a tax sale?



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1 A: Yes. It was, as well. And the address wasn't
2 changed on this property, as well.

3 Q: Okay. Do you recall redeeming this property
4 from the tax sale?

5 A: No.

6 Q: Do ---

7 A: I don't recall that.

8 Q: Okay. Do you own this property today?

9 A: No.

10 Q: Okay.

11 A: There -- there was three properties sold at the
12 tax sale and two of them we're here today
13 about, and this was the third one.

14 Q: Okay. Do you recall any properties that you
15 requested address changes for that were sold at
16 tax sale, but your redeemed? Any property?

17 A: No. These would be the only three that I
18 requested address change for.

19 Q: And again, we - -and that's -- that's real
20 property.

21 A: Uh-huh.

22 Q: But -- and again, there -- on this application,
23 there was two mobile homes that you requested
24 address changes on and I don't have information
25 on those today. Do you recall if you still own



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1 this mo- -- do you ---

2 A: Yes.

3 Q: Okay.

4 A: But -- yeah. But the address never got changed
5 for any of the -- the properties that was on
6 that tax -- request address change.

7 Q: Okay. Do you recall any of these properties
8 going to tax sale and being redeemed by anyone?

9 A: The -- the -- only the three that were not
10 redeemed.

11 Q: Okay. Only the three that were not redeemed.

12 A: And there -- there has been times when we
13 bought -- like I said, we owned quite -- quite
14 a bit of property. There have been times when
15 I purchased the other mobile home park, I was
16 -- I was going to wait to come down to South
17 Carolina from Georgia and handle -- take care
18 of all the business at one time, kind of like
19 I did in 2014 in October, where I came in and
20 I -- you know, paid everything at one time.
21 And that's why I relied heavily on the ability
22 to be able to redeem the property.

23 Q: Okay. So, you ---

24 A: Is that -- is that I was -- that I could come
25 redeem it, but, again, back to my notice in



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1 2016 that there was no indication that my
2 property was sold at all to redeem it.

3 Q: And I'll ask you the question, again. Do you
4 recall any property, it doesn't have to be
5 before the Court today, that you have owned
6 here in South -- in Orangeburg County, that
7 taxes were due, taxes weren't paid, so it was
8 auctioned; it did get into that period of
9 redemption and you -- one of your entities
10 redeemed it?

11 A: And we redeemed it?

12 Q: Correct.

13 A: Yes. We've done that several times.

14 Q: Okay.

15 A: And -- and from being in Georgia to -- that's
16 what I was just mentioning that I rely on the
17 -- the redemption year. You know, if -- if --
18 to be able to redeem any taxes. But we always--
19 -- we redeem. So, we have redeemed -- we have
20 redeemed properties before from -- from the tax
21 sale. And we would've done the same thing with
22 these should I have known. And I -- it's
23 probably been a dozen occasions out of 50
24 properties I own and paying taxes every year
25 that from time to time depending on our



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1 schedule and what's going on, if I'm not in
2 town to the pay taxes and so forth that we'll
3 -- I'll wait to come down and do business and
4 take care of all of them at one time. So, we
5 have redeemed properties from the tax sale
6 before.

7 Q: Okay. And you said a dozen out of 50. So,
8 this is -- I wouldn't say, but you -- you're
9 familiar with ---

10 A: Mostly mobile homes. Mostly mobile homes.

11 Q: Mostly mobile homes. So, you're familiar with
12 this redemption of mobile home?

13 A: I'm familiar with redemption ---

14 Q: Okay.

15 A: --- that's why I was hoping to be able to
16 redeem the properties that we have on the
17 docket today.

18 Q: The -- the Parcel 1 and Parcel 2. Okay.

19 A: Do you mind if I -- I'm sorry. Are these --
20 sorry.

21 COURT REPORTER: Thank you.

22 Q: Okay. I was going to get those back from you.
23 Thank you.

24 MR. J. ANDERSON: Begging the Court's indulgence.

25 THE COURT: Yes, sir.



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1 Q: Now, you -- you had testimony earlier in
2 reference to the two parcels. Your
3 understanding of the outstanding owed and it's
4 your belief that one parcel should have been
5 sold to satisfy the debt owed as it -- when it
6 comes to property taxes to Orangeburg County?

7 A: Correct. There's -- Parcel 1 is valued way
8 less than Parcel 2.

9 Q: Uh-huh.

10 A: So, if the County would have sold Parcel 2
11 first, then it would've been -- then they
12 would've been able to pay the taxes for
13 anything owned in Cutter and Company's name.

14 Q: Right. Now, Parcel 2, did you request that the
15 County partition the par- -- Parcel 2 to
16 satisfy the outstanding debts as to Parcel 2
17 and to Parcel 1?

18 A: I didn't request that because the notice you
19 guys sent me in 2016 didn't say anything about
20 taxes -- the property being sold or me having
21 to redeem it. So, I had no inclination to
22 request that.

23 Q: Yes, sir.

24 A: But I think that the property -- I think Parcel
25 2, if you look at it, it's -- it's four big



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1 parcels. You know, they could've divided it
2 into one and made it 1, 2, 3, and 4. But at
3 the very least, there's a paved road that's
4 perpendicular to each that they could've took
5 the property on Valley Drive or Kal Lane and --
6 and -- and if they would've sold two of 'em,
7 they would've had far more money from selling
8 two of 'em than selling everything. So, I --
9 I lost four parcels and another property when,
10 you know, they could've sold half of one
11 property I own, Parcel 2. They could've sold
12 two lots out of that and had substantial amount
13 of money to cover the taxes for all four of
14 those, plus the other property I lost, so.

15 Q: But again, what you're talking about is
16 partitioning and, again, you've never made a
17 request for that? No matter where those lines
18 would be.

19 A: No. I had never had no reason to as it relates
20 to taxes.

21 Q: Okay. Thank you, sir.

22 Q: Turning your attention to Exhibit 7, and that's
23 a notice of tax sale. I have a better copy of
24 that notice because it's front and back and
25 it's in color. So, I won't ask to enter it at



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1 this time, but I'm going to let you review it.
2 (Plaintiff's Exhibit Number 7 was referenced at this
3 time).

4 Q: At any time did you or anyone that worked for
5 you recall seeing this tax notice being placed
6 anywhere on the property?

7 A: No, sir.

8 Q: Okay. All right. That's the only question I
9 have. And this hasn't been submitted into
10 evidence, but on the back there's a photo of
11 the parcel. Can you tell me, is this an
12 accurate depiction of a -- a G- -- GIS or a
13 aerial view of your property?

14 A: That is.

15 Q: Okay. And do you recall this mobile home or at
16 this site that's on -- on the property?

17 A: That's one of the mobile homes there. Correct.

18 Q: Okay. Thanks.

19 MR. J. ANDERSON: I have no further questions, Your
20 Honor.

21 Q: Thank you, sir.

22 A: Thank you.

23 THE COURT: Mr. Cam Anderson.

24 MR. S. ANDERSON: Real quickly, Your Honor, if you
25 please.



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1 MR. CUTTER - CROSS EXAMINATION BY MR. S. ANDERSON:

2 Q: Mr. Cutter, with regard to the exhibits
3 introduced by Mr. Jordan, Exhibit 10 is the
4 mortgage from Cutter to O&P, is that correct?
5 (Plaintiff's Exhibit Number 10 was referenced at this
6 time).

7 A: Yes, sir.

8 Q: It is indeed that mortgage?

9 A: That's it.

10 Q: And has that mortgage been satisfied?

11 A: No, sir.

12 MR. S. ANDERSON: I have no further questions, Your
13 Honor.

14 THE COURT: Mr. Tanner.

15 MR. TANNER: May it please the Court?

16 THE COURT: Yes, sir.

17 MR. J. ANDERSON: Just take the mic.

18 MR. TANNER: I'm just trying not to drop everything.

19 MR. J. ANDERSON: I mean, that's why I gave it to
20 you.

21 MR. CUTTER - CROSS EXAMINATION BY MR. TANNER:

22 Q: All right. Mr. Cutter, are you still getting
23 mail at the 3430 Mill Stream Lane, Southwest
24 Marietta, Georgia address?

25 A: It's currently -- the property is currently



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1 rented out.

2 Q: Yes, sir. My question was do you still have
3 mail delivered there to you.

4 A: I'm not aware of any mail.

5 Q: Where do you physically live now?

6 A: 255 Green Street.

7 Q: Where's ---

8 A: Orangeburg, South Carolina.

9 Q: Thank you. Let's turn -- do you have --
10 Exhibit 17, do you have that in front of you?

11 (Plaintiff's Exhibit Number 17 was referenced at this
12 time).

13 A: I don't, but it might be in this pile that --
14 if it belongs ---

15 Q: I think that was one that your lawyer put in.
16 It wasn't in the main packet.

17 **THE COURT:** I've got it up here, Mr. Tanner.

18 **MR. TANNER:** Okay.

19 **THE COURT:** Here you go.

20 A: Thank you, sir.

21 Q: Okay. That is again the notice dated April
22 1st, 2016, correct?

23 A: Yes, sir. That's what it says.

24 Q: You -- you testified you received that,
25 correct?



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- 1 A: Uh-huh.
- 2 Q: That's a yes?
- 3 A: Yes, sir.
- 4 Q: And you see where it says tax year 2015?
- 5 A: Yes, sir.
- 6 Q: Do you see where about the middle of the page
- 7 after the map number, it's in bold and all
- 8 capital letters, it says, all delinquent taxes
- 9 must be satisfied when taxes are paid? Do you
- 10 see that?
- 11 A: I -- I see that.
- 12 Q: Do you see a little bit further down where it
- 13 says that same phrase again in bold and all
- 14 caps?
- 15 A: I see that.
- 16 Q: And that would -- that would be for all years
- 17 preceding 2015, correct?
- 18 A: I don't -- I mean, I would I would assume so.
- 19 I'm not sure. Will you say that again? That'd
- 20 be for all years?
- 21 Q: Yes, sir. That'd be all -- all delinquent
- 22 taxes ---
- 23 A: Yeah.
- 24 Q: --- 2014 ---
- 25 A: Yes, sir.



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- 1 Q: Because you don't have any proof that you've
2 ever paid those taxes, correct?
- 3 A: Which taxes? The '15?
- 4 Q: 2014 taxes.
- 5 A: '14 or '15?
- 6 Q: '14.
- 7 A: '14. No, sir. I paid tax ---
- 8 Q: You don't have ---
- 9 A: I paid taxes in '14, but it was not for -- it
10 was for '13.
- 11 Q: Right. You don't have a receipt that you can
12 show Judge Jackson that you paid Orangeburg
13 County on property tax for this parcel, Parcel
14 2, in 2014, correct?
- 15 A: No, sir.
- 16 Q: All right. And you testified that you were --
17 you paid the taxes, I believe, for 2013 on
18 October 10th, 2014, correct?
- 19 A: Yes, sir.
- 20 Q: All right. And you paid -- did you pay those
21 or did someone from your office pay those?
- 22 A: I physically paid them and -- and with cash at
23 the ---
- 24 Q: Okay.
- 25 A: --- at the County office.



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1 Q: And that was a Friday. Do you have any reason
2 to dispute me if I tell you that October 10th,
3 2014, was a Friday?

4 A: No, sir.

5 Q: All right. And when did you pay those taxes?
6 What time during the day?

7 A: I believe around Noon, lunch time. Somewhere
8 in the middle of the day.

9 Q: Okay. And -- and you were physically in
10 Orangeburg at Noon?

11 A: Uh-huh. I paid taxes on that part -- property,
12 as well as many others.

13 Q: All right. And so, again, you're -- you're
14 physically present to do that at the Assessor's
15 Office in the administrative building, correct?

16 A: Yes, sir.

17 Q: All right. And they gave you a receipt for the
18 2013 taxes?

19 A: They did.

20 **THE COURT:** And let -- let me say this, Mr. Tanner.
21 You're not paying taxes at the Assessor's
22 Office. You're going to be paying them to the
23 Treasurer's Office. So, I would just -- so,
24 just so we're all straight on that.

25 **MR. TANNER:** Yes, sir.



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1 A: Yes, sir. The description would be, when you
2 walk into the front doors, you'd take a right
3 and you go down and it's right there on your
4 left.

5 THE COURT: That would be the Treasurer's Office.

6 A: Okay.

7 MR. TANNER: Yes, sir.

8 Q: And I wasn't trying to inadvertently confuse
9 you.

10 THE COURT: I know you weren't. I mean, I -- I just
11 want to make sure we're all ---

12 MR. TANNER: Yes, sir.

13 THE COURT: So, the County is looking at you funny.

14 MR. TANNER: It's okay. I'm just from Bamberg,
15 Judge.

16 THE COURT: You go to the Assessor's Office and try
17 to pay taxes there, you will be rejected.

18 Q: All right. And so, you -- you paid these taxes
19 at the Treasurer's Office around Noon on Friday
20 October 10th, 2014?

21 A: Yes, sir.

22 MR. TANNER: If I may approach, Your Honor.

23 THE COURT: Yes, sir. Okay. You're good.

24 MR. TANNER: Okay.

25 Q: Mr. Cutter, let me ---



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1 MR. JORDAN: No objection.

2 MR. J. ANDERSON: May I see that?

3 Q: Mr. Cutter, let me hand you this. And this was
4 provided to me in discovery. It's appendix M.
5 You mentioned earlier you remember getting
6 discovery in this case, correct?

7 A: Uh-huh.

8 Q: When we talked about the metadata.

9 A: Right.

10 Q: If you can take a look at that tax receipt,
11 sir.

12 A: Uh-huh.

13 Q: And that -- that is the tax receipt that you
14 paid at the Treasurer's Office for the 2013
15 taxes, correct?

16 A: On Parcel 2.

17 Q: Okay.

18 A: Correct.

19 Q: And that's for the tax year 2013, correct?

20 A: Uh-huh.

21 Q: And it says so in plain letters on the face of
22 the document?

23 A: Uh-huh.

24 Q: Correct? And you did that around Noon in
25 Orangeburg.



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- 1 A: On the 10th of October '14. Correct.
- 2 Q: Okay. Okay. And that -- again, that was a
3 Friday, correct? I'm sorry. I didn't hear
4 your answer. I apologize.
- 5 A: I didn't see that on the page.
- 6 Q: Do you want to look it again?
- 7 A: Go back again. I didn't see the -- I believe
8 it was a Friday, but if you're asking me if it
9 says Friday on here, I'm not seeing that.
- 10 Q: No. It doesn't.
- 11 A: It says October 10.
- 12 Q: I'm sorry.
- 13 A: October 10th, 2014, which I believe was a
14 Friday.
- 15 Q: Right. Because what we've already established
16 that you don't disagree with me that October
17 10th, 2014, was a Friday.
- 18 A: No. Correct.
- 19 Q: And -- and you've told me several times you
20 were here around Noon, correct?
- 21 A: Uh-huh.
- 22 MR. TANNER: Your Honor, I apologize. I thought
23 this was in plaintiff's packet. If it's not,
24 I have some highlight marks. I -- I'd offer
25 this -- whatever time we can make a copy so



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1 it's clean without any of my highlights.

2 **MR. JORDAN:** I have no objection.

3 **MR. J. ANDERSON:** No objection, Your Honor.

4 **MR. S. ANDERSON:** No, sir.

5 **MR. TANNER:** Do you want me to do go do that now?

6 Will that be ---

7 **THE COURT:** Kathy -- Kathy, go ask Barbara to look
8 here a minute, please. Ask Barbara to make
9 about five copies.

10 **MR. TANNER:** I'm sorry, Your Honor. I've overlooked
11 that.

12 **THE COURT:** That's all right. You can go ahead, Mr.
13 Tanner, while we're waiting.

14 **MR. TANNER:** Okay.

15 **Q:** Sorry. All right, sir. If you -- Marietta is
16 a suburb of Atlanta, is that -- is that right?

17 **A:** Yes, sir.

18 **Q:** What's that, about a three and a half hour
19 drive from Orangeburg?

20 **A:** Yeah.

21 **Q:** Approximately.

22 **A:** Depending on traffic, but it can get real long
23 sometimes. But yeah. That's fair to -- I call
24 it four hours.

25 **Q:** Would -- would you -- I presume you go through



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- 1 Augusta, I -- I-20; is that how you go from
2 here?
- 3 A: I do.
- 4 Q: All right. So, you're in Orangeburg at Noon,
5 correct?
- 6 A: Correct.
- 7 Q: And yet on your Exhibit 18, you sent a fax from
8 Marietta, Georgia at 1:46. How do you explain
9 that?
- 10 A: That would have been sent by my assistant if it
11 was from Marietta, Georgia.
- 12 Q: Okay. You -- you testified that you sent the
13 fax. That ---
- 14 A: I did ---
- 15 Q: That you did it yourself.
- 16 A: I do recall sending the fax.
- 17 Q: Right. So, how you can send a fax at 1:46 on
18 October 10th from Georgia ---
- 19 A: How do ---
- 20 Q: --- if you're in Orangeburg at Noon?
- 21 A: How do you -- how do you know it's sent from
22 Marietta, Georgia?
- 23 Q: Because you testified you sent it.
- 24 A: No, not from Marietta, Georgia.
- 25 Q: You testified it's got your VN notify phone,



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1 Jamie owns in Orangeburg, Friday, October 10th,
2 1:46.

3 A: But where -- where on that says I'm in
4 Marietta, Georgia?

5 Q: Well, you testified you sent it.

6 A: But I -- I have an office in Orangeburg.

7 Q: Okay. Do you have any proof that you sent this
8 from Orangeburg?

9 A: I -- yeah, the proof would be that I was here
10 paying the taxes if I -- if -- if it was sent
11 from here. I mean, I have an office with a
12 computer set up. This fax machine is not a --
13 it's not a fax machine that you have to be a
14 certain locale. This is an online service fax
15 machine. So, you can send the fax from
16 anywhere. But, you know, the receipt that you
17 just showed puts me here and -- paying the
18 taxes. I had to go to the bank and get the --
19 the cash out to pay 'em. And so, that shows me
20 that I was here paying the taxes because nobody
21 else is gonna pay 'em. And the only other
22 person that could've sent a fax would -- that
23 had access to my fax -- the fax system would've
24 been my assistant. But -- but I recall me
25 sending this fax. I recall me filling it out



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1 because I signed it. So, and I done that
2 easily from my office here and just -- because
3 Marietta's four hours away. I was doing
4 construction on properties here. I'm in
5 Orangeburg more than I am in Marietta.

6 Q: Well, Mr. Cutter, if you were paying 2013 taxes
7 at the Treasurer's Office, why did you not give
8 the form to the Assessor's Office at that same
9 time?

10 A: Because I didn't have it in my possession.
11 Like, I got the instructions on how to change
12 it from there. And they -- I was given the fax
13 number.

14 Q: Okay. And you got those on -- instructions on
15 October 12th, correct?

16 A: Yeah. I walked up -- after I got done paying
17 taxes, I walked up a flight of stairs to the
18 Assessor's Office, a door that goes on the
19 right, and I spoke with somebody in there. And
20 that's how I -- that's how I got the
21 instructions to pay it. At that time, I didn't
22 know anything about -- at that time, I was
23 inquiring on what do I -- what do you need to
24 do to change the address. And then I was told
25 you can go to the Assessor's site, at the



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1 bottom there'd be a link that says the form
2 which was there. And that's how I proceeded
3 it.

4 Q: So, is it your testimony that you called
5 someone at the Orangeburg County Assessor's
6 Office to walk you through how to complete the
7 form or that you talked to someone face-to-
8 face?

9 A: I didn't need any instructions on how to
10 complete the form. It's pretty standard. I
11 talked to somebody face-to-face when I -- after
12 I spent an hour in the building paying taxes.
13 I walked upstairs to the Assessor's Office and
14 that's when I was given the fax number. And I
15 had -- the fax number is not even listed on
16 Orangeburg County dot -- on the Assessor's site
17 or .org. So, the only way I -- I would obtain
18 that would be with speaking with somebody at
19 the office.

20 Q: All right. Well, let's talk about the phone
21 calls because I'm -- I'm just confused.

22 MR. TANNER: If I may approach, Your Honor.

23 THE COURT: You want to go ahead and offer a copy.

24 MR. TANNER: Yes, sir. Why don't we do that before
25 I forget.



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1 COURT REPORTER: Defendant's 1?

2 MR. TANNER: Yes, ma'am.

3 THE COURT: Are there any objections of this
4 document being offered into evidence.

5 MR. JORDAN: No, sir.

6 MR. S. ANDERSON: No, objection.

7 MR. J. ANDERSON: No objection, Your Honor.

8 MR. TANNER: Judge, I have another copy that I'll
9 hand you.

10 THE COURT: So, we'll mark this as Defendant
11 Stafford ---

12 MR. TANNER: Stafford 1.

13 THE COURT: --- Exhibit 1.

14 (Defendant Stafford Exhibit Number 1 was marked for
15 identification purposes and offered into evidence.)

16 Q: All right. Mr. Cutter, again, sort of talking
17 about the discovery. Let me hand you what your
18 lawyer has produced as Exhibit N as in Nancy.

19 MR. JORDAN: That's one I've put into evidence
20 already.

21 MR. TANNER: Yes, sir.

22 Q: All right. You see that document, Mr. Cutter?

23 A: Uh-huh.

24 Q: That's a yes?

25 A: Yes, sir.



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1 Q: Okay. And again, this talk -- this is your
2 phone log, right? We've talked about -- this
3 has been previously been marked as Exhibit 19.
4 (Plaintiff's Exhibit Number 19 was referenced at this
5 time).

6 A: This ---

7 Q: Correct?

8 A: This is one of many of like several different
9 phones we have.

10 Q: But this is a phone that you -- the phone log
11 that you claim you talked to Orangeburg County,
12 correct?

13 A: Yes. I talked to them several times. No, not
14 on that day, of course.

15 Q: All right. And ---

16 A: I didn't speak with 'em.

17 Q: And this phone log says that you made an
18 outgoing call to Orangeburg County, Sunday,
19 October 12th, 2014, correct?

20 A: Correct.

21 Q: And that was one I believe in your direct
22 examination you testified you spoke to the
23 representative about before, correct?

24 A: Not on that day.

25 Q: Okay.



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1 A: I said a spoke with them numerous times. I've
2 called them -- we called them all the time.
3 The phone log I don't have -- the phone -- the
4 phone log I don't have present is from our land
5 line office phone, which I -- I have a desk
6 phone and I dial speaker and called the 533-
7 2200 or whatever the number is repeatedly. I
8 -- I just supplied this to Mr. Jordan just as
9 an example that -- one example that we
10 routinely were reaching out to them left and
11 right.

12 **THE COURT:** You're not testifying you talked to 'em
13 on Sunday, are you?

14 A: No, sir. I mean, I ---

15 **THE COURT:** That's what it says though.

16 Q: And that's what you testified to.

17 **THE COURT:** I can promise you ---

18 A: No. I didn't ---

19 **THE COURT:** --- they weren't there on Sunday.

20 A: I -- it says I made a phone call. But I mean,
21 I didn't ---

22 **THE COURT:** Assessor's Office on Sunday. They're
23 not going to be there on Sunday:

24 A: Yeah.

25 Q: The document that's in front of you says you



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1 called them, does it not?

2 A: It does, but it doesn't say ---

3 Q: And that's your document.

4 A: I didn't speak with them, obviously, if they're
5 not there.

6 **THE COURT:** Here's the document. I'll let you look
7 at it.

8 A: I got it right here.

9 **THE COURT:** Okay. It does say Sunday.

10 A: Yeah.

11 Q: In fact, not only Sunday, but, thank goodness,
12 Orangeburg County had someone working at 11:55
13 p.m. on Sunday. You expect Judge Jackson to
14 believe that?

15 A: That I made a phone call? That I called the
16 off- ---

17 Q: Who were you calling at midnight?

18 **THE COURT:** Let -- let him finish his answer, Mr.
19 Tanner.

20 **MR. TANNER:** Sorry.

21 A: The -- well, I mean, I -- I can't recall
22 exactly. I was probably trying to listen to
23 the prompts to give instructions to my
24 assistant of what to dial to follow up for the
25 next day on Monday. But I didn't -- I did not



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1 testify that I had spoke with them on that day.
2 All I -- what I testified to is that I called
3 them routinely. So, there's a big prompt menu
4 on -- on there and it's my job to give people
5 that work for me tasks and so forth to do. So,
6 if I'm making that phone call at that time of
7 night, I'm probably trying to make this easier
8 for my assistant for the next day to hit these
9 prompts. They'd be able to get them. I mean,
10 it would be my only recollection. I mean, I
11 sure wasn't calling them to try to get anybody
12 on the line.

13 Q: Mr. Cutter, did you not testify during your
14 direct that you called them to complete the
15 form and you called them on October 12th?

16 A: I did not say that. The form was completed on
17 the 10th.

18 Q: But then why'd you say it's the 12th? Why does
19 that exhibit in front of you say that you made
20 that call October 12th?

21 A: That has nothing to do with when I completed
22 the form. The form was done the same day I
23 paid the taxes. It was faxed the same day I
24 paid the taxes. We called Orangeburg
25 Assessor's Office, all the time. And the only



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1 thing that makes sense to me is what I just
2 stated, is that perhaps I was so concerned
3 about the -- the situation going on and the
4 taxes that I was trying to delegate
5 responsibility to Shalah Wade, who worked for
6 me at the time. Other than that, I mean, of
7 course, it's common sense I'm not trying to get
8 nobody on the phone at that time of the day.
9 But I did not testify that I -- you said -- I
10 did not testify that I called them for
11 instructions on the form or how to complete it.
12 The form was already done. You know, at some
13 -- at some point of time, I called them and
14 followed up is what I testified to.

15 Q: All right. Mr. Cutter, I'm sorry. I didn't
16 mean to stop you.

17 A: Yeah. I mean, I called them and followed up to
18 see if they got the form. And what I said, is
19 that the representative told me that if I -- if
20 I sent it and it said -- if it's successful fax
21 sent to them, that it would ultimately get
22 processed. But for -- for you to say that I
23 testified that I spoke with them, that would be
24 -- that would be absurd, because obviously --
25 obviously, that wouldn't be the case.



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1 Q: Well, since ---

2 A: This is just a log of some of the phone calls
3 that we made to Orangeburg County.

4 Q: Since we're talking about absurdities, why
5 don't you read me what your discovery response
6 captured in Appendix N says? Tell Judge
7 Jackson how absurd we're talking about.

8 A: Okay. That would be -- that would just be --
9 that would be a mistake. That wouldn't be the
10 day that we -- we spoke with them, obviously.

11 Q: I appreciate your answer, Mr. Cutter, but my
12 question was please read what Appendix N says
13 or I can read it for you.

14 A: It says, that we made outbound calls to the
15 Assessor's Office on the 12th, two days prior,
16 which is actually two days after, so that's a
17 typo, as well. Executing delivery to the
18 Assessor's Office, Amelia Street ---

19 Q: Let me -- let me stop you right there. It
20 says, and in -- tell you what, let me read it
21 to you and you can tell me if I'm reading it
22 right. How about that?

23 A: Uh-huh.

24 Q: Just so we're on the same page. Appendix N
25 shows plaintiff's phone call log with an



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1 outbound call to the Orangeburg County
2 Assessor's Office on October 12th, 2014.

3 A: Uh-huh.

4 Q: Do you agree that's proper, the way I read it
5 to you? That's what it says.

6 A: The way you read it to me, yes, sir.

7 Q: Two days prior to plaintiff executing and in-
8 person delivering to the Assessor's Office, is
9 that correct?

10 A: No. Two days prior would be the 8th, so that's
11 a mistake.

12 Q: But that's what the word -- that's what your
13 discovery response says, correct?

14 A: Correct. But yeah, it's a mistake.

15 Q: And it also says in-person delivering to the
16 Assessor's Office, address 1437 Amelia Street,
17 Orangeburg, South Carolina, 29115, correct?

18 A: Correct.

19 Q: So, that's different than a fax, isn't it?

20 A: No. It was faxed. It was faxed to them. I
21 can't -- I -- I think I -- I think at some
22 point, it may have been given to them, as well,
23 at the office, but I mean -- don't dispute the
24 facts that I sent to them. But obviously,
25 that's a mistake because they were -- they were



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1 closed that day and it says prior to, which
2 that's two days after, so it's -- it's a typo;
3 it's a mistake.

4 Q: Mr. Cutter, how can the Court believe you when
5 on direct you didn't testify anything that you
6 gave them a copy, which is what your discovery
7 response says you did?

8 A: Well, at the time, I didn't -- at the time, I
9 didn't have access to where I faxed it. Now,
10 we're talking 2014 and -- and I recall printing
11 the thing out and I've testified that I'm in
12 there all the time, so my recollection of the
13 time is that I may have given them a copy of
14 it, as well. But all I have proof to show you
15 is that I faxed it to 'em, so I mean, I -- I
16 would think that, you know, perhaps I -- I did.
17 But I know that my phone call log just shows --
18 shows that I was -- I was in the administrative
19 office a lot and I made a lot of phone calls to
20 that place, so I could very well have handed it
21 to 'em. I don't think that's -- that's
22 misleading or incorrect. I know that I faxed
23 it to 'em. So, the time of discovery, I didn't
24 have access to that information because that's
25 a system that we didn't use any longer at the



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1 time. And as far as the date, it says two days
2 prior and the 12th and so forth, that -- that's
3 a -- that's a -- that's a mistake. That's a
4 typo mistake.

5 Q: Well, you certainly knew when you were
6 testifying on direct examination what you're
7 discovery responses were, correct?

8 A: No.

9 Q: Well, you just didn't do these during the
10 break, did you?

11 A: You said all discovery. I mean, you said
12 discovery responses. I know some of 'em. I
13 mean, I know -- I mean, I -- I recall preparing
14 the stuff, but I -- I'm human. I mean, I make
15 mistakes. I obviously made a mistake of not
16 paying the taxes. I think the County made a
17 mistake, as well, from the -- the tax -- the
18 tax information that was sent and misleading
19 with different dollar amounts and so forth,
20 such as the one you first had mentioned, 2016.

21 Q: All right. So -- so keeping track of the
22 mistakes and then we'll finish the document.
23 The two days prior, now you say that's a
24 mistake, correct?

25 A: Well, yes. I'm -- yes, because that would



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1 October 8th, so.

2 Q: And now the in-person delivering, you're not
3 sure if you did that or if you didn't, correct?

4 A: I -- I knew I was back in -- I was back in
5 Orangeburg within like two weeks later and I
6 can't recall 100 percent if I -- if I delivered
7 'em. I thought I delivered it to 'em. I may
8 have well, but I have no proof to say who I
9 gave it to. The only proof I have is that I
10 faxed it.

11 Q: Well, Appendix N says, in-person delivering the
12 form, correct?

13 A: That's what I believe, but -- that I ---

14 Q: Does it -- does it say in here that upon
15 information or belief or you guess or you
16 think? Because I don't see it. Does it say
17 anywhere on your -- on your Appendix N?

18 A: No, sir.

19 Q: All right.

20 A: And that note, then I'll take that I did hand
21 deliver it to 'em ---

22 Q: Okay.

23 A: --- as well as fax it, but all I have proof for
24 you is that I faxed it to 'em.

25 Q: And -- and in Appendix N, and again, it's got



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1 Exhibit 19 attached to it, and it says, the
2 purpose of that particular phone call by
3 plaintiff was to receive instructions from the
4 Assessor's Office on how to fill out the form
5 and drop it off at the Assessor's Office.
6 That's what it says, correct?

7 A: Correct.

8 Q: And that would be again, the phone call you
9 made at five to midnight on Sunday, October
10 12th, 2014?

11 A: Correct.

12 Q: Correct.

13 A: The -- the phone call I made to them was at --
14 see if it was received because at that time I
15 had already had instructions. So, if -- if you
16 look at two days prior, that it says two days
17 prior, which would've been the 8th, then it
18 could very well be that the instruction phone
19 call -- it could've been a call -- a phone call
20 placed on -- on the 8th. Yeah. My memory
21 don't serve me there. All I recall is being in
22 the building on the 10th, paying the taxes,
23 walking upstairs, and getting instructions from
24 -- from them. But, you know, I did have an
25 assistant working for me. She could easily --



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1 yeah. We were coordinating back and forth.
2 So, I don't think this is to be misleading as
3 if this didn't happen. But I don't have proof
4 that I actually hand delivered it to 'em. I
5 have proof that I faxed it to 'em.

6 Q: Again, Mr. Cutter, Appendix N, your discovery
7 response says the purpose of that particular
8 phone call by plaintiff, that's you ---

9 THE COURT: Let's -- let's go ahead and move on.

10 MR. TANNER: All right.

11 THE COURT: I -- I got your points.

12 MR. TANNER: Okay. Thank you, Your Honor. If I can
13 get that back.

14 A: Judge, do you want this back?

15 THE COURT: Thank you.

16 Q: All right. Mr. Cutter, Mr. Anderson was asking
17 you about some other parcels, do you have the
18 receipts where you redeemed those?

19 A: Which parcels are you referring to, sir?

20 Q: I believe he asked you about one that was ended
21 in tax map 57 and then two pieces of personal
22 property, which I presume are -- are mobile
23 homes.

24 A: I may very well have it in my bag if I'm
25 allowed to go grab it.



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1 Q: Sure.

2 A: And what -- what property are you referring to?

3 Q: Well, Mr. Anderson had asked you first about a
4 tax map that ended in 057 and then there are --

5 -

6 A: You got ---

7 Q: --- another ---

8 A: You got -- you got the full tax map number?

9 Q: Yes, sir. 0153-10-01-057.000.

10 A: Is there a description with that?

11 Q: No, sir. That's not -- if you have -- I'm
12 sorry. I have one here. Land and improvements
13 being in school district 5, shown as lot 14,
14 made on a survey of February 12th, 1954. This
15 is a piece of property that was deeded to you
16 from -- by Mary E. Dantzler.

17 A: Okay. Yeah. I'm familiar with that one. But
18 yeah, that's not one that -- I didn't say to
19 Mr. Anderson that that was redeemed. In fact,
20 I said the opposite. I said that one was one of
21 three properties outside of these two that was
22 the other property that was sold at the tax
23 sale.

24 Q: Okay. And you did not redeem that, correct?

25 A: That was not redeemed.



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1 Q: Okay.

2 A: That was also the map number that -- that was
3 on the change of address form that was faxed.

4 Q: Did you file a lawsuit over that tax map?

5 A: No. We did not.

6 Q: What about 014-00-11-014.005? I believe that's
7 a mobile home?

8 A: That was on the change of the address form?

9 Q: Yes, sir. And -- and this is all attached to
10 Exhibit 18 if -- if that'll help you, your fax.

11 **(Plaintiff's Exhibit Number 18 was referenced at this**
12 **time).**

13 A: Yeah. Yeah. I'm familiar with that. And
14 what's the question with that one? Did I have
15 any redemption ---

16 Q: My question is -- are you -- did you redeem
17 that?

18 A: I'm not sure if that one was redeemed or not
19 and I don't have that receipt with me. But
20 it's on -- it would be on the County Treasurer
21 if -- if I -- if we did. I don't recall that
22 one being sold. But that's not real property
23 you're referring to, right? You're talking
24 about ---

25 Q: No, sir. I -- I believe as Mr. Anderson said,



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1 I -- I believe that's a mobile home, personal
2 property. So, you -- you still own that as
3 far as you know?

4 A: I don't think that -- I don't think that one
5 was so- -- that wasn't sold. My recollection
6 is there's three properties that were sold, the
7 two parcels today and the one you just
8 mentioned, which is 133 Loadholt Street that
9 ends in 0 -- dash 057.

10 COURT REPORTER: Did you say Hook Street?

11 A: Loadholt, H-O-L-T.

12 COURT REPORTER: Thank you.

13 A: Uh-huh.

14 Q: All right. You -- you testified a number of
15 times on -- on your case in chief that you
16 would speak to various people at the County in
17 both the Assessor's and the Treasurer's
18 Offices. Who did you talk to?

19 A: Representatives in the office.

20 Q: Did you ever get any of their names?

21 A: No. I mean, I'm sure I did back then, but I do
22 I have them to give to you? No. I don't
23 really have them to give to you. One I
24 communicated with numerous times was a lady by
25 the name of Christy. I don't think she's there



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1 any longer. I do recall her name.

2 Q: In fact, you don't have any documents, be they
3 e-mails, faxes, letters, memorializing any of
4 these conversations you've claimed to have,
5 correct?

6 A: I did -- I do have one for reference to the 133
7 Loadholt Street. I have an electronic document
8 where I e-mailed the -- or -- Christy regarding
9 the same thing.

10 Q: Let me ask a better question. You don't have
11 any e-mails, letters, anything of that nature
12 regarding Parcels 1 and 2 in your discussions
13 with anyone at Orangeburg County, correct?

14 A: No, sir.

15 Q: You don't have any writing where you testified
16 that you had several calls and the Assessor
17 said disregard the tax notice, do you?

18 A: No, sir. But I could elaborate on the phone
19 calls and I know that, you know, that one call
20 record shows we were -- we were reaching out to
21 'em all the time.

22 Q: The call that you made at -- near midnight?

23 A: That would be one of them for instructions for
24 my assistant.

25 Q: All right. And you testified, I believe --



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1 let's -- let's talk about the facts and the
2 metadata and all that good stuff. I believe
3 you testified that you used Windows Explorer,
4 correct?

5 A: Yes, sir.

6 Q: And that was something that you testified you
7 did October 10th, 2014, correct?

8 A: Yes, sir.

9 Q: Let me find where that is in the exhibits. Let
10 me have those that have been marked. I just
11 had it ---

12 MR. TANNER: I'm sorry, Your Honor. Too many
13 papers.

14 THE COURT: Exhibit 18.

15 MR. TANNER: Yeah. And I -- here we go. It's at
16 the bottom. All right.

17 Q: I'm sorry. Exhibit 20, I believe. Do you have
18 Exhibit 20, Mr. Cutter?

19 (PPlaintiff's Exhibit Number 20 was referenced at this
20 time).

21 MR. JORDAN: I probably ---

22 A: Is it -- I got -- I think I got -- I got a copy
23 of that I believe right here.

24 Q: Let me know when you have it, sir.

25 A: Can I -- let me step down again and grab it, my



1 exhibits.

2 THE COURT: Here. Just, here you go.

3 A: Okay. Thank you. Okay. I got it.

4 Q: All right. So, Exhibit 20 is -- this is from
5 your computer, right?

6 A: Yes, sir.

7 Q: Okay. And again, you -- you used Windows
8 Explorer, correct?

9 A: Yes, sir. It states on the third page my
10 computer.

11 Q: And I have a history degree, so this is all
12 exciting new things for me, but Windows
13 Explorer is a browser, correct?

14 A: No. Windows Explorer is the -- Windows Ex- --
15 Explorer -- Windows Ex -- Windows Explorer is
16 the -- is the back-end system that Microsoft
17 uses. Microsoft Edge is their browser.

18 Q: How -- when you get on the computer to do a
19 Google search -- you've done one of those
20 before, right?

21 A: Uh-huh.

22 Q: That's a yes?

23 A: Yes, sir.

24 Q: Okay. Just want to make sure the record's
25 clear. You -- you get on a browser to get on



- 1 the internet, correct?
- 2 A: Yes, sir.
- 3 Q: Okay. And common browser -- you've heard of
- 4 Firefox?
- 5 A: Mozilla Firefox. Yes, sir.
- 6 Q: Have you heard of Safari on the Apple products?
- 7 A: Yes, sir.
- 8 Q: Okay. And -- and have you heard of Windows
- 9 Explorer?
- 10 A: Microsoft Edge.
- 11 Q: Okay.
- 12 A: And Google Chrome, which I use Google Chrome
- 13 mainly.
- 14 Q: Okay.
- 15 A: Windows Explorer is -- Windows Explorer I
- 16 believe was like discontinued like 10, 15 years
- 17 or something, I believe. Microsoft Edge is
- 18 the browser made my Microsoft. But what
- 19 Windows Explorer refers to in this is that this
- 20 is the -- this is just where your documents are
- 21 on your computer if you were like to type a
- 22 document and save it. This is not the browser
- 23 in the internet. It's ---
- 24 Q: It's in Windows Explorer?
- 25 A: Yes.



1 Q: I'm sorry.

2 A: Yes, sir.

3 Q: Okay.

4 A: It's in my -- it's in the document section of
5 your Windows Explorer. Windows Explorer has
6 your -- all the information about your PC,
7 whether it's documents or your -- you know,
8 your RAM or system information. Things of that
9 nature.

10 Q: Do you know what the bios is on a computer, Mr.
11 Cutter?

12 A: I'm not too familiar with bios.

13 Q: But you said Windows Explorer has been ---

14 A: I would think ---

15 Q: --- discontinued for 10 or 15 years?

16 A: I think. Microsoft -- not Windows Ex -- I'm --
17 I'm saying in terms of the browser that you're
18 referring to.

19 Q: Internet Explorer.

20 A: Internet Explorer. Yeah. It's Microsoft Edge.
21 Windows Explorer is not a browser as you were
22 referring to like to get on the internet. This
23 is the information from your computer. And --
24 and that's -- that's how I know it. And that's
25 how I've always known it.



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1 Q: And -- and how old -- let's talk about the
2 computer that you -- that you -- that you had
3 in October 10th, 2014. Approximately, how old
4 was that computer at that date?

5 A: Two years.

6 Q: Two years. All right. And that was your --
7 your work computer?

8 A: Correct.

9 Q: And where was that physically located?

10 A: It's a laptop.

11 Q: All right. So, it travels ---

12 A: So, I take ---

13 Q: --- wherever you go?

14 A: Uh-huh.

15 Q: That's a yes.

16 A: Yes, sir.

17 Q: Okay. And so, this says that you got this form
18 at 1:06 p.m., is that right? Date created.

19 A: Yes, sir.

20 Q: Okay. And then it says you did this PDF at
21 1:37, is that right?

22 A: Yes, sir.

23 Q: And then on the next page of Exhibit 20, you
24 have that -- it says address change and it has
25 created Friday, October 10th, 2014, at 1:37?



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- 1 A: Yes, sir.
- 2 Q: Okay. And -- and it says opened with Microsoft
- 3 Edge, does it not?
- 4 A: Oh, where do you see that at?
- 5 MR. TANNER: May I approach, Your Honor?
- 6 A: Yeah. I see it right there.
- 7 Q: I'm sorry. Do you see it?
- 8 A: Yeah. That's -- yeah.
- 9 Q: Okay. So, again, these -- these are your
- 10 computer records, right, sir?
- 11 A: Yes, sir.
- 12 Q: Okay. All right. And this one was done,
- 13 according to these documents, purportedly on
- 14 October 10th, 2014, correct?
- 15 A: Yes, sir.
- 16 Q: Would it be interesting to learn that Microsoft
- 17 Edge was not released until July of 2015?
- 18 A: I -- I didn't -- I don't know anything about
- 19 the Edge part of open with. That just says
- 20 that, but -- but that means -- what that means
- 21 is that if you look at the date that I accessed
- 22 this file on the 20 -- 2018, what Edge -- what
- 23 that -- what that opens with means if I -- if
- 24 you were to go pull those document up on the
- 25 computer today in '18, the it's going to open



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1 with that browser as a PDF. So, that -- that
2 would make sense to me.

3 Q: Where does anything on Exhibit 20 have a 2018
4 date?

5 A: It's the third page where it says accessed.

6 Q: I'm sorry. I -- my -- all right. I guess it's
7 the fourth page on mine. All right. So, it's
8 now your testimony that you -- even though it
9 says Windows Explorer and now you use Microsoft
10 Edge, is that right?

11 A: No, sir. I -- you're confusing me on those
12 Microsoft Edge and Windows Explorer. I mean,
13 one's a -- one's a browser and one is the
14 system of your computer. Windows Explorer is
15 the system that houses this information. Edge
16 is just a browser. If it came out in '15,
17 then, of course, by the time I accessed this in
18 '18 and -- and printed this information off,
19 then that's what it would show if I opened this
20 file. It would open up with the new Microsoft
21 Edge. It has nothing to do with Windows
22 Explorer.

23 Q: And again, Mr. Cutter, we'll go back to
24 discovery and responses that this first page of
25 Exhibit 20, your answer in Appendix G, does it



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1 not say shows the wind- -- Window Explorer view
2 of the two files?

3 A: This is the Windows Explorer view.

4 Q: Okay. Yet then -- and you said that's how you
5 created it, right, in 2014?

6 A: You don't create anything on Windows Explorer.
7 You created it -- I created it via downloading
8 it from the County's website and then it was a
9 PDF that was subsequently edited or filled out
10 with a PDF Editor and I saved it. Windows
11 Explorer shows you where your files are saved
12 and things of that nature. You can't create
13 anything with Windows Explorer.

14 Q: And yet the document says then it's opened with
15 Microsoft Edge, which wasn't released until
16 July 29th, 2015, right?

17 A: According to this, yeah. If you were to open
18 it, that's my default program to open up PDFs
19 as of 2018.

20 Q: Now, we started talking about browsers and
21 computers. You also said you mainly use Google
22 Chrome, did you not?

23 A: I do, but not for my -- not for my -- I use
24 Google Chrome as my search engine. Not for my
25 browser. Not for the PDF things.



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- 1 Q: Well, is a browser not a type of search engine?
- 2 A: A browser is a search engine. But this has
- 3 nothing to do with a search engine.
- 4 Q: Well, you would have had to have gotten on the
- 5 internet to go to the Assessor's page, would
- 6 you not?
- 7 A: Yeah. And I used Google Chrome and I got ---
- 8 Q: Okay.
- 9 A: I got an exhibit that shows all those steps.
- 10 Q: Well, tell me where Google Chrome is on Exhibit
- 11 20?
- 12 A: That has nothing to do with it. That has
- 13 nothing to do with any -- that -- that don't
- 14 say that I browsed -- I think you have this
- 15 whole part confused, sir. That -- this is if
- 16 it this file were to open. This has nothing to
- 17 do with me browsing on a search engine to go
- 18 pull something from the internet.
- 19 Q: Mr. Cutter, did you not literally two minutes
- 20 ago just testify you used Google Chrome ---
- 21 A: As a browser.
- 22 Q: --- to get to -- let -- let me finish. To log
- 23 on to the Orangeburg County Assessor's page?
- 24 A: There's no logging on to the Assessor's page,
- 25 so I did not say that.



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1 Q: To access the Assessor's page.

2 A: Correct. And then I -- and then -- I have an
3 exhibit that I'd like to share that shows those
4 -- all those steps. Is it -- Mr. Jordan, is it
5 not right there? It -- it ---

6 Q: We'll get into that later, but again there's
7 nothing in Exhibit 20 -- this is supposed to be
8 your computer data from October 14th -- October
9 10th, 2014 that shows Google Chrome to get to
10 this form that was on the Assessor's web page.

11 A: There it is right here, if you -- if ---

12 Q: Show me on Exhibit 20 because that's what we're
13 talking about.

14 A: It wouldn't be there. That -- I mean, it
15 wouldn't be there. Why -- why would it be
16 there? There's no -- there's nothing that says
17 browser. That -- there's nothing that says a
18 browser on here anywhere. I could've used ---

19 Q: Mr. Cutter, do you understand that metadata is
20 -- is defined as the data behind the data? You
21 -- are you familiar with that term?

22 A: But one's a file location and one is a browsing
23 location. I can browse on Safari, as you
24 mentioned. I can use any search engine in --
25 out there to go to the Assessor's website, but



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1 when I download the file, it's saved to my
2 computer and it's saved on -- via here where I
3 pulled this in Windows Explorer. Now, the
4 default program to open up PDFs on my PC is
5 Microsoft Edge.

6 Q: Now ---

7 A: It don't have to be Google Chrome. No. It --
8 what do you mean now?

9 Q: Well, it didn't exist when you did this in 2014
10 allegedly, correct?

11 A: Then it would've been -- it would've been
12 Internet Explorer because this is own --
13 they're owned by the same company. Microsoft
14 and Microsoft.

15 Q: And again, there's nothing here that shows
16 Google Chrome in -- in your metadata history,
17 is it?

18 A: Well, if you allow me to submit it, sir, I have
19 -- I have that Google Chrome information for
20 you right here. You can pull the file from
21 anywhere you want, but this is what -- where
22 it's saved at.

23 Q: And Mr. Cutter, you've never paid the 2014
24 Orangeburg County taxes on Parcels 1 or 2,
25 correct?



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1 A: Not the 2014.

2 Q: Never paid the 2015 property taxes on Parcels
3 1 or 2, correct?

4 A: Correct.

5 Q: You never paid any subsequent year, Parcels 1
6 or 2 property taxes, correct?

7 A: Not in that time because that -- that -- after
8 that, then it was -- the property was sold in
9 '15.

10 Q: Well, you're under an order now by Judge
11 Jackson to -- to pay that money, are you not?

12 A: To pay ---

13 **MR. JORDAN:** Objection. Mr. Tanner obviously
14 doesn't know what the order says, so I'm sure
15 Mr. Cutter doesn't know that.

16 Q: Well, if you'd like -- would you like me to
17 show you the order?

18 A: Sure. It says I'm under obligation to pay.
19 What -- what are you saying again?

20 **THE COURT:** I've looked at the order that -- that --
21 I've now been locked out -- timed out and I
22 don't know how to get back on, so if you got a
23 copy that order, I'd appreciate it.

24 **MR. TANNER:** Yeah. Let me -- you want me to get you
25 a copy, Your Honor, since you're frozen?



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1 THE COURT: No. No. I -- I can just get -- if we
2 can just get Barbara, I can ask her to come in
3 here. The order actually required the money to
4 go into an escrow account by Mr. Jordan and Mr.
5 Jordan was supposed to pay, isn't that right?

6 MR. JORDAN: I have it. That's correct.

7 THE COURT: I got -- I got locked out.

8 (Off the record discussion.)

9 THE COURT: Mr. Tanner, back on the record.

10 MR. TANNER: Yes, sir.

11 THE COURT: That order requires the money to go into
12 an escrow account and Mr. Jordan will pay it,
13 right?

14 MR. TANNER: Yes, sir. Let me -- let me rephrase my
15 question.

16 Q: Mr. Cutter, has -- has your lawyer paid the
17 property taxes?

18 A: I'm not 100 percent sure. But he's a good
19 lawyer, so I -- I would -- I would deem he has
20 done everything in his reasonable manner that
21 he's supposed to do.

22 Q: Well, let me ask you this question if you know,
23 have you directed him to pay the property
24 taxes?

25 A: No. I wouldn't -- but, I mean, we -- we follow



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1 the order. So, I haven't directed him to do
2 anything that that wouldn't say.

3 Q: Okay. The order also directed you, plaintiff,
4 shall provide proof of its payment of the 2018
5 taxes by January 15, 2019. You haven't done
6 that, have you, sir?

7 A: I believe we have.

8 Q: Where -- where is your proof that you've done
9 it?

10 A: I believe it was sent to the defendant's
11 counsel via -- on a zip drive that we provided
12 them.

13 Q: So, you paid 2018 taxes to Orangeburg County?

14 A: Anything that we were required to send over,
15 I'm pretty confident that everything that was
16 asked of us has been done.

17 Q: Well, would it surprise you to learn that it's
18 not been done?

19 A: Okay. I'd have to defer to my attorney. I
20 mean, because I'm not 100 percent sure. That's
21 why I have counsel, but I -- I thought that
22 we've taken care of all our items.

23 Q: So, this is -- this is your lawyer's
24 responsibility, is that your testimony?

25 A: I'm not sure I follow the question that ---



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- 1 Q: Well, the question is that this order that
2 Judge Jackson issued ---
- 3 A: Uh-huh.
- 4 Q: --- says, plaintiff, you, shall provide proof
5 of its payment of the 2018 taxes by January 15,
6 2019. And my question is you have not done
7 that, have you?
- 8 A: Taxes on what -- what properties?
- 9 Q: These properties that you filed the lawsuit on.
- 10 A: These properties. I thought that we did. If
11 we -- if we haven't then -- then I suppose not.
- 12 Q: So, you have no proof that you've complied with
13 Paragraph 1 of Judge Jackson's order, correct?
- 14 A: Not with me.
- 15 Q: And number 2 of the order says, plaintiff, you,
16 shall reimburse Defendant Stafford for the 2017
17 taxes and penalties by February 1st, 2019,
18 subject to defendant providing the plaintiff a
19 copy of the paid receipt of said taxes. You
20 have also not reimbursed the 2017 taxes, have
21 you, sir?
- 22 A: I'm not sure about any of that.
- 23 Q: You don't have any proof that you have, do you?
- 24 A: No, sir. I'm not aware of -- of that
25 information when it comes to the order.



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1 Q: All right. And then number 3 talks about 2019
2 taxes and here's where Judge Jackson said,
3 plaintiff shall establish an escrow account to
4 provide for payment of the 2019 taxes. Escrow
5 accounts will be maintained by plaintiff's
6 attorney, Leonard R. Jordan, Jr. Plaintiff
7 shall pay into this escrow account monthly
8 installments equal to \$100 times the number of
9 active rent paying leases on said tracks, set
10 installments to commence on December 1st, 2018.
11 All right. Tell me how many tenants you had
12 when this order was entered?

13 A: Maybe six or seven.

14 Q: Six ---

15 A: Seven. Seven at most.

16 Q: Seven out of eight, right? Because you
17 testified earlier you had eight mobile homes.

18 A: Yeah.

19 Q: Actually, nine.

20 A: But I -- I can't -- but you're asking me to
21 give you something that I don't exactly know
22 the amount -- I don't know exactly know the
23 time without the order in front of me. Without
24 any reference, I can give you what I would
25 think would be a ---



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1 MR. TANNER: If I may approach the witness, Your
2 Honor.

3 A: --- a guess.

4 THE COURT: Yes, sir.

5 Q: Here's the order.

6 A: All right. Where -- and where at --
7 whereabouts?

8 Q: Paragraph 3.

9 A: Okay.

10 THE COURT: The question is how many tenants did you
11 have, is that correct?

12 A: Yes, sir.

13 THE COURT: Do you know in general how many tenants
14 you've had ---

15 A: Yeah.

16 THE COURT: --- during this time period?

17 A: In general. Six or seven is what I ---

18 Q: And again, I -- I believe there's -- there's
19 eight mobile homes on Parcel 2, correct?

20 A: Correct.

21 Q: And there's one on Parcel 1, right?

22 A: Correct.

23 Q: So, possibility of nine tenants.

24 A: Correct.

25 Q: And you had six or seven?



- 1 A: Uh-huh.
- 2 Q: Yeah. That's a yes?
- 3 A: Yes, sir.
- 4 Q: Okay.
- 5 A: That's right.
- 6 Q: And what were each tenant -- what was there
- 7 rent? Was it uniform or was it different
- 8 varying on ---
- 9 A: No. They're -- they're different, but the
- 10 average -- the average rent you could say is
- 11 \$500.
- 12 Q: \$500 a month.
- 13 A: Yes, sir.
- 14 Q: All right. And who collects the rent?
- 15 A: We -- we do. Our -- our company or an
- 16 individual on behalf of our company.
- 17 Q: And who is the individual that would collect
- 18 the rent?
- 19 A: Well, during what time period are you referring
- 20 to?
- 21 Q: During the time the order -- since the order
- 22 has been in place?
- 23 A: It would be a gentleman named Glenn Fletcher.
- 24 Q: Okay. And does that individual collect the
- 25 rent personally?



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1 A: No, sir.

2 Q: All right. Does that rent get mailed?

3 A: Some get mailed and some get deposited directly
4 in the bank account.

5 Q: Okay. May I hold the order back? You need it
6 for anything else?

7 A: No, sir.

8 Q: If you do, let me know. So, some get mailed
9 and some are direct deposit?

10 A: Yes, sir.

11 Q: Okay. What address ---

12 A: The majority ---

13 Q: I'm sorry.

14 A: The majority of 'em are -- the majority of 'em
15 are -- the majority of 'em are paid right to
16 the bank. The tenants go to the bank and they
17 deposit the money and they keep the receipt
18 from the teller as their proof of payment. And
19 that's their requirement in their lease
20 agreement. Occasionally, you'd have people
21 mail -- mail the -- mail the stuff, but we've
22 been doing it this way for years.

23 Q: When they mail it, which address do they mail
24 it to?

25 A: Well, nobody mails it. They mainly deposit it,



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1 but if they were to mail it, they'd be mailing
2 it to one of our offices in Orangeburg or -- or
3 Georgia.

4 Q: Is that the Marietta add- -- address that's
5 received mailed rent payments?

6 A: No. I don't think it -- no. No rent there.
7 It would be a -- one of our P.O. Box and ---

8 Q: What P.O. Box would that be?

9 A: We have P.O. Box in Smyrna, Georgia. But, like
10 I said, it's in their lease agreement. So,
11 nobody mails it, so I can't recall off the top
12 of my head anybody from Orangeburg mailing rent
13 to Georgia in the past long time. For that --
14 for that -- for that purpose, that's why it was
15 changed for them to put the money right in the
16 bank.

17 Q: So, six to seven tenants been paying \$500 a
18 month since this order has been in place,
19 right?

20 A: I did not say that. You asked when -- how many
21 tenants were there when the order was
22 established. But since then, I think we've --
23 we're down to maybe half that.

24 Q: So, how many tenants do you have now in
25 September of 2020?



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- 1 A: I think it's three. Maybe three or four.
- 2 Q: And how many did you have on December 31st ---
- 3 A: Six. Six or seven.
- 4 Q: So, you had six.
- 5 A: Uh-huh.
- 6 Q: So, you had six when this order was in place in
- 7 2019, correct? Is that a yes?
- 8 A: Again, I'm given you a -- a gauge because I
- 9 don't know exactly. It didn't say in the
- 10 order, but I don't want you to pin me to -- to
- 11 number of what I exactly had. But six or seven
- 12 range is what I think that we had somewhere
- 13 generally in that ballpark.
- 14 Q: Well, the order says equal to 100 times the
- 15 number of active rent paying leases on said
- 16 tracks, does it not?
- 17 A: Yeah. But I didn't see where it said I had six
- 18 or seven tenants.
- 19 Q: You just testified you had six or seven
- 20 tenants.
- 21 A: Exactly. But I -- but you're asking me how
- 22 many tenants I have and I said six or seven.
- 23 Q: All right. How about we do this; how about we
- 24 say you had six in 2019. Do you want to -- you
- 25 want to use that number?



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1 A: Fair enough.

2 Q: All right. Then -- and that -- each tenant
3 pays \$500 a month, right?

4 A: Right.

5 Q: So, that would be \$6,000 a year, right?

6 A: Correct. A -- a year?

7 Q: Yes, sir.

8 THE COURT: A month.

9 A: Month. Per month.

10 Q: Five -- 500 times 12 months is 6,000.

11 A: Each -- each tenant ---

12 Q: Again, I was a history major, so if I'm wrong,
13 let me know.

14 THE COURT: Six tenants.

15 A: Per month -- per -- per month per tenant.

16 Q: Right. So for one tenant, it's \$6,000 a year,
17 right?

18 A: Correct.

19 Q: All right.

20 A: If -- if that tenant remains there the entire
21 year.

22 Q: Well, you just said you had six on December
23 31st.

24 A: That's one day in time. I mean, that's a day
25 in time, you know. They fluctuate. Sometimes



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1 we're at full occupancy and sometimes, you
2 know, we're not.

3 Q: Do you have any records that you'd like to
4 share with the Court about your occupancy and
5 your compliance with its order?

6 A: I don't have any today, but if I would've been
7 asked by defendant's counsel, I would've been
8 happy to provide 'em.

9 Q: Well, you knew this was the day we're trying
10 this case, did you not, Mr. Cutter?

11 A: I realize that, but ---

12 Q: You know there's an order in here about the
13 rents, do you not?

14 A: Uh-huh.

15 Q: Did you not think that was going to come up?

16 MR. JORDAN: Let's be clear here, Your Honor. This
17 -- this order does not have anything to do with
18 the rents, period. This order has to do with
19 the number of tenants. Number of tenants times
20 \$100 times ---

21 THE COURT: Well -- well ---

22 MR. JORDAN: --- each month.

23 THE COURT: Well, let me ask you this, Mr. Jordan,
24 because you're the one that's supposed to be
25 doing it.



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1 MR. JORDAN: Right.

2 THE COURT: I mean, do -- do you -- do you have any
3 -- any records on what's been done?

4 MR. JORDAN: I -- well, I've just been maintaining
5 the money, Judge. I got \$14,100 in my bank
6 account that I've been -- been collecting from
7 my client on a -- on a monthly basis to -- to
8 be prepared to pay taxes when they come -- when
9 the opportunity comes. I checked with the
10 Treasurer's Office several times, but the last
11 time was about three months ago and it
12 indicated that all the taxes were paid. So, I
13 am -- and then, certainly, Stafford is not
14 giving me any type of invoices or -- or
15 requests for payment for taxes or it provides
16 also for insurance. Neither one of those I've
17 gotten any requests for payment. So, I've just
18 been holding the money. But again, the money
19 -- the amount of money that is paid by the
20 various tenants on these properties is
21 completely irrelevant from the point of view of
22 this order.

23 MR. TANNER: And, Your Honor, I'm not -- I don't
24 know how it is irrelevant because it says
25 you're supposed to collect the rent, it's



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1 supposed to be -- in Paragraph ---

2 **MR. JORDAN:** That's not correct. He's act like I'm
3 supposed to collect the rent.

4 **THE COURT:** I -- I -- I can read the order.

5 Q: And so, again, I guess your lawyer testified
6 for you that there's 14,000 in this rental
7 account, correct?

8 A: That's what it -- that's what he said.

9 Q: Okay. So, where's the rest of the rent?

10 A: But what -- what rent?

11 Q: If there are six tenants and one tenant pays
12 \$6,000 ---

13 A: There were six tenants on ---

14 Q: Six times six is 36,000 at a minimum. So,
15 where's the rest of the money?

16 A: There was six on that -- there would be --
17 whatever money is leftover, besides what was
18 supposed to be paid to him by the order, which
19 was \$100 per tenant that he has, would be in
20 our bank account. But you said six tenants,
21 but a while ago you asked me how many I had
22 today and I said, you know, maybe -- roughly,
23 three of four, right? And so, you're -- you're
24 doing the math on the six still from that one
25 day in time when today it's different. So, the



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1 math won't -- is not equating, but whatever
2 difference from what we collect in rent minus
3 what's paid into Mr. Jordan to -- for the --
4 per the order, then that money would be in our
5 -- in our bank account or our company's
6 possession for operating businesses purposes.

7 Q: If there's six tenants in the calendar year
8 2019 paying \$500 a month, there should be
9 \$36,000 in this account for 2019.

10 MR. JORDAN: Mr. Tanner obviously has no
11 understanding of what this -- what this order
12 goes to. Where in the world does he think ---

13 THE COURT: He's going -- he's ---

14 MR. JORDAN: --- that the rent is being held in
15 escrow?

16 THE COURT: He's going to something outside the
17 order. I tell you what, let's do; let's let me
18 decide who owns the property first.

19 MR. TANNER: Yes, sir.

20 THE COURT: And I'll -- I'll -- I'll reconvene
21 another hearing if necessary to deal with --
22 with unpaid rents and all that sort of thing at
23 -- at a later time because obviously, nobody is
24 really prepared to account for any of that
25 today.



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1 MR. TANNER: Begging the Court's indulgence.

2 THE COURT: Sure. By the way, was that order
3 signed?

4 MR. TANNER: I ---

5 MR. JORDAN: Judge, I have never seen a signed
6 order.

7 THE COURT: Well, if it's not signed, Mart -- Martin
8 Banks apparently filed it, but it doesn't look
9 like it's been signed by anybody.

10 MR. TANNER: I was going to say, I think I got a --
11 what I would say is an ECF copy, but I
12 certainly don't have the front page, so.

13 THE COURT: Well, I'm looking on what's on the
14 system and it's the order, which is consented
15 to, and the motion, cover sheet, and that's it.
16 I'm not sure that matters, but I was just
17 curious.

18 Q: All right. Do you have any evidence that you
19 paid the -- the 2019 taxes?

20 A: I would defer back -- no. I don't have any
21 evidence. I defer back to the money -- what Mr.
22 Jordan just said, that the money is in the
23 escrow account and according to the Treasurer
24 that there's nothing to pay at the moment.

25 Q: Thank you, sir. No further questions.



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1 THE COURT: All right. Anything on redirect?

2 MR. JORDAN: Your Honor, I think we beat this horse
3 enough, I think. I think that I'll allow him
4 to step down.

5 THE COURT: All right. You can step down.

6 A: All right.

7 THE COURT: All right. Anything ---

8 COURT REPORTER: When you're sitting down, I noticed
9 that you have one of my green exhibit stickers
10 in your stack. Can you just go through your
11 stack and make sure you don't take any of my
12 exhibits, please?

13 A: Yes.

14 COURT REPORTER: Thank you.

15 A: I'm sorry.

16 THE COURT: Do you have any further witnesses, Mr.
17 Jordan?

18 MR. JORDAN: Your Honor, the plaintiff would like to
19 call Ms. Henderson. I -- we can do it now or
20 we can do it after the -- the County puts her
21 up.

22 THE COURT: No. I've got another hearing scheduled
23 this afternoon. What -- what do y'all want to
24 do, Mr. Anderson? Do y'all got -- do you want
25 ---



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1 MR. J. ANDERSON: Your Honor, at least let us have a
2 break.

3 THE COURT: All right.

4 MR. J. ANDERSON: I'm going to call Mr. McLean and
5 Ms. Kathy.

6 THE COURT: Okay.

7 MR. J. ANDERSON: So, if -- if you rest, I'm going
8 to start -- I can lead off with Jim and then
9 I'll follow up with Ms. Kathy. If you can ---

10 MR. JORDAN: If that's -- if that's your strategy,
11 I will go along with that. Yes, sir.

12 THE COURT: So, if it suits everybody, let's take
13 about a 10-minute break and then just continue.

14 MR. J. ANDERSON: Yes, sir. Thank you, sir.

15 (Off the record from 12:17 p.m. until 12:31 p.m.)

16 THE COURT: All right. Mr. Jordan, we're back on
17 the record. Can you -- are you going to call
18 the witness or ---

19 MR. JORDAN: Your Honor, pursuant to my agreement
20 with Mr. Jerrod Anderson, he's going to call
21 the tax collector ---

22 THE COURT: Okay.

23 MR. JORDAN: --- among other witnesses and then I'll
24 have a shot at her later on.

25 THE COURT: Right.



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1 MR. JORDAN: But with that agreement, then the
2 plaintiff's case is over, rest.

3 THE COURT: All right. Mr. Jerrod Anderson.

4 MR. J. ANDERSON: Yes, Your Honor. I'm ready.

5 THE COURT: Mr. Tanner wants to make ---

6 MR. TANNER: I'm sorry. Your Honor, I don't want to
7 be difficult. I won't play gotcha. I guess,
8 Your Honor will reserve all of our rights to be
9 heard for motions at the conclusion of
10 plaintiff's case after the -- the Orangeburg
11 witnesses go.

12 THE COURT: Glad to do that.

13 MR. TANNER: Thank you, sir.

14 THE COURT: And so, any -- any motions -- if anybody
15 wants to make at the end to the plaintiff's
16 case, we'll reserve those.

17 MR. J. ANDERSON: Thank you, Your Honor.

18 THE COURT: All right. Mr. Anderson.

19 MR. J. ANDERSON: Yes. I call my first witness, Mr.
20 Jim McLean to the stand.

21 THE COURT: Mr. McLean.

22 THE COURT: Raise your right hand for me. Do you
23 solemnly swear or affirm that the testimony
24 you're about to give will be the truth, the
25 whole truth, and nothing but the truth, so help



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1 you God?

2 MR. McLEAN: Yes.

3 THE COURT: Thank you. Have a seat. Give the court
4 reporter your full name, please, sir.

5 MR. McLEAN: James Norman McLean.

6 COURT REPORTER: James ---

7 MR. McLEAN: James Norman McLean.

8 COURT REPORTER: Norman.

9 MR. McLEAN: People call me Jim.

10 COURT REPORTER: Thank you.

11 JAMES NORMAN McLEAN, having been duly sworn,
12 testifies as follows:

13 MR. McLEAN - DIRECT EXAMINATION BY MR. J. ANDERSON:

14 Q: Mr. McLean, can you tell me what capacity, what
15 position do you hold with the County in your
16 experience?

17 A: I'm County Assessor. Been the Assessor since
18 2003, I think it was. Worked for Orangeburg
19 County since 1992.

20 Q: Okay. And if there was a question of changing
21 an address as to where notices or any
22 information of property taxes where they are to
23 be mailed, would that be done through your
24 department?

25 A: That's correct.



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1 Q: Okay. And is it the proper procedure for any
2 delinquent tax action, it would be predicated
3 upon what information they got from the
4 Assessor's Office as to what address the
5 Delinquent Tax would pursue any delinquent
6 taxes, correct?

7 A: That's -- that's correct.

8 Q: Okay. Now, you'd have the privy to be here
9 this whole trial and Mr. Cutter was on the
10 stand and this was entered as Exhibit --
11 Plaintiff's Exhibit 18. Now, I'll just give
12 this to you.

13 (Plaintiff's Exhibit Number 18 was referenced at this
14 time).

15 A: Yes.

16 Q: Now, Mr. Cutter testified that he faxed a
17 request to change address and may have hand
18 delivered a request to change address and as
19 you see, that was a request to change from --
20 and let me -- may I see it for a second? Change
21 the address as to five pieces of property, that
22 is two personal and three real, from the 3430
23 Mill Stream Lane, Southwest Marietta, Georgia,
24 zip code 30060 to P.O. Box 83, Cordova, South
25 Carolina, 29039.



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1 A: He's claimed it.

2 Q: Can you tell me the County's procedure in
3 handling address requests and the procedure in
4 changing that as of October 2014?

5 A: Okay. We would have -- we would've received
6 this. We do accept address changes via fax.
7 The -- we would have had our clerks log that
8 in. Now, on Oct- -- a change in October 10th
9 -- on October 10th, 2014, I'd -- I don't know
10 exactly when the role was built, but typically,
11 that's after the role is built. So, a change
12 at that date wouldn't affect because we've
13 already sent the information to the auditor by
14 that point. So, it would change it -- we'd
15 still change it in our records, but the next
16 time anybody got information from us, it would
17 show such as when they do -- when Delinquent
18 Tax does execution notices or something like
19 that, then it would pick up ---

20 Q: And just to -- to make sure we have an
21 understanding, so anything submitted at that
22 time in 2014, wouldn't have affected the 2014
23 bill, but affected the 2015 tax bill?

24 A: It affected the 2015 tax bill and it -- and
25 also, the 2014 delinquencies.



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1 Q: Oh, gotcha. Okay. Okay. All right. And so,
2 you've had -- as to Parcel 1 and 2, you've had
3 a chance to see -- look into your files and see
4 if there's any history of any received request
5 for address change, and can you tell the Court
6 what was the result of your investigation as to
7 ---

8 A: Right.

9 Q: --- these two files?

10 A: We store -- and I don't remember the retention
11 period. It's either two or three years, but we
12 have records further back than that as far as
13 address changes. And we store them by the
14 month that they -- that we -- that we get 'em.
15 When we change -- that way when we -- we change
16 'em in our system, it has an edit date.
17 Usually, the biggest problem we have is
18 somebody coming in and family feuds of who'd
19 you change that address to, why you'd change it
20 and we want to be able to go back to show what
21 signature was on it when we changed it. So, we
22 actually store them by the month that they come
23 in. And so I went back and searched and
24 searched on both sides of -- you know, the
25 month before and month after this and I did not



1 find address change.

2 Q: Okay. So, is it the Department's position that
3 you never received a request -- this request to
4 change the address?

5 A: Yes.

6 Q: Okay. Now, we -- I know we talked about the
7 two parcels -- one ending in 002 and one ending
8 in 014. There are three other. There's a real
9 parcel ending in 057 and then mobile homes. To
10 your -- did you have a chance to look at any of
11 the other parcels and see if this request
12 impacted any of those parcels or the -- the
13 remaining parcel and the remaining two mobile
14 homes?

15 A: I -- I didn't check the mobile homes. I did
16 check the 57.000. We did not process an
17 address change in 2014 on that property. There
18 was an address change processed in 2019, the
19 summer -- July I think it was of 2019. I'm not
20 positive.

21 Q: Okay. Now, you heard earlier testimony that
22 calls sometimes were made as to instructions on
23 how to do this or how to get this done. Is
24 there a policy that you have for your office
25 where people call for this kind of information?



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1 A: Yeah. We need it in writing. So, they need
2 their -- either need to come by, they can -- we
3 can -- we'll even accept a -- a letter without
4 using our particular form, as long as they do
5 something in writing and send it to us that
6 they want to change their mailing address.

7 Q: Okay. And again, it's the Department's
8 position that you did not receive anything in
9 writing for this requested address change as to
10 the five pieces of property?

11 A: Right.

12 Q: Okay. Thank you. Please answer any questions
13 that plaintiff's counsel may have.

14 THE COURT: Mr. Jordan.

15 MR. CUTTER - CROSS EXAMINATION BY MR. JORDAN:

16 Q: Mr. -- Mr. McLean, the Assessor's Office has a
17 fax machine, does it not?

18 A: Yes.

19 Q: And what is the fax number?

20 A: It's 803-533-6223.

21 Q: Okay. All right. And you've noted on the
22 Plaintiff's Exhibit Number 18 that the -- the
23 fax confirmation sheet indicates that something
24 was sent to that fax number on the 10th of
25 October of 2014, correct?



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1 (Plaintiff's Exhibit Number 18 was referenced at this
2 time).

3 A: That's -- that's correct.

4 Q: Okay. And that something, according to the --
5 the little picture here, is -- is the cover --
6 cover of fax page for the change of address
7 form, according to Mr. Cutter's testimony.
8 Now, you've indicated that you didn't receive
9 that. Is there some way that you have fax
10 machine-wise or any other, you know, let's call
11 it computerized information that would indicate
12 that no such fax was received?

13 A: No. There would not be any kind of log that we
14 would have tied to the equipment. In fact, I
15 don't even know what equipment we had at that
16 time. Currently, the copier is the fax
17 machine. Sometime in the past we had a
18 separate stand alone fax machine.

19 Q: But you indicated in your direct testimony that
20 -- that it was never received. More correctly,
21 wouldn't it be that it was not processed?

22 A: Sure.

23 Q: You can't testify that it wasn't received and
24 -- and thrown in the trash or lost in another
25 file or something of that nature?



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1 A: Correct.

2 Q: Okay. And now, isn't it the requirement of the
3 Assessor's Office that that particular form be
4 faxed in to the Assessor's Office?

5 A: No. You can -- you can -- you can either fax
6 it, you can bring it in person or you can mail
7 it.

8 Q: Okay. Now, does the -- the website for -- on
9 the Assessor's website, does it indicate the --
10 the preferred methods of -- of delivering this
11 particular application?

12 A: It does not. It only has the -- it has our
13 P.O. Box 9000 address on it. It doesn't have
14 a fax number or e-mail or anything like that.

15 Q: Now -- now, that -- how would you think that
16 Mr. Cutter would have received or had -- had
17 knowledge of the Assessor's Office fax number
18 if it's not on the website?

19 A: I don't know if the -- it's not on the form.
20 I don't know if our fax number is on the
21 website.

22 Q: Well, would he have -- assuming his testimony
23 is believed that he doesn't -- you know, he
24 didn't see it on there, he got it from some
25 employee at the Assessor's Office, you know,



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1 would that be the normal expectation? Would
2 you get calls in and people want to fax it in?
3 You ---

4 A: Absolutely.

5 Q: You'll give a fax number?

6 A: Absolutely.

7 Q: Okay. Now, so you have no -- no knowledge of
8 -- of anything that would actually belie this
9 Exhibit 18 that indicates that a fax was sent
10 to your office ---

11 A: No.

12 Q: --- on that date? Okay. And if it had been
13 received and processed, the procedure, as I
14 understand your testimony, it would not have
15 affected the -- the two 2014 taxes or the
16 notice of the taxes for 2014, but only
17 subsequent if the taxes went delinquent and --
18 and the delinquent notices, like the notice of
19 -- of execution that type of thing, it would've
20 been reflected on there if -- if the -- if the
21 change of address had been processed?

22 A: That's correct.

23 Q: Okay. No further questions. Okay. Now -- now
24 again, the -- one more question. And even when
25 I say the -- the delinquency type letter notice



11 A: Right. Well, what happens is in 20- -- what
12 would've happened in 20- -- 2015 before
13 Delinquent Tax goes to send out notices for
14 execution in 2015, they send a file over and we
15 bump it against our database and send it back
16 with any changes as far as the -- as far as the
17 address is concerned. So, in 20- -- in March
18 of 2015 is when Delinquent Tax would have first
19 -- may have acquired that information.
20 Electronically, now. If they looked it up --
21 they also have the ability to look up
22 individual records. You know, I wouldn't know
23 if they looked up an individual record and --
24 and, you know, logged into the website or
25 whatever.

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1 Q: All right.

2 MR. JORDAN: Judge, bear with me a second. I -- I
3 -- it occurred to me I've got another line of
4 questioning for the Assessor here.

5 Q: On par- -- the one we call Parcel 2, you're
6 familiar with what I'm talking about when I say
7 Parcel 2. Let's -- let's look at Exhibit
8 Number 16. Thank you. There we go.
9 Plaintiff's Exhibit 16, that would the tax map
10 of Parcel 2.

11 (Plaintiff's Exhibit Number 16 was referenced at this
12 time).

13 Q: All right. Tell me how it works when -- in the
14 Assessor's Office when you get a deed, you
15 process a deed from a conveyance of property
16 and -- and in that regard, I'll -- I'll also
17 refer you to -- well, I'm not going to bother
18 you with the deed. But let's look at
19 Plaintiff's Exhibit Number 15 and this --
20 you'll see that what's conveyed by the deed are
21 those -- those four platted lots? Okay.

22 (Plaintiff's Exhibit Number 15 was referenced at this
23 time).

24 Q: When you get that deed in and -- and obviously,
25 you're in a position where you have to assign



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1 a new tax map number or numbers, what is
2 y'all's -- you know, what are -- what is the
3 procedure?

4 A: Was this a direct transfer or this was split
5 off of another property?

6 Q: It was -- it was a -- I'll show you the deed.
7 That is Plaintiff's -- this was Plaintiff's
8 Exhibit 14. The deed describes the property as
9 four -- four platted lots with reference to a
10 subdivision and reference to a recorded plat.

11 (Plaintiff's Exhibit Number 14 was referenced at this
12 time).

13 A: And it's -- and it says it's a portion of a
14 different -- of a different map number on here.

15 Q: Right. So ---

16 A: So, I assume they -- I assume this was a split.

17 Q: Right. The seller, which is O -- O&P
18 Properties owned several other properties that
19 were ---

20 A: Okay.

21 Q: --- configured all together with these at -- at
22 one point. So, you get that in, you look at
23 the deed and say, okay, how are we going to
24 assign a tax map number or to -- or tax map
25 numbers with regard to this new ownership.



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1 A: Okay. Well, actually, we get -- we get the GIS
2 Department to assign tax map numbers. They
3 actually get the deeds before us and they look
4 to see if property is going to be -- have to be
5 what we call a split here to where the new
6 owner doesn't acquire everything that the prior
7 owner had.

8 Q: Uh-huh.

9 A: So, they would take what the new owner has
10 gotten and they would -- they would create a
11 new account, a new -- and ---

12 Q: Okay.

13 A: --- a new account number and a new map number.

14 Q: Would it routinely be a -- tax map number for
15 each one of the individual lots or, as it was
16 done in this case, a parcel for all of them?

17 A: Yeah. That -- I can't tell you what year we
18 switched, but we do -- if there was a new
19 subdivision done today, we would assign a map
20 number for each individual lot.

21 Q: Uh-huh.

22 A: Property that was platted years ago, we don't
23 have a separate tax map number for each
24 individual lot and we just -- we just kind of
25 accept what -- what's been done in the past on



1 the older subdivisions.

2 Q: I gotcha. Okay. Now, you look on the plat and
3 you see that there's a road going right down
4 the middle of this -- of this parcel. Okay.
5 And you can see it even more clearly on the --
6 on the tax map sheet there. You've got clearly
7 two definitively separate paths of a property.

8 A: Right.

9 Q: Okay. Wouldn't it be completely abnormal to
10 assign those two parcels a single tax map
11 number?

12 A: No. That wouldn't -- that would not be an
13 issue at all. We consider, any time there's a
14 road, that would be for -- for our mapping
15 purposes or for any type of discounts, like
16 agriculture or a legal residence, we consider
17 the road not there for our purposes. We'll --
18 we'll commonly hook property across a road. If
19 this had never been platted into individual
20 lots and you -- and you sold this, there's --
21 there's tons of property that goes across the
22 roads, so that's not an issue with our -- with
23 our mapping.

24 Q: Okay. But that is a platted parcel property
25 there, right?



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1 A: This is platted, yes.

2 Q: And road there is a public road?

3 A: Yes.

4 Q: And the road obviously separates the property
5 into two parcels, why? What -- what reason
6 would there be to keep them as a single tax map
7 number, other than potentially to -- to screw
8 taxpayers like this guy got screwed?

9 MR. TANNER: Your Honor, I object.

10 MR. J. ANDERSON: Yeah, yeah.

11 THE COURT: I'm going to ---

12 MR. JORDAN: I'll re- -- I'll withdraw that.

13 THE COURT: Rephrase that question.

14 Q: You know, what -- what other logical reason
15 would there be?

16 A: Well, I can tell you right now, combining
17 property is the biggest issue we have with the
18 -- the county throughout our system. And I got
19 -- I have requests going back five years of
20 people requesting for us to put property
21 together just like this that we can't fulfill
22 those request because we don't have the
23 manpower because it costs a lot more time and
24 a lot more research to try to put property
25 together. So, anytime we would have the option



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1 not to separate a property was the thinking in
2 the past, to not separate a property.

3 Q: Okay. But if -- if the property was completely
4 divided like this for tax -- for tax purposes
5 or any other purposes, you know, why -- why
6 wouldn't it be just a simple matter of -- of
7 assigning two separate tax map numbers for the
8 two parcels?

9 A: And like I said, on new subdivisions, that's --
10 that's what I've asked the GIS Department to
11 do, to assign a separate map number. But we
12 didn't go back and retroactively do stuff on
13 old subdivisions.

14 Q: Okay. But in this particular case, you have no
15 evidence if Mr. Cutter or anybody before him
16 requested that they be combined for tax
17 purposes on a single tax parcel?

18 A: I was not asked to look into that.

19 Q: Okay. All right. Well, in -- in this
20 particular case, if -- if Mr. Cutter or Cutter
21 and Company had decided to deed out one of the
22 lots of those four parcels, what would have
23 happened then?

24 A: The same thing that happened when he acquired
25 it. We would have received that deed. We



1 would've separated it on our -- on our records.
2 The new -- he would've kept the original tax
3 map number and the new person would get a new
4 tax map number.

5 Q: Now, what issues would there be with regard to
6 effectively dividing up this parcel of land?
7 Do you have to deal with any subdivision
8 requirements or minimum square footage,
9 frontage, that type of thing, when you -- when
10 you're carving off an already platted lot?

11 A: As far as I know there wouldn't be any issues.
12 That would be more of a planning question or a
13 zoning question, I suppose.

14 Q: Okay. But the plan -- the planning people have
15 already approved this subdivision, haven't
16 they?

17 A: I think it's probably -- well, it was dated
18 1974. They didn't -- I mean, it was
19 grandfathered in, I'm sure, because it was --
20 planning ---

21 Q: Okay.

22 A: --- and zoning didn't exist in 2000- -- until
23 2008. I don't know when planning began.

24 Q: But there would be no issue whatsoever with
25 your office, if a -- if a wanted -- a single



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1 lot was deeded out. Y'all would just
2 automatically assign that lot a new tax map
3 number and move on.

4 A: Correct.

5 Q: If the tax collector had approached you to say,
6 we need to divide these -- this property up
7 because it's too valuable, we want to -- we
8 want to sell one lot of this parcel or two lots
9 of this parcel, would it be any problem
10 whatsoever to reassign a tax map number to
11 parts of this property?

12 A: No. We'd be able to do that.

13 Q: Okay. And it is not any kind of burdensome
14 thing to put on the plan -- on the County to do
15 something like that. They don't have to go in
16 and -- through any kind of checklist of things
17 they have to do ---

18 A: Well there's a checklist and there's -- I mean,
19 it's a potential that it would've -- we
20 would've have told her we don't have time to do
21 it because we just don't have the manpower.
22 And we'd have said, well, you have to wait
23 until next year -- until the next year or
24 something.

25 Q: Okay. Well, is that -- is that sometimes the



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1 -- the answer on the -- on the tax collector's
2 -- tax sale files that -- that she approaches
3 you about -- about subdividing lots so you can
4 sell less than the whole? And you say, no, we
5 can't do it until next year or ---

6 A: I -- as far as selling less than the whole at
7 a sale, no. We don't ---

8 Q: Okay.

9 A: --- we don't get those requests.

10 Q: That just doesn't happen, does it?

11 A: No.

12 Q: Okay. Okay. That's about all. That's all the
13 questions that I have.

14 THE COURT: Mr. Cam Anderson.

15 MR. S. ANDERSON: No, sir.

16 THE COURT: All right. Mr. Tanner.

17 MR. TANNER: Briefly, Your Honor. May it please the
18 Court.

19 MR. McLEAN - CROSS EXAMINATION BY MR. TANNER:

20 Q: Mr. McLean, can -- you -- you have all the
21 exhibits there in a big stack?

22 A: No.

23 Q: Okay. If we could get you ---

24 A: She said ---

25 Q: --- for Plaintiff's 4 and 5.



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1 (Plaintiff's Exhibit Numbers 4 and 5 were referenced
2 at this time).

3 A: Here you go. Okay.

4 Q: All right, sir. Exhibit 4, I believe Mr.
5 Cutter testified that was the -- the delinquent
6 notice he received. It was dated April 1st,
7 2015; and then Plaintiff's Exhibit 5, Mr.
8 Cutter received that on May 11th, 2015. Is
9 that -- are those dates accurate?

10 A: Yes.

11 Q: Okay. And again, that's for Parcel 2. Do you
12 have anything in your file where Mr. Cutter
13 requested those two parcels be split into two
14 par- -- Parcel 2 be split into two distinct
15 parcels on or after May 11th, 2015?

16 A: I wouldn't know. I didn't research that.

17 Q: Okay. Again, it's your testimony that -- that
18 there's no specific form to change an
19 individual's address for tax purpose notices?

20 A: That's correct. We have a form. It's great if
21 you use it, but we accept written letters.

22 Q: And - and so, whether you use the form or
23 whether you do it in writing, either one is
24 appropriate?

25 A: Yes.



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1 Q: And again, there -- there's no record of a fax
2 in 2015 changing address form, correct?

3 A: Correct.

4 Q: There's no record of any in-person form being
5 delivered to Orangeburg County?

6 A: Correct.

7 Q: And there's also -- I think you -- you also
8 said you can mail them, as well. There's no
9 record of any change of address form being
10 mailed to Orangeburg County?

11 A: Correct.

12 Q: Okay. And, in fact, you said that -- that
13 there was no change of address until 2019, is
14 that correct?

15 A: That was on parcel 57.

16 Q: Okay. The -- the other parcel that -- that we
17 were talking about earlier?

18 A: Right. Right.

19 Q: Do -- do you have what -- what that change of
20 address would be?

21 A: I don't. I know that in July, I think it was,
22 of 2019, we changed the address. Then every --
23 every year before we send our main tax file off
24 to be printed, we bump those addresses against
25 the Post Office for any address forwardings.



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1 So, the name and the -- the name and the
2 address would have to match the -- what we're
3 inquiring about. And I do know that then in
4 September, I think it was -- September or
5 October, it came back in '19 to where it was
6 changed again. Now, whether that was just
7 simply adding the extra four digits to the zip
8 code, I -- I wouldn't -- I didn't -- I didn't
9 look into exactly what came back from the Post
10 Office.

11 **MR. TANNER:** May I approach, Your Honor?

12 **THE COURT:** Yes, sir.

13 **Q:** Mr. McLean, Mr. Anderson has been kind of
14 enough to provide me this. Maybe this will
15 refresh your recollection. This is on piece
16 57. Can -- can you tell me what that is, sir?

17 **A:** This is a printout from September 16th, 2020,
18 of the website that shows our records.

19 **Q:** Okay. And that's a change of address form you
20 testified earlier?

21 **A:** This is -- this is what's currently, as of
22 September 16th, is on the -- on the website.

23 **Q:** The current address?

24 **A:** Yeah. The current address.

25 **Q:** And -- and what address does it show for Cutter



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- 1 and Company to get their tax notices?
- 2 A: 11770 Haynes Bridge Road, Suite 205,
3 Alpharetta, Georgia.
- 4 Q: Okay. So, that's not an Orangeburg County
5 address, correct?
- 6 A: Correct.
- 7 Q: All right. Thank you, sir.
- 8 MR. TANNER: Begging the Court's indulgence.
- 9 THE COURT: Yes, sir.
- 10 MR. TANNER: No further questions, Your Honor.
- 11 THE COURT: Redirect?
- 12 MR. J. ANDERSON: Couple of redirect.
- 13 THE COURT: All right.
- 14 MR. MCLEAN - RE-DIRECT EXAMINATION BY MR. J.
15 ANDERSON:
- 16 Q: McLeod, for purposes of satisfying outstanding
17 delinquent taxes and partitioning property,
18 wouldn't that come through Delinquent Tax
19 before it got to you before there was any type
20 of partitioning for purposes of selling just
21 enough to satisfy taxes?
- 22 A: That's correct.
- 23 Q: Did Delinquent Tax get in contact with you
24 about a request to partition any of the Parcel
25 1 or 2 that's before this court?



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1 A: No.

2 Q: Thank you.

3 MR. J. ANDERSON: I have no further questions, Your
4 Honor.

5 THE COURT: Anything further?

6 MR. JORDAN: (Shakes head.)

7 THE COURT: Thank you. Mr. McLean, you can step --
8 can we excuse, Mr. McLean? I know he wants to
9 get back to work.

10 MR. J. ANDERSON: Yes. Yes. May he be excused,
11 Your Honor?

12 THE COURT: Maybe go to lunch.

13 MR. JORDAN: No objection.

14 MR. TANNER: No objection, Your Honor.

15 THE COURT: Thank you.

16 MR. S. ANDERSON: Thank you, sir.

17 THE COURT: Mr. Anderson?

18 MR. J. ANDERSON: Yes, sir. Okay. Okay. Thank
19 you. Your Honor, I'm sorry. May I call Ms.
20 Kathy Henderson to the stand?

21 THE COURT: Yes, sir. Ms. Henderson. Raise your
22 right hand for me. Do you solemnly swear and
23 affirm that the testimony and evidence you're
24 about to give will be the truth, the whole
25 truth, and nothing but the truth, so help you



1 God?

2 MS. HENDERSON: I do.

3 THE COURT: Give your name to the court reporter,
4 please, ma'am.

5 MS. HENDERSON: Kathy Lorraine Henderson.

6 COURT REPORTER: Gray -- you said Gray?

7 MS. HENDERSON: Lorraine.

8 COURT REPORTER: Lorraine.

9 MS. HENDERSON: Lorraine.

10 COURT REPORTER: Thank you.

11 KATHY LORRAINE HENDERSON, having been duly sworn,
12 testifies as follows:

13 MS. HENDERSON - DIRECT EXAMINATION BY MR. J.
14 ANDERSON:

15 Q: Ms. Henderson, could you tell the Court how you
16 are employed with the County and your
17 experience?

18 A: I'm the Tax Collector. I've been the Tax
19 Collector for five years, but I've been with
20 the office for 19.

21 Q: Okay. And you had the duty of seeking to
22 collect taxes as to Parcel 1, which is tax map
23 number ending in 002 and Parcel 2, which is
24 ending in 014, correct?

25 A: Yes.



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1 Q: Okay. Now, can you take this Court through --
2 we'll start with Parcel 2 first. What does the
3 County do when taxes aren't received for the
4 current outstanding tax year? In this case,
5 2014.

6 A: That is correct.

7 Q: Okay.

8 A: Our first action is to send an execution notice
9 notifying the taxpayer that the taxes are
10 delinquent and providing the amount that's due
11 at the time.

12 Q: And was that done in this case?

13 A: It was.

14 Q: And now, I don't want to resubmit exhibits ---

15 **THE COURT:** That's fine. Exhibit 4.

16 **MR. J. ANDERSON:** It is?

17 Q: So, it's Plaintiff's Exhibit 4. Okay. Can you
18 tell the Court what I'm handing you right now?
19 (Plaintiff's Exhibit Number 4 was referenced at this
20 time).

21 A: This is the execution notice.

22 Q: And it's as to Parcel 2, correct, ending in ---

23 A: That's -- that is correct.

24 Q: Okay. And it's already been marked as
25 Plaintiff's Exhibit 1. However, again ---



1 THE COURT: 4.

2 Q: 4, excuse me. So, I'm not going to submit
3 again, but I'll let you all see it. Now, when
4 taxes aren't paid, once this notice goes out,
5 what's the next step that the Delinquent Tax
6 Department takes in order to seek payment of
7 taxes?

8 A: We send out a final notice and we send it
9 certified return receipt, restricted delivery.

10 Q: Uh-huh.

11 Q: Also, letting the taxpayer know that their
12 property taxes are still due and given 'em the
13 procedures or actions that will take place if
14 it's not paid by a certain date.

15 Q: Was that done in this case?

16 A: It was.

17 Q: Can you tell the Court when -- approximately
18 when, according to your file, it went out?

19 A: The notice went out on May the 7th of 2015.

20 Q: Okay. Can you tell the Court what I'm handing
21 you?

22 A: This is a copy of the notice, as well as a
23 return receipt signed for the property.

24 MR. J. ANDERSON: Okay. Now, you have entered this
25 as Plaintiff's Exhibit ---



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1 THE COURT: I'm not sure that's one of them.

2 MR. J. ANDERSON: Yeah. It's one -- that was
3 Exhibits 4 and 5. This is a color copy of the
4 actual signature as to that final notice. I
5 would like to enter that because it just --
6 it's a better representation ---

7 MR. JORDAN: No objection.

8 MR. J. ANDERSON: --- if that's okay.

9 (Defendant Orangeburg's Exhibit Number 1 was offered
10 into evidence.)

11 MR. S. ANDERSON: No objection.

12 MR. TANNER: No objection, Your Honor.

13 Q: And -- so ---

14 THE COURT: That will be admitted as -- as Defendant
15 Orangeburg's Number 1.

16 (Defendant Orangeburg's Exhibit Number 1 was marked
17 for identification purposes and admitted into
18 evidence.)

19 MR. J. ANDERSON: Okay. And what it is is the
20 letter and the actual return receipt I'm just
21 going to provide.

22 THE COURT: Just let her mark those.

23 MR. J. ANDERSON: Oh. I'm sorry. I'm trying to do
24 your job and you probably do a lot better than
25 me.



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1 THE COURT: I can promise you that.

2 MR. J. ANDERSON: Thank you. Okay. I'll give that
3 to you.

4 Q: Now, according to the statute if we have in
5 final execution or final notice that's signed
6 by the delinquent taxpayer, do -- are we
7 supposed to post?

8 A: We are not required to repost it, if it is
9 received back ---

10 Q: Okay.

11 A: --- with a signature.

12 Q: But did we do it in this case?

13 A: We did.

14 Q: Okay. Can you tell the Court what I'm handing
15 you?

16 A: This is a poster -- a copy of the poster that
17 we actually placed on the property.

18 Q: Okay. And this is also -- this has been
19 submitted as Plaintiff's Exhibit ---

20 THE COURT: It's Number 7.

21 MR. J. ANDERSON: 7. Yes, sir. However, this -- we
22 have a back portion that shows a picture of the
23 property that it was posted, where it was
24 posted on the property, and I would move to
25 enter this because I believe it's a better



1 reflection.

2 (Defendant Orangeburg's Exhibit Number 2 was offered
3 into evidence.)

4 MR. JORDAN: No objection.

5 MR. S. ANDERSON: No objection

6 MR. TANNER: No objection, Your Honor.

7 MR. J. ANDERSON: That's Defendant's Exhibit 2.

8 THE COURT: Orangeburg.

9 MR. J. ANDERSON: Orangeburg.

10 THE COURT: Orangeburg Defendant.

11 MR. J. ANDERSON: Yes.

12 (Defendant Orangeburg's Exhibit Number 2 was marked
13 for identification purposes and admitted into
14 evidence.)

15 Q: Okay. And this posting was completed as of
16 July 11th, 2015, correct?

17 A: That is correct.

18 Q: Okay. I'm sorry. I'll let you hold that real
19 quick. All right. Now, after there's a
20 posting, if the balance is still outstanding,
21 what's the next step that's -- that the County
22 takes?

23 A: The next step is to advertise the property.

24 Q: Okay.

25 A: We have advertise it for three weeks. Three



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1 weeks prior to the date of sale.

2 Q: Can you tell the Court, was that done in this
3 case, and if so, what are the three dates of
4 publication?

5 A: Yes. The property was advertised in the local
6 newspaper, the Times and Democrat, and those
7 dates are November the 15th, November the 22nd,
8 and November the 29th.

9 Q: Okay. Now, the County deals with thousands, if
10 not hundred thousand, but hundreds of pieces of
11 property, correct? And so, you have a record
12 of all the personal, as well as the real -- I
13 know personal is two days as opposed ---

14 A: Two weeks.

15 Q: --- to three -- two weeks as opposed to three
16 weeks. Can you tell the Court what -- what you
17 have in your hand?

18 A: Yes. This is -- this is a copy of the PDF that
19 the Times and Democrat send us. There are
20 properties that are actually advertised for the
21 sale.

22 Q: Okay. And the -- Parcel 1 and Parcel 2 will be
23 found for those three weeks that you've
24 previously testified in November of 2014 ---

25 A: 2015.



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1 Q: --- '15, excuse me, correct?

2 A: Yes.

3 Q: Okay.

4 MR. J. ANDERSON: I'd like to move this -- enter
5 this as ---

6 THE COURT: Was there any contest that the -- that
7 the property was advertised in the newspaper?

8 MR. J. ANDERSON: Okay.

9 MR. JORDAN: None whatsoever, Judge.

10 THE COURT: Okay.

11 MR. JORDAN: I still like to have that in evidence
12 though.

13 THE COURT: Okay.

14 MR. J. ANDERSON: Okay. All right.

15 THE COURT: That was gonna be my next question.
16 That's fine.

17 MR. J. ANDERSON: Okay. Well, I would move that
18 Defendant's Exhibit, all three, as Defense --
19 Orangeburg Defense Exhibit 3. Thank you.

20 (Defendant Orangeburg's Exhibit Number 3 was offered
21 into evidence.)

22 THE COURT: That one is so admitted.

23 (Defendant Orangeburg's Exhibit Number 3 was marked
24 for identification purposes and admitted into
25 evidence.)



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1 Q: Is it okay we have these?

2 A: Yes.

3 Q: Keep these?

4 A: Yes.

5 Q: I know your file needs to stay complete. Okay.
6 All right. So, it's been published once a week
7 for three consecutive weeks. If it's not paid
8 within that time, what's the next step?

9 A: The property will go to a tax sale.

10 Q: Okay. Did that happen in this case?

11 A: It did.

12 Q: Can you tell the Court the date of the auction?

13 A: December the 7th, 2015.

14 Q: Was there a winning bidder?

15 A: It was.

16 Q: And who was that winning bidder?

17 A: Stafford Funding.

18 Q: Okay. Now, what's the next step after the --
19 we have a winning bidder and they've satisfied
20 you as to paying the proper deposit for the
21 property?

22 A: We send out a redemption letter. Our first
23 notification to the taxpayer -- taxpayer,
24 excuse me, letting him know that his property
25 was sold and giving him the redemption amount



1 to redeem the property, as well as the
2 information of when and how much to redeem at
3 that time.

4 Q: Is this an accurate representation of that
5 letter that's been sent out?

6 A: Yes, it is.

7 Q: And can you tell the Court the date?

8 A: January the 11th, 2016.

9 Q: Now, that address on that letter and all these
10 notices, were they the same address of previous
11 notices sent and signed for, at least in one
12 example, signed for by Mr. Cutter?

13 A: Yes.

14 Q: Okay.

15 MR. J. ANDERSON: I'd move to enter this -- because
16 I don't think we have this -- as Defendant's
17 Exhibit 4, Orangeburg County Defendant's
18 Exhibit 4.

19 (Defendant Orangeburg's Exhibit Number 4 was offered
20 into evidence.)

21 THE COURT: Probably the same as Plaintiff's Exhibit
22 Number 9.

23 MR. J. ANDERSON: Is it? I'm sorry.

24 THE COURT: I -- I haven't seen it, so I don't know.

25 MR. J. ANDERSON: I think that was in the redemption



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THE COURT: Yeah.

MR. J. ANDERSON: This is letting him know his property's been sold. I'll show the Court.

A: He has it.

MR. J. ANDERSON: Oh, do you have it? Okay.

MR. JORDAN: No objection.

MR. J. ANDERSON: Okay. Do you need to see it, Michael. I think it's the ---

MR. TANNER: Yeah. I -- my 9 is a different one.

MR. J. ANDERSON: Okay.

MR. TANNER : I've got an October 31st, '16 date on it.

MR. J. ANDERSON: Okay. So, I do need to move and I asked that it be entered since it's not -- hasn't been admitted.

THE COURT: Okay.

MR. J. ANDERSON: Okay.

THE COURT: So admitted.

(Defendant Orangeburg's Exhibit Number 4 was admitted into evidence.)

MR. J. ANDERSON: Thank you, Your Honor.

Q: Okay. Now, taxes are still outstanding, haven't been paid. What's the next step that the Delinquent Tax Office takes according to



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1 the statute?

2 A: The next step is to actually send the end of
3 redemption notice. That notice is also sent
4 certified return, restricted, restrict --
5 return receipt restricted delivery, excuse me.
6 And a notice was sent on October the 31st of
7 2016.

8 Q: Okay. And can you tell me this is front and
9 back an accurate description of what was sent?

10 A: Yes.

11 MR. J. ANDERSON: Okay. I beg the Court's
12 indulgence. I think ---

13 THE COURT: I think was maybe Number 9.

14 MR. J. ANDERSON: Yeah. Number 9. Yes, sir.

15 MR. TANNER: I believe it's also Plaintiff's Exhibit
16 8, as well, Your Honor. It looks like the same
17 thing twice. One is for one parcel ---

18 THE COURT: Okay.

19 MR. TANNER: --- and one's for the other.

20 THE COURT: Yeah.

21 MR. J. ANDERSON: So, right now I'm talking about 2.
22 Now, I would like to say I have a nice color
23 photo of the -- the certified. I don't know if
24 it captures it better, but let me look. And
25 that's the only reason why I would request that



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1 it be entered, Your Honor.

2 (Defendant Orangeburg's Exhibit Number 5 was offered
3 into evidence.)

4 THE COURT: That's fine. We -- we can enter it.

5 MR. J. ANDERSON: Okay. Do you have any objection?

6 MR. JORDAN: No objection.

7 MR. J. ANDERSON: Michael?

8 MR. TANNER: No objection. That's Orangeburg 5?

9 MR. J. ANDERSON: Yes, sir.

10 THE COURT: So admitted, Orangeburg 5.

11 Q: Now, was there a lien on this Parcel 2?

12 THE COURT: Let -- let her get it marked.

13 MR. J. ANDERSON: Sorry.

14 (Defendant Orangeburg's Exhibit Number 5 was marked
15 for identification purposes and admitted into
16 evidence.)

17 MR. J. ANDERSON: Sorry. She's -- she's got it.

18 Thank you.

19 A: Yes. It was.

20 Q: Okay. Can you tell the Court, was it a
21 mortgage holder?

22 A: It was.

23 Q: And who was that mortgage holder?

24 A: O&P Properties.

25 Q: Okay.



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1 A: LLC.

2 Q: And per statute, are you obligated to give
3 notice of redemption also or end of notice of
4 redemption to the lien holder?

5 A: We are obligated to give them end of redemption
6 notice, yes.

7 Q: And was that done in this case?

8 A: It was.

9 Q: Okay. Can I -- what I'm handing to you?

10 A: You are handing me a copy of the notice of
11 mortgage -- notice to the owner of mortgage of
12 Parcel 2. And it is a certified return letter
13 to O&P, LLC.

14 MR. J. ANDERSON: Okay. And I do believe that is
15 Plaintiff's Exhibit 11, Your Honor.

16 (Plaintiff's Exhibit Number 11 was referenced at this
17 time).

18 Q: Ms. Henderson.

19 A: Yes.

20 Q: Is there a -- what's the address that that
21 notice was sent to?

22 A: It was sent to 213 Valley Drive, Orangeburg,
23 South Carolina.

24 Q: Okay.

25 A: 29115.



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1 Q: And I'm holding -- given you Plaintiff's
2 Exhibit 10. Is that the address that's
3 represented on the -- for the mortgage holder?
4 (Plaintiff's Exhibit Number 10 was referenced at this
5 time).

6 A: That is correct.

7 Q: Okay. And that's where you sent it. Now,
8 statute requires you send this out when?

9 A: 45 days or less, no later than 20.

10 Q: Did we satisfy that in this case?

11 A: We did.

12 Q: Okay. Let me hand it back.

13 MR. J. ANDERSON: Since it's already entered, I'm
14 not going to ask to enter it again, Your Honor.

15 Q: All right. And -- I'm sorry. The -- the
16 notice you said was returned and it was
17 returned. Is that -- what does that say? Why
18 was it returned?

19 A: It said unclaimed, unable to forward.

20 Q: Okay.

21 A: Return to sender.

22 Q: All right. Thank you. And I think that ---

23 MR. J. ANDERSON: Let me look at that and makes sure
24 it's a good copy of that. Begging the Court's
25 indulgence. I don't -- do we have this?



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1 Yep. Number 11.

2 MR. TANNER: I think it's 11.

3 MR. J. ANDERSON: Yeah. I'm sorry. Oh, there it
4 is. Front and back. Okay. Well, Your Honor,
5 I would move to enter this as Orangeburg
6 Defendant's -- Defendant's Orangeburg
7 Plaintiff's Exhibit ---

8 COURT REPORTER: 6.

9 MR. J. ANDERSON: --- 6 because not only do I have
10 the return receipt, but I have the front where
11 it says it's unclaimed and I don't believe
12 plaintiff has that.

13 (Defendant Orangeburg's Exhibit Number 6 was offered
14 into evidence.)

15 MR. JORDAN: No objection.

16 MR. S. ANDERSON: No objection.

17 MR. TANNER: No objection, Your Honor.

18 THE COURT: All right. So admitted.

19 (Defendant Orangeburg's Exhibit Number 6 was marked
20 for identification purposes and admitted into
21 evidence.)

22 MR. J. ANDERSON: Thank you.

23 Q: All right. End of redemption has -- is upon
24 us. What's the next step that the County takes
25 if the taxes have not -- well, the property



1 hasn't been redeemed?

2 A: We issue a title.

3 Q: Okay. Was that done in this case?

4 A: It was.

5 Q: And ---

6 **THE COURT:** Mr. Anderson, I'm going to stop you just
7 a minute.

8 **MR. J. ANDERSON:** Yes, sir.

9 **THE COURT:** Mr. Tanner, would you mind asking
10 Barbara to come in here.

11 **MR. TANNER:** Yes, sir.

12 **THE COURT:** I'm supposed to have a 1:00 o'clock
13 settlement, so let me see if they're ready.

14 **MR. J. ANDERSON:** Okay.

15 **THE COURT:** We might take a short break while I do
16 that. Go ahead and continue.

17 **MR. J. ANDERSON:** Okay. I believe you have entered
18 this deed already. Deed to Cutter Parcel 2.

19 Q: It's Plaintiff's Exhibit 14, but again is this
20 is an accurate representation ---

21 (Plaintiff's Exhibit Number 14 was referenced at this
22 time).

23 **MR. TANNER:** Yes, sir. They're here and they're
24 apparently ready.

25 **THE COURT:** Okay.



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1 A: It is.

2 Q: Okay. All right. Now, we issued the deed and
3 can you tell the Court what this is?

4 A: It's a letter to Stafford Funding letting them
5 know their the deed is being prepared for them
6 and requesting record- -- recording fees.

7 Q: Okay. And are there -- is there any system you
8 -- you have as to receipting these recording
9 fees and ---

10 A: We would actually send Stafford Funding a
11 receipt showing that we received the recording
12 fees.

13 Q: Okay. And I have a system of receipts here.
14 Can you tell the Court what receipts you --
15 I've handed up to you?

16 A: This receipt is the bidder receipt that he
17 received at the tax sale.

18 Q: Okay. Okay. And that's for the -- okay.

19 A: That's for the 17,000 that he paid.

20 Q: 17,000. Okay.

21 A: This receipt is just a receipt showing that the
22 2015 taxes was paid from the bid amount.

23 Q: Okay. And you do that once you deed the
24 property to the winning bidder?

25 A: That is correct.



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1 Q: Okay. So, let me -- the letter that
2 accompanied --- well, requested fees from the
3 winning bidder ---

4 MR. J. ANDERSON: I would ask to move this as
5 Defendant's Exhibit ---

6 COURT REPORTER: 7.

7 MR. J. ANDERSON: 7.

8 (Defendant Orangeburg's Exhibit Number 7 was offered
9 into evidence.)

10 MR. JORDAN: No objection.

11 MR. S. ANDERSON: No objection

12 MR. TANNER: No objection. What's the date of that
13 letter? I'm sorry.

14 MR. J. ANDERSON: The date of the letter is March
15 13th, 2017.

16 MR. TANNER: No objection.

17 THE COURT: So admitted.

18 MR. J. ANDERSON: Okay.

19 THE COURT: So admitted as Orangeburg Exhibit Number
20 7.

21 (Defendant Orangeburg's Exhibit Number 7 was marked
22 for identification purposes and admitted into
23 evidence.)

24 A: And I -- secondly, there -- once -- again, once
25 you entered the -- we've reached the end of



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1 redemption, we deed the property, we go ahead
2 and expense some of the -- the bid amount for
3 the outstanding tax year and the one coming.
4 So, we would have done it -- held money for
5 2014 and upcoming to '15, correct?

6 A: That is correct.

7 Q: And that's the -- the receipt that you
8 submitted, correct?

9 A: That's correct.

10 MR. J. ANDERSON: Now, I would ask to move this as
11 Exhibit ---

12 COURT REPORTER: 8.

13 MR. J. ANDERSON: --- 8 for Defendant Orangeburg
14 County.

15 (Defendant Orangeburg's Exhibit Number 8 was offered
16 into evidence.)

17 MR. JORDAN: No objection.

18 MR. S. ANDERSON: No objection.

19 MR. J. ANDERSON: Make sure you got the same thing.

20 MR. TANNER: That's 16?

21 MR. J. ANDERSON: Yep. It's the same thing.

22 MR. TANNER: No objection, Your Honor.

23 THE COURT: Without objection, it's so admitted as
24 Orangeburg Number 8.

25 (Defendant Orangeburg's Exhibit Number 8 was marked



1 for identification purposes and admitted into
2 evidence.)

3 Q: Okay. Okay. Now, we've deeded the property.
4 Is there any steps that the County takes next
5 if there's overages?

6 A: We notify the taxpayer of the overage that is
7 available and that is sent by certified mail
8 and that notice was sent out on July the 18th
9 of 2017.

10 Q: Okay. And is -- is this an accurate
11 representation of what was sent out?

12 A: Yes.

13 MR. J. ANDERSON: Okay. I would like to move this -
14 - I don't think you have this -- Defendant's
15 Exhibit -- and I keep losing ---

16 COURT REPORTER: 9.

17 MR. J. ANDERSON: 9.

18 (Defendant Orangeburg's Exhibit Number 9 was offered
19 into evidence.)

20 Q: Now, all these notices went out ---

21 THE COURT: Let's -- let's ---

22 MR. J. ANDERSON: Okay.

23 THE COURT: --- put that into evidence before ---

24 MR. J. ANDERSON: I'm sorry.

25 MR. JORDAN: No objection



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1 MR. TANNER: No objection, Your Honor.

2 THE COURT: So admitted as Defendant's Orangeburg
3 Number 9.

4 (Defendant Orangeburg's Exhibit Number 9 was marked
5 for identification purposes and admitted into
6 evidence.)

7 THE COURT: Have you -- have you got a good more of
8 this?

9 MR. J. ANDERSON: No. I don't, Your Honor. This --
10 -

11 THE COURT: Let's go ahead get these exhibits in and
12 ---

13 MR. J. ANDERSON: Okay.

14 THE COURT: --- we'll take a break.

15 MR. J. ANDERSON: All right. And I just have one
16 more. This is a receipt of the -- the amount
17 that was paid at the bid for 17,000 for the
18 property they received. And that's all -- that
19 would be my last receipt. And if you want to,
20 I can include it with the other receipts that
21 I submitted.

22 THE COURT: Let's go ahead and make that Exhibit
23 Number 10.

24 (Defendant Orangeburg's Exhibit Number 10 was offered
25 into evidence.)



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1 MR. J. ANDERSON: This is Number 10, ma'am.

2 THE COURT: Any objection to the receipt?

3 MR. JORDAN: No objection.

4 MR. S. ANDERSON: No objection.

5 MR. TANNER: No objection, Your Honor.

6 (Defendant Orangeburg's Exhibit Number 10 was marked
7 for identification purposes and admitted into
8 evidence.)

9 THE COURT: Let's -- let's take a short break. I
10 hate to interrupt you in the middle of it, Mr.
11 Anderson.

12 MR. J. ANDERSON: No problem.

13 THE COURT: Let me get this because I promised them
14 1:00 o'clock and I got 1:30 hearing, I've got
15 ---

16 MR. J. ANDERSON: Yes, sir.

17 THE COURT: --- to tell them they're going to be
18 delayed.

19 MR. J. ANDERSON: Okay.

20 THE COURT: Let me go do this real quick.

21 (Off the record from 1:19 p.m. until 1:37 p.m.)

22 THE COURT: All right. Mr. Anderson, again, I
23 apologize for that interruption.

24 MR. J. ANDERSON: No -- no problem, Your Honor.

25 THE COURT: Go ahead. Continue your examination.



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1 MR. J. ANDERSON: Okay. So, let me get back in
2 line. Okay.

3 Q: We were at Notice of Redemption -- or -- or
4 overage.

5 THE COURT: That's right.

6 Q: Okay. And so, that was sent out when now?

7 A: July the 18th, 2017.

8 Q: Okay. Now, was any overage received by Cutter
9 and Company as a result of that notice?

10 A: No.

11 Q: So, is there overage in this case as to Parcel
12 2?

13 A: Yes.

14 Q: Can you tell the Court what that overage amount
15 is?

16 A: One thou- -- 30 -- excuse me -- 13,325.14.

17 Q: 13,000 ---

18 A: 325.14.

19 Q: And that's usually paid to the delinquent
20 taxpayer if -- if they -- you know, either
21 ordered by the Court or if they consent to it,
22 correct?

23 A: That is correct.

24 Q: All right. So, the County still had that.
25 Okay. All right. Now, turning your attention



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1 to Parcel 1.

2 MR. J. ANDERSON: Your Honor, for -- for sake of
3 time, do you want me just to condense what I
4 was going to enter for Parcel 2? See if it's
5 okay with counsel and enter them all together?

6 THE COURT: Fine with me.

7 MR. JORDAN: You're talking about Parcel 1?

8 MR. J. ANDERSON: Yeah. Parcel 1. I'm sorry.

9 MR. JORDAN: Yep. That's ---

10 MR. J. ANDERSON: Because I think ---

11 MR. JORDAN: Fine with me.

12 MR. J. ANDERSON: Okay. But I'll go through because
13 I don't want to double up. I think it was --
14 let me see the other ones. I'll just match the
15 other ones. Begging the Court's indulgence.
16 And I'm sorry I didn't do this before. This
17 one is entered. Okay. Let me make sure you
18 have those. All right. Now, in my stack, I
19 have a color tax sale that I entered. And this
20 will be for parcel -- all this is for Parcel 1.
21 A better -- a January 11th, 2016, notice of
22 sale letter. I'll -- I'll pass this all
23 around. October 31st, 2016, 2016 end of
24 redemption, both sides. We looked to see if
25 there was a mortgage held.



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1 Q: Was there a mortgage? I don't think there was
2 ---

3 A: There was not a mortgage.

4 Q: Yeah.

5 MR. J. ANDERSON: But we just checked this, so I
6 don't need to hold it. I don't need to enter
7 that. March 13th, 2017, this is the letter to
8 -- I guess the deed with -- that goes along
9 with the deed to the winning bidder at the end
10 of redemption since it wasn't redeemed. And
11 then notice to delinquent tax payer of overage,
12 that's what I entered on the others and I'll
13 let you all look at this. And then receipts.
14 One for the deposits made by the winning bidder
15 for paying the prior tax year and the -- the
16 one that's delinquent, and then the receipt of
17 the deposit associated with that. Okay. You
18 good?

19 (Defendant Orangeburg's Exhibit Number 11 was offered
20 into evidence.)

21 MR. JORDAN: I'm good.

22 MR. J. ANDERSON: Do you need to see anything,
23 Michael?

24 MR. TANNER: Got it.

25 MR. J. ANDERSON: You got it, Mr. Anderson?



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1 MR. S. ANDERSON: I'm good.

2 MR. J. ANDERSON: Good. Okay. All right.

3 THE COURT: Let's just admit that all at once.

4 MR. J. ANDERSON: Okay.

5 THE COURT: Just clip it together and mark ---

6 MR. J. ANDERSON: Yes, sir.

7 THE COURT: --- those next -- Exhibit in evidence.

8 COURT REPORTER: 11.

9 (Defendant Orangeburg's Exhibit Number 11 was marked
10 for identification purposes and admitted into
11 evidence.)

12 THE COURT: Orangeburg, Exhibit Number 11.

13 Q: Okay. All right. Taxes were paid. We're
14 talking about this second -- Parcel 1 ending in
15 002. As a result, an execution notice is sent,
16 correct?

17 A: That is correct.

18 Q: All right. And this is marked as Plaintiff's
19 Exhibit ---

20 THE COURT: 3.

21 Q: --- 3. All right. Can you tell the Court what
22 -- what I'm showing you. I'm not entering it
23 into evidence.

24 (Plaintiff's Exhibit Number 3 was referenced at this
25 time).



- 1 A: It's a copy of the execution notice ---
- 2 Q: Okay.
- 3 A: --- sent April the 1st of ---
- 4 Q: Okay.
- 5 A: --- 2015.
- 6 Q: And tell me the address that it went to?
- 7 A: 3430 Mill Stream LN -- Lane, Southwest
- 8 Marietta, Georgia, 30060.
- 9 Q: Okay. And if taxes aren't paid as a result of
- 10 sending this notice, what step does the County
- 11 take next?
- 12 A: The next step is to send a final notice,
- 13 certified mail return receipt, restricted
- 14 delivery.
- 15 Q: Okay. Was that done in this case?
- 16 A: We do not have documentation showing that that
- 17 process was done.
- 18 Q: Okay. So, is that a possibility that it was --
- 19 was done and we don't have a copy or is it
- 20 showing that it wasn't done?
- 21 A: It's a possibility that it was done and we just
- 22 don't have a copy to ---
- 23 Q: Oh. Okay.
- 24 A: --- in our file.
- 25 Q: Okay. So, aft- -- after that certified, if --



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1 if it's not paid, what's the next step that the
2 County takes?

3 A: We post the property.

4 Q: Okay. And did we do that in this case?

5 A: We did.

6 Q: Okay. And this is -- this is all Defense --
7 Orangeburg Defense Exhibit 11. Can you tell
8 the Court what this is a copy of?

9 A: It is a copy of the posting, posted on parcel
10 ending in 2.

11 Q: Okay. And it has a picture of the parcel and
12 where it was posted, correct?

13 A: That is correct.

14 Q: All right. And that was done on July 8th,
15 2015?

16 A: That is correct.

17 Q: And so, after it's posted, is there -- what --
18 what does the County do next if the taxes
19 aren't paid?

20 A: We advertise the property three weeks ---

21 Q: Okay.

22 A: --- prior to the sale.

23 Q: And Defense Exhibit was entered earlier with a
24 copy of all the TMS numbers that were entered.
25 This Parcel 2 would be amongst those -- for --



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1 that list for three days -- for -- once a week
2 for three weeks, consecutive weeks. And that
3 was in November of what now?

4 A: November the 15th, the 22nd, and the 29th.

5 Q: Okay. And that -- that is ---

6 A: 2015.

7 Q: That list ---

8 **COURT REPORTER:** That's the next three.

9 Q: Defendant's -- Orangeburg County Defendant's 3
10 Exhibit. Okay. Now, after the posting in the
11 paper, the bill hasn't been paid, what's next?

12 A: The property will go to a tax sale.

13 Q: And did it go to a tax sale in this situation?

14 A: It did.

15 Q: And what was the date of that sale?

16 A: December the 7th of 2015.

17 Q: Okay. And do you send a letter out to the
18 delinquent taxpayer advising them that it's
19 been sold?

20 A: We do.

21 Q: Okay. And what's this a copy of?

22 A: It's a copy of the redemption letter sent to
23 the taxpayer.

24 Q: Okay. All right. And that was dated again,
25 January 11th, 2016. And that was sent out on



1 -- this is on Parcel 1, correct?

2 A: That is correct.

3 Q: All right. Now, if the property is not
4 redeemed, what does the County do next?

5 A: And end of redemption notice will be sent out
6 45 days or less prior to the end of redemption.

7 Q: And was that done in this situation?

8 A: It was.

9 Q: Okay. And what's this a copy of?

10 A: It's a copy of the redemption letter and the
11 end of the redemption letter sent out August
12 the 31st of 2016.

13 Q: Okay. And on the back, I see something.

14 A: It is sent out certified mail, restricted
15 delivery, return receipt.

16 Q: Okay. And it was returned?

17 A: It was.

18 Q: Okay. And it says returned to sender, not
19 deliverable as addressed, unable to forward,
20 correct?

21 A: Correct.

22 Q: All right. All right. Now, in the redemption
23 -- was there a mortgage holder in this
24 situation?

25 A: We did not find a mortgage.



1 Q: Okay. So, no notice was sent to any mortgage
2 holder because your records indicate there was
3 no mortgage?

4 A: That is correct.

5 Q: All right. Now, end of redemption comes.
6 What's the next step that the County takes?

7 A: We issue a title ---

8 Q: Okay. And ---

9 A: --- to the successor or bidder.

10 Q: We did that in this case, correct?

11 A: We did.

12 MR. J. ANDERSON: And -- oh, you didn't enter a deed
13 for 1, did you?

14 THE COURT: Yeah. They did.

15 MR. J. ANDERSON: They did. Okay.

16 THE COURT: It's Plaintiff's Exhibit Number 1.

17 MR. J. ANDERSON: There it is. Okay. That is
18 title.

19 Q: Okay. So, you entered the title and it says
20 Plaintiff's Exhibit Number 1. And as a result
21 of that, you sent a notice to the winning
22 bidder, correct?

23 (Plaintiff's Exhibit Number 1 was referenced at this
24 time).

25 A: Yes.



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1 Q: You did that on March 13th of 2017?

2 A: Yes.

3 Q: And can I ask -- can I ask you what that is?

4 A: It's a letter requesting the recording fees and
5 letting them know that they will be receiving
6 a title for the property.

7 Q: Oh. Okay. And that was sent to the winning
8 bidder, Stanford -- Stafford?

9 A: Stafford Funding.

10 Q: Funding. Okay. Now, if there is an overage,
11 what does the County do?

12 A: We send a letter to the taxpayer letting him
13 that an overage is available.

14 Q: Okay. Was that done July 18th of 2017?

15 A: It was.

16 Q: Okay. Can I ask you what is this a copy of?

17 A: That's a copy of the letter that we sent for
18 the overage.

19 Q: Okay. All right. Thank you. I have receipts,
20 and I think -- can you tell the Court what I'm
21 handing you?

22 A: This is a copy of the receipt for the 2015
23 taxes that was paid from the bid amount.

24 Q: Okay. And this third receipt that I'm handing
25 you.



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1 A: It is a copy of the bidder receipt that's
2 presented to the bidder at the auction.

3 Q: Okay. Now, the bid -- the bidder bided 600 --
4 -

5 A: \$600.

6 Q: Was there any overage in this -- well, what is
7 the amount of the overage? Let me just ---

8 A: The overage was \$87.72.

9 Q: Let me write that down. 87 what?

10 A: \$87.72.

11 Q: 72. All right. Thank you. Okay. Now, we
12 heard testimony earlier as to accessing
13 information that's on the internet. Okay.
14 Sometimes that information, it may be in red
15 and it has certain indicators, correct? Can
16 you tell me what copies of internet information
17 I'm passing up to you now?

18 A: This is information from the County website
19 regarding delinquent taxes or unpaid taxes on
20 real estate and mobile homes.

21 Q: Okay. And specifically, this is a -- for
22 purposes of Parcel 1 and 2?

23 A: That is correct.

24 Q: Okay. Can you tell me the tax year indicated
25 on that information?



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1 A: There's several years -- tax years indicated
2 here.

3 Q: Okay.

4 A: We have 2013, '14, '15, and '16.

5 Q: Okay. Now, can you advise the Court when it
6 comes to -- like, looking at this information,
7 if property has been sold at the tax sale, and
8 those proceeds are used to satisfy the
9 outstanding taxes for the time being, how is
10 that indicated on the information?

11 A: It says that the bill to name in red indicate
12 taxes paid from delinquent tax sale.

13 Q: Oh, okay. And so, for the outstanding -- can
14 you tell the Court what outstanding taxes were
15 -- were paid by delinquent tax and are
16 indicated in red?

17 A: The 2014.

18 Q: Okay. And that's the -- that's the basis of
19 the auctions of the -- the properties that are
20 subject of this action today, correct?

21 A: That is correct.

22 Q: Okay. And this is an accurate representation
23 of what that information would look like?

24 A: Yes.

25 Q: Now, you heard testimony earlier from the



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1 plaintiff -- well, the managing member of the
2 plaintiff that it's changed. Now, the internet
3 indicates who pays it?

4 A: That is correct.

5 Q: Okay. And so, back then, it didn't. It was
6 just in red.

7 A: That is correct.

8 Q: Okay. And this is an accurate infor- --
9 depiction of that information?

10 A: Yes, it is.

11 MR. J. ANDERSON: Okay. Let me see. I would like -
12 - now move to enter this as Defense --
13 Orangeburg County Defense Exhibit ---

14 COURT REPORTER: 12.

15 MR. J. ANDERSON: --- 12.

16 (Defendant Orangeburg's Exhibit Number 12 was offered
17 into evidence.)

18 MR. JORDAN: Without objection.

19 MR. J. ANDERSON: Thank you, Your Honor.

20 MR. S. ANDERSON: Without objection.

21 MR. J. ANDERSON: All right.

22 MR. TANNER: No objection

23 MR. J. ANDERSON: Okay.

24 THE COURT: So admitted as Orangeburg Exhibit Number
25 12.



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1 MR. J. ANDERSON: Do you need a paperclip for that?
2 (Defendant Orangeburg's Exhibit Number 12 was marked
3 for identification purposes and admitted into
4 evidence.)

5 MR. J. ANDERSON: Okay. Begging the Court's
6 indulgence. I'm a bit spread out and I don't
7 know why. There we are. All right. I need
8 the Plaintiff Exhibit that shows the -- this is
9 it. Plaintiff's Exhibit 18. I'm good. I've
10 got it. Okay.

11 (Plaintiff's Exhibit Number 11 was referenced at this
12 time).

13 Q: Ms. Henderson, you are aware of earlier
14 testimony from Mr. Cutter that he requested an
15 address change in this -- this matter. Okay.
16 And -- and for purposes of your testimony, all
17 the notices as to Parcel 1 and Parcel 2, went
18 to the 3430 Mill Stream Lane, Southwest
19 Marietta, Georgia address, zip code 30060,
20 correct?

21 A: That is correct.

22 Q: Okay. Now, he indicated five pieces of
23 property, three real, two personal. And I want
24 to turn your attention to the parcel ending in
25 tax map number 057. Okay. Now, it's our



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1 understanding that all notices associated with
2 work or the process to auction off these
3 properties went to that 34- -- 3430 Mill Stream
4 Lane, Southwest address, correct?

5 A: That is correct.

6 Q: Okay. Now, it was his prior testimony as to
7 057, that real estate, that it was sold off at
8 auction. Okay. Now, if it's sold at auction,
9 that's your department.

10 A: That's correct.

11 Q: Correct. Can you tell the Court the history as
12 to the auction, possible auction of this
13 property for taxes. Was it done? What you got?

14 A: This is showing a -- a screen print of a
15 history of parcel ending in 57 and it shows
16 where the property was sold on December the 5th
17 of 2016 at a tax sale and it was redeemed on
18 December the 5th of 2017.

19 Q: What -- what tax year was it sold for?

20 A: It was sold for the 2014 and '15 tax year.

21 Q: So, two tax years?

22 A: Yes.

23 Q: Okay. Now, you said it was redeemed.

24 A: Yes.

25 Q: Okay. Now, at this time that it was redeemed,



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1 is this when the County was keeping up with who
2 redeemed the property?

3 A: Yes. We always kept up with who redeemed
4 property. Yes.

5 Q: Oh, okay. Okay. I don't want to mis-speak.
6 So, can you tell the Court who redeemed the
7 property as to this property ending in 057?

8 A: Homes Orangeburg.

9 Q: Okay. Homes Orangeburg, LLC?

10 A: LLC.

11 Q: Okay. Now, the notices for that, again, were
12 going to that Marietta address, correct?

13 A: That is correct.

14 Q: All right. Now, when the property was redeemed
15 for 2014, 2015 taxes in 2017 you said, correct?

16 A: 20 -- no. 2014 ---

17 Q: 2016.

18 A: --- and '15.

19 Q: Were -- when they were redeemed?

20 A: They were redeemed on December the 5th, 2017.

21 Q: 2017. Okay. That's when they were redeemed.

22 A: So, they would have been able to pay -- they
23 would have been required to pay the 2016 taxes
24 at that time, as well.

25 Q: Okay. So, all three years would have been



1 satisfied?

2 A: That is correct.

3 Q: Now, was this ever auctioned again after 2017?

4 A: Yes. It went back to the auction in 2018 ---

5 Q: Okay.

6 A: --- for the 2017 taxes.

7 Q: Okay. Now, at all times during these two
8 sales, did that address ever change?

9 A: It did not.

10 Q: Okay. So, all your notices, everything went to
11 the Marietta address, correct?

12 A: That is correct.

13 Q: Now, when it was sold a second time for 2018
14 taxes ---

15 A: 2017.

16 Q: --- 2017 taxes. I'm sorry. Because you've
17 said '14, '15, '16, now '18. Was it ever
18 redeemed?

19 A: It was redeemed.

20 Q: Okay. Can you tell the Court who redeemed it?

21 A: Homes of -- Holmes Orangeburg, LLC?

22 Q: Okay. All right. And is it true -- well, I'm
23 not going to ask that question. So, it was
24 sold twice, redeemed twice by Homes of
25 Orangeburg, LLC. Now -- and again, that



1 address stated ---

2 **THE COURT:** What's the relevance of all this, Mr.
3 Anderson? I'm ---

4 **MR. J. ANDERSON:** The relevance is when he requested
5 the -- the address change, he listed this
6 property. It was Mr., I'm sorry, Mr. Cutter's
7 earlier testimony that it was lost at a tax
8 sale, but, in fact, it was redeemed by one of
9 his entities and is still owned by Cutter and
10 -- Cutter and Company, LLC. So, he was getting
11 notices at this same address for this property
12 that he requested. But he took steps to redeem
13 it.

14 **THE COURT:** Okay.

15 **MR. J. ANDERSON:** All right.

16 **THE COURT:** I'm not sure -- I'm not sure that's very
17 relevant in this case, but.

18 **MR. J. ANDERSON:** Well ---

19 **THE COURT:** Anyway.

20 **MR. J. ANDERSON:** I guess it ---

21 **THE COURT:** It is what it is.

22 **MR. J. ANDERSON:** If we have a closing argument ...

23 **THE COURT:** Yeah.

24 **MR. J. ANDERSON:** Thank you, Your Honor.

25 **Q:** Okay. And per -- per your understanding, this



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1 -- this -- this property is still owned by
2 Cutter and Company, LLC, correct? The -- the
3 parcel ending in 057?

4 A: Yes.

5 Q: All right. Okay. All right.

6 MR. J. ANDERSON: Begging the Court's indulgence.
7 Okay.

8 Q: All right. You heard earlier testimony about
9 the need to sell one parcel to satisfy all --
10 the outstanding property taxes. In this case,
11 the smaller was sold first and then the larger
12 was sold second. Why is it that the County
13 sold the smaller parcel first?

14 A: Well, when the sale is generated that is run --
15 it is created in alpha order and that is so all
16 of the taxpayers' properties will -- that is
17 under that name, will fall in the same
18 sequence.

19 Q: Okay.

20 A: However, the smaller one, for whatever reason,
21 was the first sale.

22 Q: Okay.

23 A: There's no method to it. It is just -- a
24 random creation. It just was created and the
25 first one that came up.



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1 Q: Okay. And so, that's why the first one was
2 sold first ---

3 A: Yes.

4 Q: --- and then the second. Was there any request
5 received by your Department to partition any
6 property for purposes of satisfying the
7 outstanding delinquent taxes?

8 A: Was not.

9 Q: Okay. All right.

10 MR. J. ANDERSON: Your Honor, I -- I have no further
11 questions.

12 Q: Please answer anything that the plaintiff may
13 have in cross.

14 THE COURT: Mr. Jordan.

15 MR. JORDAN: I'm up, Judge.

16 MS. HENDERSON - CROSS EXAMINATION BY MR. JORDAN:

17 Q: Ms. Henderson, I just have a curiosity that I
18 want to explore first.

19 A: Okay.

20 Q: And -- and I'd ask that you look at the -- the
21 tax -- the newspaper's advertisement and the --
22 these two properties were advertised and
23 describing the property.

24 (Defendant Orangeburg's Exhibit Number 3 was
25 referenced at this time.)



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1 A: Okay.

2 Q: Okay. Parcel 2 is referred to as 3.7 acres,
3 correct?

4 A: That is correct.

5 Q: Why in the world is that the case?

6 A: Because that is what it's taxed as, 3.7 acres.

7 Q: Well, but -- every -- every -- everything I see
8 from the deed -- remember talking about the
9 deed?

10 A: Uh-huh.

11 Q: It's Plaintiff's Number 14. To the -- the end
12 of redemption notice that you sent to O&P
13 described the property as 20 -- lots 24, 25,
14 26, and 31. Okay.

15 (Plaintiff's Exhibit Number 14 was referenced at this
16 time).

17 A: Uh-huh.

18 Q: In fact, there's no indication in any of those
19 about 3.7 acres. Well, what -- what in the
20 world -- how did it jump to 3.7 acres?

21 A: That is the acreage of the property according
22 to the Mapping Department and according to the
23 description that's on your deed. Those lots
24 consist of 3.7 acres.

25 Q: Well, okay. Well, let's look at the deed.



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1 Plaintiff's Number 14.

2 A: Oh, these are my files.

3 Q: Those are yours in here.

4 COURT REPORTER: They're in numerical order.

5 MR. JORDAN: Good.

6 Q: Okay. 2014. All right. Here's the deed --
7 into Cutter and Company, Plaintiff's --
8 Plaintiff's Number 14. Okay.

9 A: Uh-huh.

10 Q: It refers to the property by legal description
11 referring to four lots in a subdivision.

12 A: That is correct.

13 Q: Okay. Now, who -- who is then going to take it
14 on themselves to figure out some other legal
15 description to insert in a -- in a newspaper
16 advertisement for the first time, by the way,
17 that this property is 3.7 acres? Who is in
18 charge of that?

19 A: I would think that that would be the
20 responsibility of the taxpayer.

21 Q: Well, you've got the taxpayer deed in your
22 hand.

23 A: Uh-huh. And on his -- on the execution notice
24 that he received, it is indicating that it is
25 for the lot 24, 25, 26 and 31.



1 Q: Exactly my point.

2 A: Uh-huh. It's also indicate ---

3 Q: Where -- where -- where is 3.1 -- 3.7 acres?

4 A: It's also indicating that it's 3.7 acres of
5 land.

6 Q: On -- on that particular execution notice?

7 A: Yes, sir.

8 Q: Okay. And where did it come from?

9 A: That came from our Mapping Department and from
10 the Assessor's Office.

11 Q: You're telling me your mapping people are, in
12 fact, surveyors and they go out and -- and
13 survey a piece of property and determine what
14 the acreage is?

15 A: Well, I can't detail you that -- they would
16 have to tell you that, but that's the
17 information that's generated and that's the
18 information that we ---

19 Q: So ---

20 A: --- picked up from the Assessor's Office.

21 Q: Instead of describing the properties as four
22 lots, it describes them as a -- as an acreage.

23 A: We describe it as 3.7 acres and we provide a
24 tax map number, as well.

25 Q: I understand that, but when you -- when you do



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- 1 -- when you describe it as 3.7 acres, you're --
2 you're describing it effectively as a single
3 parcel, correct?
- 4 A: Because it has a single map number, we're
5 showing it as a single parcel.
- 6 Q: Okay. I mean, I'll give you the fact it was a
7 single tax parcel.
- 8 A: Exactly.
- 9 Q: But it's four individual lots, correct?
- 10 A: That is correct.
- 11 Q: Okay. So, the -- by putting 3.7 acres in the
12 -- in the newspaper notice and omitting
13 altogether any reference to four lots, you --
14 you were certainly implying that this property
15 is not a property that is divided into four
16 lots, correct?
- 17 A: I don't think so. I'm letting you know that --
18 -
- 19 Q: Well, I -- I'd like to hear -- hear why you
20 don't think so.
- 21 A: I'm just letting you that that -- those four
22 lots consist of 3.7 acres.
- 23 Q: Okay. But the 3.7 acres shows up in the -- in
24 the deed you issue, but it doesn't show up in
25 any prior deed. I'm just trying to figure out



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1 what was the purpose in concocting a legal
2 description that was different than was on the
3 record previously when you didn't do anything
4 with the property?

5 A: The deed, I think, also indicate the lots 24,
6 25 and 26, as well.

7 Q: It does.

8 A: Okay.

9 Q: Okay. But it adds also lot -- this is your
10 deed we're talking about.

11 A: Uh-huh.

12 Q: That's Plaintiff's Exhibit 2. It refers to
13 those lots and then, follows that by containing
14 3.7 acres. Again, there's just nowhere else in
15 the -- in the real estate records of this
16 particular parcel. So, I'm just -- I'm just
17 curious as to why that -- that change was made.
18 It seems kind of curious to me that -- that,
19 you know, you would -- instead of advertising
20 it as three -- as four lots, you advertised it
21 as a parcel of 3.7 acres.

22 (Plaintiff's Exhibit Number 2 was referenced at this
23 time).

24 A: It's being taxed at 3.7 acres.

25 Q: Okay. Well, again, that's -- that's perfectly



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1 fine, but, you know, what -- what we're trying
2 to figure out is -- is what -- why you're --
3 why you're notifying the public ---

4 **THE COURT:** Mr. Jordan, you've made ---

5 **Q:** --- that this property ---

6 **THE COURT:** You've made your point, Mr. Jordan.

7 Let's -- let's move on.

8 **MR. JORDAN:** Okay.

9 **THE COURT:** I -- I understand what you're saying.

10 **MR. JORDAN:** All right. Thank you, Judge.

11 **Q:** The -- let me ask you this. The -- Parcel 1
12 was sold for \$600, correct?

13 **A:** That is correct.

14 **Q:** Parcel 2 was sold for \$17,000.

15 **A:** Correct.

16 **Q:** Okay. Now, at that point and time, the tax
17 assessed value of Parcel 1 was \$7,800, correct?

18 **A:** Yes. I guess.

19 **Q:** Well ---

20 **A:** I don't have a record of that.

21 **Q:** We can look at -- look at these documents. I
22 want you to be -- be sure about this. I'll
23 look at Plaintiff's Exhibit 12 and 13, which
24 indicates the millage -- not the millage, the
25 assessed value if you divide it by .06.



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1 (Plaintiff's Exhibit Numbers 12 and 13 were
2 referenced at this time).

3 COURT REPORTER: I'm sorry. If you divide it by
4 what? I didn't hear you.

5 MR. JORDAN: .06.

6 Q: To come up with a figure and I can give you a
7 calculator if you'd like one.

8 A: That won't be necessary.

9 Q: Okay. \$7,800 is the number, I'll -- I'll ---

10 A: Okay.

11 Q: I'll tell you that. Okay. Parcel 2 is
12 \$75,000.

13 A: Okay.

14 Q: Okay. Now, do you think it's important to --
15 to the County to sell \$75,000 worth of property
16 for -- to collect two years worth of taxes that
17 are worth around -- about \$4,000?

18 A: My job is to collect taxes.

19 Q: Yes. Your job is also to follow the statutes.

20 A: Yes, it is.

21 Q: Okay. And the statutes are there for one
22 purpose.

23 A: Yes, it is.

24 Q: And that -- that is to protect the taxpayer.

25 A: That is -- that is correct.



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1 Q: Okay. Now, how is it that you claim that that
2 is protecting the taxpayer when you're going to
3 sell \$75,000 or more -- it's been testified
4 there was 120,000, but \$75,000 or more of value
5 to collect \$4,000 in taxes?

6 A: The taxes were still -- they were delinquent.

7 Q: Uh-huh.

8 A: But we tried to ---

9 Q: But you put ---

10 A: --- collect them.

11 Q: But you admittedly made no effort to make a
12 determination as to whether or not the -- all
13 of the Parcel 4 had to be sold.

14 A: Uh-huh.

15 Q: We've had no -- no evaluation of that. Okay.

16 A: Okay.

17 Q: You made no evaluation of whether or not it
18 would be best to sell Parcel 2 first and then
19 sell Parcel 1.

20 A: No, sir.

21 Q: No evaluation. Okay. Now, you know, again,
22 isn't the purpose of the statutes to protect
23 the taxpayer from losing their property
24 unnecessarily?

25 A: That is one -- one part of the statute. Yes.



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1 Q: Okay. Now, I'm going to -- I'm going to quote
2 from Section 12-51-40(a). No. I'm going to
3 skip that one. Let's -- let's see here. 12 --
4 12-51-40(b), it says, if taxes remain unpaid
5 after 30 days from the date of mailing of the
6 delinquent notice or as soon thereafter as
7 practical, take exclusive possession of the
8 property necessary to satisfy the payment of
9 taxes, etcetera, you know, assessments, and
10 penalty, that's there.

11 A: Uh-huh.

12 Q: Okay. Now, what -- what -- are -- are you
13 saying, it is your discretionary duty to -- to
14 -- to decide that -- that you need to sell
15 75,000 or \$120,000 worth of property to pay
16 \$4,000 in taxes? Was that necessary?

17 A: That statute -- that statute is requiring us to
18 take possession of the property. Therefore, it
19 is requiring us to post the property or -- or
20 to levy by sending a certified notice.

21 Q: Right. But it says that you are to -- to, you
22 know, effectively take exclusive possession of
23 property necessary to satisfy. Okay. I mean,
24 my point to you is, you could have -- you could
25 have attached or levied upon less than all of



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1 Parcel 2. But you didn't even think to do
2 that, correct?

3 A: Both taxes were due. Both prop- ---

4 Q: All right. But you didn't think -- that wasn't
5 part of your job to do that; is that what
6 you're saying to the Court?

7 A: What I'm saying to the Court is that both tax
8 -- both properties had delinquent taxes.

9 Q: Of course. We know that.

10 A: And both taxes -- both properties were properly
11 sent notification.

12 Q: And we -- we certainly can argue about that.
13 But the -- you know, the bottom line is you
14 made no effort to -- to evaluate the property
15 to see what was necessary. To see if it was a
16 -- a lesser amount of property could be sold
17 than to effect- -- effectively take all of the
18 taxpayer's property to pay such a minor amount
19 of money.

20 A: No, sir. Our office does not bear the
21 responsibility of that.

22 Q: Okay. I'm hearing you. Okay. Now, as far as
23 selling a property in the order you did, now,
24 you do understand that the -- that there is a
25 statutory requirement that you cannot sell any



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1 more property than is necessary once you --
2 once you obtain a certain bid or amount for one
3 property that pays all the taxpayer's
4 properties, then you stop.

5 A: That is correct.

6 Q: Okay.

7 A: That is correct.

8 Q: Now, do you really -- is it your testimony that
9 -- that selling Parcel 1, which is only valued
10 at less -- less than double what the -- less
11 than double what the total taxes are on the
12 property, would -- would -- you know, you're
13 saying you evaluated this and decided that the
14 best thing to do is to sell Parcel 1?

15 A: I am saying that the parcels are sold in the
16 order that they were advertised.

17 Q: Okay.

18 A: And Parcel 1 is advertised before Parcel 2.
19 Parcel 2 ended in 14; am I correct?

20 Q: Okay. So, no effort was made to adjust to do
21 things from a logical point of view and -- and
22 is total random. Okay. Total random. And
23 I'll point out to you that the tax map number
24 of Parcel 2 is -- is a number that would be
25 before the tax map number of Parcel 1. Okay.



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1 So, I'm -- I'm kind of curious there, why in
2 the world it would be listed first. You know?
3 It seems like to me that a special effort was
4 made by somebody to sell as much as property as
5 you possibly could.

6 A: Once again, the -- the file, when it is
7 created, the file is created in alpha order.

8 Q: Well, we got Cutter and Company.

9 A: Meaning it has Cutter and Company. That is
10 correct. Okay. So, the -- both of those
11 properties are Cutter and Company.

12 Q: Okay.

13 A: So ---

14 Q: What order do you put them in?

15 A: You -- you don't go and choose it. It's -- I
16 ---

17 Q: Oh. Are you telling me your ---

18 A: It's computer ---

19 Q: You don't have an ---

20 A: It's computer-generated.

21 Q: --- obligation to choose?

22 MR. J. ANDERSON: Judge, she hasn't finished her
23 answer and then he can ask the question.

24 THE COURT: Yeah. We can't ---

25 MR. JORDAN: I'm sorry.



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1 **THE COURT:** We can't talk over her. Let her answer,
2 Mr. Jordan.

3 **MR. JORDAN:** I'm sorry.

4 **THE COURT:** You know -- you know that.

5 **Q:** Are you -- are you telling me that you and your
6 office do not have an obligation to evaluate
7 properties to sell in what order from -- from
8 a single taxpayer?

9 **A:** No. We do not.

10 **Q:** Okay. Okay. Next, this 12-51-40 statute.
11 Again, I want to quote from subparagraph (a) on
12 that one. It says, on April the 1st or soon
13 thereafter -- soon after that as practicable,
14 mail a notice of delinquent property taxes,
15 penalties, assessments and costs to the
16 defaulting taxpayer. Okay.

17 **A:** Uh-huh.

18 **Q:** Now, that's what you were complying with when
19 you sent the two notices that you've already
20 discussed, correct?

21 **A:** Correct.

22 **Q:** Okay. Now, although I did not hear you testify
23 what -- what the time frame was that you mailed
24 Parcel 1, the notice on Parcel 2, which was
25 prepared -- dated prepared -- it was -- it was



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1 dated for April 1 of 2015. Okay. It was
2 actually dated March the 17th of 2015.

3 A: That is incorrect. March the 17th of 2015 is
4 the execution date.

5 Q: Okay.

6 A: It's not the execution notice date. It is
7 actually ---

8 Q: All right. Well, let ---

9 A: --- the date that the taxes became delinquent.

10 Q: All right. So ---

11 A: The Treasurer transferred those over to
12 delinquent taxes.

13 Q: What does that date right there on Number 3 say
14 -- Plaintiff's 3?

15 (PPlaintiff's Exhibit Number 3 was referenced at this
16 time).

17 A: That is the date that the Treasurer transferred
18 those taxes to delinquent tax. March 17th ---

19 Q: Okay. All right. So ---

20 A: --- of 2015.

21 Q: --- the Treasurer's Office was working on this
22 file at -- at that point and time, March --
23 March of 2015, correct?

24 A: No, sir. The Treasurer's Office sent this
25 file. Taxes become delinquent every year March



1 the 17th.

2 Q: Okay.

3 A: Okay. The Treasurer's Office will send that
4 file to our office.

5 Q: Okay.

6 A: And we're -- on this execution notice, what we
7 do is put the notice and the date that the
8 Treasurer sent it to the Delinquent Tax
9 Collector's Office. The execution notice date
10 is the date that the notice actually goes out.

11 Q: And wasn't that ---

12 A: And that's April the 1st, 2015.

13 Q: Okay. Why then -- then did it get, in fact,
14 mailed on May the 7th of 20- ---

15 A: That is ---

16 Q: That's what you testified.

17 A: No, sir. The final ---

18 Q: You did.

19 A: No, sir. The final notice -- the final tax
20 notice was mailed on May the 7th.

21 Q: Final tax notice to whom?

22 A: Yes, sir. The final -- the execution notice is
23 just the first notice of sending out the
24 delinquent taxes. That is the very first step
25 for a delinquent tax is to ---



1 Q: Yeah.

2 A: --- send out this notice.

3 Q: Right.

4 A: The second notice is the final tax notice that
5 we're sending before we sell the property and
6 we send that 30 days after this notice.

7 Q: Okay. So, that -- that notice is not a
8 statutory required notice?

9 A: No. The second -- all of these are statutory.

10 Q: Well, no. There's another notice after that
11 that's not statutory.

12 A: No, sir. The next notice after this is a
13 certified notice.

14 Q: Oh, you're saying that notice right there.

15 A: This is not a certified. This is regular mail.

16 Q: Okay. All right. Well, then -- then what I'm
17 missing here is the notice that was actually
18 signed for.

19 A: Yes, sir. I thought you entered that into evi-
20 -- evidence, sir.

21 Q: No. What -- what I entered into evidence was
22 what you have in your hand.

23 A: Okay.

24 MR. J. ANDERSON: Your Honor, if I may. I --- I
25 would turn your attention to Plaintiff's



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1 Exhibit 5.

2 MR. JORDAN: That's the green card.

3 MR. J. ANDERSON: Yes, sir. That's associated with
4 the final tax notice.

5 MR. JORDAN: Okay.

6 MR. J. ANDERSON: And that's -- so that's Exhibit 4
7 and 5 going -- going together. That's ---

8 MR. JORDAN: What's the date of that?

9 MR. J. ANDERSON: Yes, sir.

10 MR. JORDAN: April 1st. Okay. She's talking about
11 something a month later.

12 A: Jerrod, you -- excuse me. You entered it into
13 our exhibits and that is the final notice that
14 Mr. Cutter signed.

15 MR. J. ANDERSON: Okay. Answer any questions the
16 attorney ---

17 A: Okay.

18 MR. J. ANDERSON: --- has for you.

19 MR. JORDAN: All right. Let's find that. Okay.
20 Obviously, that's something that has gone ---

21 MR. J. ANDERSON: You want me to find that exhibit,
22 sir?

23 MR. JORDAN: Is that it?

24 MR. J. ANDERSON: That's the original. And I have a
25 copy of that original. If you'd like that



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- 1 original, you can use that. Thank you. No.
2 No. There it is. This is it. That's a copy
3 of that.
- 4 Q: Okay. Now, for some reason this was not found
5 in the -- in the Tax Collector's file when they
6 did the title examination. Was that recently
7 put in the file?
- 8 A: No, sir. That was in the file.
- 9 Q: Okay. Alrighty then. Now, you -- just so I'm
10 -- I heard you correctly, you indicated that
11 there's no evidence in the Tax Collector's file
12 that there was a notice on Parcel 1 sent
13 certified mail?
- 14 A: For the final tax notice, that is correct.
- 15 Q: Okay. But that's the only one that would be
16 sent certified mail.
- 17 A: No. The end of redemption would also ---
- 18 Q: Well ---
- 19 A: --- be sent certified mail.
- 20 Q: Not -- what I'm getting at is those two, the
21 April 1 and then the May 1 or whatever.
- 22 A: The April 1 would be sent regular mail.
- 23 Q: Uh-huh.
- 24 A: The May 7th date would be sent certified mail.
- 25 Q: Okay. So, the May 7th notice on Parcel 1 was



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1 not sent certified mail or at least you can't
2 prove that it was.

3 A: Exact- -- and that's Parcel 2, right? That's
4 ending in 2, correct? That's Parcel 1. Can
5 you give me the map number for Parcel 1?

6 Q: Parcel 1 is the 153 number.

7 A: Okay. All right. So, that is correct. Yes.

8 Q: Okay. So, Parcel 1 notice was sent and no
9 evidence that it was sent certified mail.

10 A: That is correct.

11 Q: Okay. All right. But Parcel 2 is one that was
12 sent certified mail and signed for?

13 A: Correct.

14 Q: Okay. All right. Now, I'm not sure that it
15 matters anymore, but I'm going to ask this
16 question is you -- you've got the notice signed
17 for on Parcel 2, so you knew you had a good
18 address on that one, correct? Parcel 2 now.
19 Mr. -- Mr. Cutter signed for that one.

20 A: That was 14. Parcel four -- yes.

21 Q: Right.

22 A: Yes. He signed for that.

23 Q: Okay. Then you get back as returned, the
24 notice on Parcel 1.

25 A: Uh-huh.



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1 Q: Was any extra effort made to -- to try to re-
2 send Parcel 1 to the same address or anything?

3 A: Well, I don't have any documentation showing
4 that we didn't send Parcel 1 anything.

5 Q: I'm not talking about initially. I'm talking
6 about when it came back, send him another
7 notice.

8 A: It didn't come back. I don't have anything in
9 the file pertaining to it.

10 Q: All right. Okay. Okay. Now, the -- the
11 printout that was just put into evidence about
12 the -- I believe the red -- the one with the
13 red type on it and everything.

14 COURT REPORTER: 12.

15 MR. JORDAN: That's not yours.

16 COURT REPORTER: It's Number 12. I think it's right
17 here.

18 MR. JORDAN: Okay. Okay.

19 Q: These are together marked as Defendant's
20 Orangeburg Exhibit Number 12. Okay. Now, I'll
21 hand them to you. According to my reading of
22 that document, it indicates that the property
23 was sold at a tax sale while it was in the name
24 of Cutter and Company for 2014 and the taxes
25 were paid through the tax sale, correct?



1 (Defendant Orangeburg's Exhibit Number 12 was
2 referenced at this time.)

3 A: That is correct.

4 Q: Okay. All right. And -- and, of course, there
5 are two parcels there, but you had two sets of
6 money coming in, \$600 and \$17,000. It went in
7 to the County's coffers, but those -- those
8 sheets do not indicate that the 2015 taxes were
9 paid.

10 A: Well, they do indicate that the '15 taxes were
11 paid, but they were paid from the bid amount
12 and it's on the second sheet. Unfortunately,
13 the information was not on the same sheet, but
14 it's on the second sheet. And it shows the '15
15 taxes are paid.

16 Q: Okay. But if that -- my point here is, it's
17 got the type here and Cutter and Company.
18 Under 2015, it's got it in green. Okay. Bill
19 -- the names in green indicate taxes are paid.
20 Okay.

21 A: Correct.

22 Q: But why wasn't it paid by the tax -- the tax
23 sale?

24 A: It was paid by the tax sales.

25 Q: Well, why doesn't it indicate that?



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1 A: It does not indicate that, but it was paid by
2 the tax sale.

3 Q: All right. Okay. Now -- notwithstanding, you
4 got a signed green card on Parcel 2, you still
5 posted both properties.

6 A: That is correct.

7 Q: Okay. And your -- your posting notice here and
8 I'm going refer this to -- I'm going to pull
9 this out here.

10 THE COURT: 6 and 7.

11 MR. JORDAN: 6 and 7. Yeah. Here they are.

12 (Plaintiff's Exhibit Numbers 6 and 7 were referenced
13 at this time).

14 Q: Okay. Here's -- I'm going to hand you 6 and 7.
15 Okay. Now, it's your testimony that the -- both
16 -- both properties were posted with that
17 particular tax sale notice.

18 A: That's correct.

19 Q: Is that a tax sale notice typically used by the
20 Tax Collector's Office?

21 A: It is.

22 Q: Even today?

23 A: Yes.

24 Q: Okay. Now, I'm going to refer to -- I'm going
25 to refer to statute -- I've got to be -- okay.



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1 This is -- I'm reading from Section 12-51-
2 40(d). And it says, the property must be
3 advertised for sale in pub- -- public auction.
4 No. Let's see here. I've got -- that might be
5 the wrong one here. Here we go. C.
6 Subsection (c), it says, if the certified mail
7 notice has been returned, take exclusive
8 physical possession of the property against
9 which taxes, assessments, penalties and costs
10 were assessed by posting a notice at one or
11 more conspicuous places on the premises. Okay.

12 A: Uh-huh.

13 Q: That's what you did. All right. It goes on.
14 In the case of real estate, reading: "seized by
15 a person officially charged with the collection
16 of delinquent taxes of" -- and it's got
17 parentheses -- "name of political subdivision,
18 to be sold for delinquent taxes." Okay. Do
19 you see anything in your tax -- posted notice
20 that says that?

21 A: It says that it has this day seized and levied
22 on 3.7 acres.

23 Q: Okay. I'm going to ask you to read that
24 language right there in quotes. And when it's
25 in quotes, that means it needs to be precise.



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1 A: Well, it is precise, sir.

2 Q: Well, I mean ---

3 A: It says, that it seized by Orangeburg County
4 and the person that is officially in charge is
5 Kathy Henderson as Delinquent Tax Collector.

6 Q: All right. I'm going to make it easier for
7 you. I'm going to hand you these side by side
8 -- side by side, statute and tax sale.

9 MR. JORDAN: Judge, I'll even give you one.

10 THE COURT: Yeah. I -- I see your point.

11 MR. JORDAN: All right.

12 THE COURT: Let's not belabor this because I've got
13 other things I've got to be doing.

14 MR. JORDAN: I understand. Okay.

15 Q: Now, can you tell me, Ms. Henderson ---

16 A: Uh-huh.

17 Q: --- that -- is it your testimony that they put
18 -- the wording I've highlighted there in
19 quotation marks in the statute is included in
20 the tax sale notice? I don't mean implied or
21 hinted at. I mean, is it exactly included?

22 A: It is not verbatim as it is in the statute.

23 Q: Okay. So, it's a -- you did not precisely --
24 or the County has not precisely followed the
25 direction of the -- of the statute. Is that --



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1 is that ---

2 MR. J. ANDERSON: Your Honor, I'm going to object to
3 that question. First of all, she's asked and
4 answered. She's all -- he's already asked her
5 what this ---

6 THE COURT: And I -- I ---

7 MR. J. ANDERSON: --- notice says.

8 THE COURT: I -- I see it, Mr. Jordan.

9 MR. JORDAN: Okay.

10 THE COURT: Let's -- let's move on.

11 MR. JORDAN: All right, Judge. Thank you, sir.

12 Q: Okay. Now, with regard to the mortgage holder,
13 I'm going to leave -- leave those questions for
14 Mr. Cam Anderson to talk about. But in that
15 point, it's -- it's going to be important to --
16 to discuss Exhibit 11. And let me ask you,
17 too, based on the -- on the overage letters
18 that were sent, that were put into -- that have
19 been put into evidence already, my calculation
20 is that the taxes that are -- are basically
21 charged, let's say, for 2014 and 2015. In
22 other words, deducted from the bid amount, on
23 Parcel 1 is \$512.28, Parcel 2 is \$3,674.68 --
24 and 86 cents. Now, my question is, when you
25 send that -- sent out the notice of redemption



1 in the redemption letters, the figures you used
2 were way significantly higher than what the
3 actual tax amount plus interest was going to
4 be. I'm sure you've investigated this because
5 I put in the Amended Complaint, but how do you
6 explain the -- the figures in the end of
7 redemption notices as to why they were so
8 significantly higher than the actual amounts?

9 **MR. J. ANDERSON:** Your Honor, may I ask -- do you
10 need time to pick up your file?

11 **A:** Yes, please.

12 **MR. J. ANDERSON:** May I ask that we indulge -- the
13 Court's indulgence, while she picks up her file
14 that fell.

15 **THE COURT:** Sure.

16 **MR. J. ANDERSON:** Thank you.

17 **A:** Okay. Which one are you referring to, sir?

18 **Q:** Okay. Both of them. Parcel 1, the -- the end
19 of redemption notice was 683 -- \$683.37. Okay.
20 Now, that includes 7- -- \$72 as interest.

21 **A:** Uh-huh.

22 **Q:** Okay. So, the tax amount of the -- of that
23 notice amount was only \$611.37. But all
24 indications are, you know, from -- for the
25 overage letter primarily is \$512.28 was the



1 correct amount. Now, using your figure.

2 A: Yes, sir. My figures are correct. And what
3 that figure indicate is the redemption amount,
4 which is for the 2014 taxes, which is 329.87.
5 The interest amount is 72 taxes. And the 2015
6 taxes would have been delinquent at the time of
7 the end of redemption. And those taxes
8 would've been due and that amount at the time
9 was 281.50. And that's a total of 683.37.

10 Q: Okay. So, when the taxes actually got paid,
11 collected by the Treasurer -- or the -- I guess
12 the Treasurer's Office, the amount they
13 collected was only \$512.28.

14 A: When the taxes got -- say that again, please.

15 Q: When the -- when the County, you know, settled
16 up basically and got paid the money they wanted
17 and indicated in the overage letter what the --
18 what they, you know, what they were given back,
19 the number is \$512.28.

20 A: So, the total that would have been paid to the
21 collect- -- to the Treasurer's Office, would've
22 been the 329.87, plus \$170.87, which would've
23 been the base amount of the 2017 taxes -- 2015
24 taxes, which was paid from the bid amount. So,
25 that it was the County would've received for



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- 1 the taxes for 2014 and '15 on Parcel 1.
- 2 Q: Let me ask you also another curiosity here.
- 3 Why does the County charge an extra \$51.54 when
- 4 it's figuring up the overage.
- 5 A: An extra 51. Can you provide me with
- 6 documentation of that or ---
- 7 Q: Well, I mean, you can take all -- all your
- 8 figures and -- and work it that way ---
- 9 A: For this ---
- 10 Q: --- in both parcels, Parcel 1 and Parcel 2,
- 11 were increased the tax amount by \$51.54.
- 12 A: A \$50 research cost is actually added to the
- 13 taxes for 2014 prior to the sale.
- 14 Q: Okay.
- 15 A: And that is indicated ---
- 16 Q: Yeah. But that would've been ---
- 17 A: --- in our notice.
- 18 Q: That would've been in the -- in the notice of
- 19 -- end of redemption period amount, wouldn't
- 20 it?
- 21 A: Right.
- 22 Q: Okay. I'm just -- for the life of me, I cannot
- 23 understand why it was off as far it was on both
- 24 cases.
- 25 A: I don't quite understand what you're -- what



1 you're asking.

2 Q: Well, I had it in the Amended Complaint, but we
3 -- we're kind of having to move along here.
4 So, I'm -- I'm going to leave it at that, but
5 the -- we've talked about the -- the ability to
6 subdivide the parcel -- Parcel 2 and you heard
7 the Assessor indicated that there would have
8 been no problem to do that if you had asked,
9 correct? Parcel 2, now.

10 A: That is what he said.

11 Q: Okay. I mean, that -- is that something you
12 just don't do?

13 A: We do not.

14 Q: Okay. All right. Is it -- is it a matter of
15 you -- it would create too much work for you or
16 it would be, you know, just overly burdensome
17 to investigate in, you know, subdividing a
18 piece of property? I mean, why -- why is it
19 that you're not -- you know ---

20 A: Well, both of ---

21 Q: --- going to that step?

22 A: Both of those could be very good reasons, sir.

23 Q: Okay. But you -- you would -- based on what
24 you've heard from the Assessor, you would agree
25 that the properties are already divided?



1 Parcel 2.

2 A: I see that one side -- one piece of the
3 property is on one side of the road and the
4 other one is on the other side of the road,
5 sir.

6 Q: Okay. And you see -- you see the platted lots,
7 the four lots that have been, you know,
8 subdivided and approved by the County.

9 A: Uh-huh.

10 Q: Okay. And I mean, isn't -- isn't that dividing
11 up the property?

12 A: It is. Yes, it is.

13 Q: Okay. All right. Let's see here. Now, let's
14 -- let's talk about the -- y'all were selling
15 the property and the order you sold the
16 property. I'm just kind of summarizing what I
17 understand you say is that the -- that no
18 effort is made by your office when you're
19 selling the properties to try figure out which
20 property to sell first or which one to sell
21 second or third.

22 A: Absolutely not.

23 Q: Okay. All right. But you -- you do, once
24 again, I'm sure admit that the purpose of all
25 these various requirements in the statute is --



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1 is not to protect the -- the Treasurer or Tax
2 Collector's Office; it's to protect the
3 taxpayer?

4 A: It is also to collect the taxes.

5 Q: Okay. And -- and in this particular case, will
6 you admit that you could have sold one lot out
7 of phase 1 -- phase 2, and paid all the taxes
8 with it?

9 A: I do not admit to that. No.

10 Q: Okay. Could you -- would you admit that you
11 could've sold two of the lots?

12 A: I sold the property -- the parcels that were
13 due, had delinquent taxes on them.

14 Q: Okay. Mathematically speaking, four lots sold
15 for \$17,000. You know, two of them would sell
16 for \$8,000. The tax burden on -- on, you know,
17 both the properties are right at \$4,000. Don't
18 you think you would've gotten it by selling
19 part of the -- of the parcel?

20 A: I don't know.

21 Q: Okay. All right. Okay. Now, I want to show
22 -- show you -- I think it's Exhibit like 18 or
23 something. It's the one ---

24 MR. JORDAN: Judge, you might have it. It's a
25 notice that was clearly the original notice.



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1 THE COURT: I don't have any of the exhibits ---

2 MR. JORDAN: Okay.

3 THE COURT: --- except the copies you gave me, 16.

4 MR. JORDAN: Excuse me. My fault. I got it.

5 Q: All right. This is Plaintiff's Exhibit 17. I
6 want to show you that document and ask what is
7 the purpose of the -- of the -- intent of the
8 County sending that particular notice out? It
9 was obviously after the tax sale.

10 (Plaintiff's Exhibit Number 17 was referenced at this
11 time).

12 A: That is correct.

13 Q: And it's -- it's for 2015 taxes.

14 A: That is correct.

15 Q: 2015 taxes have already been paid.

16 A: No, they have not.

17 Q: Through the tax sale.

18 A: They were not.

19 Q: They were not?

20 A: They were not. 20- tax -- 2015 taxes were not
21 paid until after that title was generated.

22 Q: The County received the money for it in
23 December of 2015, correct?

24 A: That is correct.

25 Q: Okay. All right. Now, so -- so -- you know,



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1 the County has got a procedure where they send
2 these notices out, which indicate on there that
3 what you got to do is come send us -- write us
4 a check for the 2015 taxes and this is the
5 amount. But you wouldn't take it if -- if they
6 gave it to you.

7 A: That is correct. We would let them know that
8 the property sold.

9 Q: What's the purpose of the notice?

10 A: Because we're required to send it out. This is
11 for the 2015 tax year and the taxes are
12 delinquent.

13 Q: Now, it's delinquent just because of book work,
14 right? The taxes are paid in full according to
15 what the County received, correct?

16 A: They're delinquent. Yes. They're not marked
17 paid. They were not paid until they were
18 marked paid.

19 Q: Okay. There's no indication on that notice
20 that the -- there was a tax sale at the end of
21 year 2015.

22 A: That is correct.

23 Q: There was no indication that the 20- -- 2014
24 taxes were paid through a tax sale.

25 A: That is correct.



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1 Q: Okay. Mr. Tanner brought up, he felt important
2 I guess, the -- it would be important to bring
3 up the bold print in there about the delinquent
4 taxes. Okay. And if somebody reads that notice
5 and they're -- they're looking at it and
6 they're -- and it deals with delinquent taxes,
7 why would they think of anything else?

8 MR. TANNER: Your Honor, I object; calls for
9 speculation.

10 THE COURT: Sustained.

11 Q: Okay. But the -- the bottom line is, you know,
12 if you had sold -- if you had sold Parcel 2
13 before Parcel 1, you would not have sold Parcel
14 1, correct?

15 MR. TANNER: I object. It's been asked and
16 answered multiple times.

17 THE COURT: Sustained.

18 MR. JORDAN: Okay. No further questions of this
19 witness.

20 THE COURT: Cam Anderson.

21 MS. HENDERSON - CROSS EXAMINATION BY MR. S. ANDERSON:

22 Q: I'm going to show you a copy of Plaintiff's
23 Exhibit Number 14 and that is the deed from O&P
24 to Cutter, right?

25 (Plaintiff's Exhibit Number 14 was referenced at this



1 time).

2 A: That is correct.

3 Q: And what is the book and page number where that
4 was recorded?

5 A: Excuse me. 1456, 93.

6 Q: Book 1456, Page 93?

7 A: Uh-huh.

8 Q: Okay. May I?

9 A: Oh.

10 Q: And I'll show you a copy of Plaintiff's Exhibit
11 Number 10, which is the mortgage from Cutter
12 and Company to O&P.

13 (Plaintiff's Exhibit Number 10 was referenced at this
14 time).

15 A: Okay.

16 Q: And what is the book and page number where that
17 was recorded?

18 A: 2200, 13.

19 Q: It would be recorded in Book 2200 at Page 13.

20 A: That's correct.

21 Q: Now, you are required by statute to notify the
22 mortgage holder of the running of the
23 redemption, is that correct?

24 A: That is correct.

25 Q: And in that letter notifying them of the



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1 running of the redemption, you tell them what
2 property they're dealing with, as it -- they
3 have to pay in order to redeem the property?

4 A: That is correct.

5 Q: Okay. And here, what is the book and page
6 number that you are telling the mortgage holder
7 that is being -- was sold and has to be
8 redeemed?

9 A: 1456, 93.

10 Q: Okay. And 1456, 93 is what?

11 A: That is lots 24, 25, 26, and 31.

12 Q: Okay. But it refers to the deed into the
13 defaulting taxpayer, not the mortgage.

14 A: That is correct.

15 Q: Okay. And when you specifically reference the
16 mortgage, what do you reference?

17 A: The mortgage book and page. That is correct.

18 Q: Mortgage book and page. Is that the mortgage
19 book and page or ---

20 A: It is not.

21 Q: --- is that the deed?

22 A: It is not. It is not.

23 Q: It is not. So, you're wrong on two occasions
24 there?

25 A: It doesn't have the mortgage book and page on



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- 1 there, that is correct.
- 2 Q: So, two -- two mistakes in -- in the notice so
- 3 far.
- 4 A: Where's the second mistake?
- 5 Q: Well, in -- up above you show ---
- 6 A: 1456.
- 7 Q: --- the deed and then when you ---
- 8 A: 93.
- 9 Q: --- you reference the mortgage, you show the
- 10 deed.
- 11 A: Yes.
- 12 Q: Okay.
- 13 A: That is -- that is correct. But we have ---
- 14 Q: The prop- ---
- 15 A: The deed book and page, we have 1456, 93.
- 16 Q: Okay. Drop down to the bottom where you
- 17 describe the actual property.
- 18 A: That's lots 24, 25, 26.
- 19 Q: Okay. And what was the actual property?
- 20 A: Lots 24, 5, 26 -- excuse me -- and 31.
- 21 Q: And 31.
- 22 A: Uh-huh.
- 23 Q: All right. So, you improperly described the
- 24 property.
- 25 A: It did not -- it did not complete the



1 description of the properties.

2 Q: And with regard to -- underneath where you have
3 24, 25, and 26, you have G.

4 A: G acres.

5 Q: What -- what does that G mean?

6 A: I do not know if this is block G.

7 Q: Do you see anything on the deed indicating
8 block G?

9 A: It is not.

10 Q: It is not there. So, you -- you have the wrong
11 book and page number for the mortgage?

12 A: That is correct.

13 Q: And you improperly described the property that
14 is to be redeemed and you cite G acres, which
15 has no reference to the deed?

16 A: That is -- that is showing in the description
17 of the property, yes.

18 Q: Okay. Now then the notice that we just
19 referred to, that was sent to O&P Properties
20 and was returned, correct?

21 A: That is correct.

22 Q: All right. Was it sent restricted delivery?

23 A: It was.

24 Q: It was?

25 A: It was.



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1 Q: Show me where the blank on the green card shows
2 restricted delivery.

3 A: Well, wait. It was not sent restricted.

4 Q: It was not sent restricted delivery.

5 A: Restricted delivery.

6 Q: All right. And this was returned?

7 A: That is correct.

8 Q: Okay. What steps were taken after it was
9 returned to come up with a better address for
10 O&P?

11 A: We would've looked at the tax roll for -- to
12 see if any other properties and looked at the
13 Register in Deeds and see if any other
14 properties was in O&P's name.

15 Q: Did you ---

16 A: Mortgages.

17 Q: Did you got to the Secretary of State to see
18 what the reg- -- who the registered agent of
19 service was ---

20 A: We did not.

21 Q: --- and what their address was?

22 A: We did not.

23 Q: You don't do that.

24 A: No, we do not.

25 Q: Just like the owner of the property, the



1 mortgagee is entitled to protect his interest?

2 A: That is correct.

3 Q: Right. And the documents that we just went
4 over, don't allow him to protect his interests,
5 do they?

6 A: There is an error on that document, yes.

7 MR. S. ANDERSON: I have no further questions.

8 THE COURT: Mr. Tanner.

9 MR. TANNER: I'll try to be brief, Your Honor.

10 MS. HENDERSON - CROSS EXAMINATION BY MR. TANNER:

11 Q: Ms. Henderson, again, at no time did anyone
12 from Cutter and Cutter pay the 2014 property
13 taxes, correct?

14 A: That is correct.

15 Q: And -- and they didn't despite all the numerous
16 notices we've gone over, they didn't redeem
17 them?

18 A: That is correct.

19 Q: And -- and no one from O&P Properties, LLC, the
20 mortgage holder, also did not redeem the
21 property, correct?

22 A: That is correct.

23 Q: And you were asked a number of questions about
24 -- regarding Parcel 1, the posting, the posting
25 is the step that the statute says you -- you



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1 undertake if you don't get a signed notice
2 back, correct?

3 A: That is correct.

4 Q: And -- and you physically posted, I believe,
5 both -- both parcels were posted by
6 representatives of the County, correct?

7 A: That is correct.

8 Q: And you've got that admitted into evidence,
9 correct? Regarding that there's a number of
10 questions about the overages and -- and what
11 could have been done, what could've been paid;
12 again, as we sit here today, has Cutter and
13 Company paid any money towards these 2014
14 property taxes?

15 A: Not that I'm aware of, sir.

16 Q: Likewise, has O&P paid any money towards the
17 2014 property taxes to redeem the property?

18 A: Not that I'm aware of.

19 MR. TANNER: Thank you, ma'am.

20 THE COURT: All right. You can step down, Ms.
21 Henderson.

22 MR. J. ANDERSON: I -- I do have a couple re-
23 directs, if I may, Your Honor.

24 THE COURT: Real quick.

25 MR. J. ANDERSON: Real quickly.



1 MS. HENDERSON - RE-DIRECT EXAMINATION BY MR. J.

2 ANDERSON:

3 Q: Counsel for the mortgage holder showed you a
4 copy of the notice -- notice to owner of
5 mortgage, correct?

6 A: Correct.

7 Q: And so, the add- -- actual address in notice
8 had the -- it referred to the deed instead of
9 the mortgage book?

10 A: Yes.

11 Q: Okay. All right. But the TMS number is
12 clearly indicated?

13 A: Yes.

14 Q: The tax years owed are clearly indicated and
15 the amount, correct?

16 A: Correct.

17 Q: Okay. Now, you didn't -- this form doesn't ask
18 for a legal description. You're not required
19 to put a legal description on here, correct?

20 A: Correct.

21 Q: But there's no doubt that you were referring to
22 the subject property Parcel 2 that is the
23 property in TMS Number 014.

24 A: That is correct.

25 MR. S. ANDERSON: Your Honor, I -- I object to -- to



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1 the question in that he said, properly
2 referring.

3 **THE COURT:** You know what? Guys, I can read these
4 forms.

5 **MR. J. ANDERSON:** Gotcha.

6 **THE COURT:** I'm real good at reading and I read --
7 you know, I -- it's amazing how many people
8 want to read to me at trial.

9 **MR. J. ANDERSON:** I will withdraw the question.

10 **THE COURT:** Thank you.

11 **Q:** Thank you, Ms. Henderson.

12 **THE COURT:** You can step, Ms. Henderson. All right.
13 Mr. Tanner, you got any witnesses or Mr.
14 Anderson, whoever wants to go next?

15 **MR. J. ANDERSON:** Yeah. That's my case, Your Honor.

16 **THE COURT:** Okay.

17 **MR. S. ANDERSON:** I have no further witnesses, Your
18 Honor.

19 **THE COURT:** You're going to call your witnesses?

20 **MR. S. ANDERSON:** I'm not going to call any
21 witnesses. No, sir.

22 **MR. TANNER:** Judge, I have my client here. He can
23 testify. You made a point earlier, pretty much
24 everything he knows is about post sale. If
25 that's something that Your Honor wants me to



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1 put up now, I can. If you want to deal with
2 that another day.

3 **THE COURT:** I -- I'll deal with all that another
4 day.

5 **MR. TANNER:** Yes, sir. He doesn't know anything
6 about them.

7 **THE COURT:** All right. Let me do this. I'm going
8 to -- I'm going to -- I -- let me meet with the
9 lawyers right quick.

10 **MR. J. ANDERSON:** Yes, sir.

11 **THE COURT:** I'm going to ask everybody else to go
12 out in the hallway. Let me talk to the
13 lawyers.

14 (Off the record discussion.)

15 (There being nothing further, the hearing concluded
16 at 2:54 p.m.)

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Jul 09 2021

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.

CERTIFICATE OF COUNSEL

The undersigned counsel for Appellant hereby certify that the Record on Appeal complies
with Rule 211(g), SCACR.

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