

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

IN THE COURT OF COMMON PLEAS

Michael E. Williams,)
)
Plaintiff,)
vs.)
Raymond Arnold a/k/a Raymond)
Arnold, Jr.,)
)
Defendant.)
_____)

ORDER QUIETING TITLE

2019-CP-42-02747

RECEIVED

AUG 12 2021

SC Court of Appeals

THIS MATTER came before the Court by way of an Order of Reference entered on September 8, 2020, and upon the Complaint to Quiet Title filed by Michael E. Williams. The hearing on this matter was held before the undersigned on June 21, 2021. Plaintiff was represented by Joseph K. Maddox, Jr. The Defendant Raymond Arnold was represented by Jeffrey T. Spell. Also in attendance was Lee Weeks, Delinquent Tax Collector for Spartanburg County and John H. Harris, Spartanburg County Attorney. Others in attendance were Raymond T. Arnold, III, Antonia Arnold-McFarland and Sonja Arnold, the children of Raymond Arnold. Mr. Arnold died on July 7, 2020, during the pendency of this action.

Lee Weeks, Delinquent Tax Collector for Spartanburg County, testified regarding the subject tax sale and submitted the file maintained by the Spartanburg County Tax Collector relating to the 2012 sale of the property bearing Tax Map No. 5-12-00-002.00. The file contained all notices sent in compliance with Title 12, Chapter 51 of the *Code of Laws of South Carolina, 1976*, as amended.

Mr. Weeks stated that he believed that the Office of the Delinquent Tax Collector had complied in full with the requirements of the law.

Upon review of the file of the Tax Collector, the Court notes that the Defendant had filed suit in 2014 against the Plaintiff, Spartanburg County, and all other persons who purchased parcels owned by Mr. Arnold at the 2012 tax sale (Raymond T. Arnold, Jr. v Spartanburg County, et al., 2014-CP-42-4750) to set aside the tax deeds issued to the Plaintiff and three other persons and alleged that the Tax Collector had failed to comply with South Carolina Code Section 12-51-50 and South Carolina Code Section 12-51-40(d). It also alleged that proper notices were not given to the Plaintiff.

The file of the Tax Collector also contained a copy of a Stipulation of Dismissal of Case No. 2014-CP-42-4750 entered into by Jeffrey Spell, Attorney for Mr. Arnold, and John H. Harris, Attorney for Spartanburg County who did "knowingly and voluntarily stipulate to the dismissal of all Defendants and all claims with prejudice."

Based on the issues raised in Case No. 2014-CP-42-4750 and the dismissal of that case, it appears that all matters regarding the action of the Spartanburg County Tax Collector were settled with regard to the sale of Mr. Arnold's real estate. The Court directed that no further testimony on behalf of Mr. Arnold would be considered.

Based on the testimony, the exhibits accepted into evidence, statements of counsel and a review of the pleadings of this file, the Court makes the following:

Findings of Fact

1. By and through the Estate of Maude Mathis, Probate File No. 31196, Raymond Arnold received fee simple title to certain real property in Spartanburg County, South Carolina (hereinafter "the Property"), which is described as follows:

All that certain piece, parcel, or lot of land lying, situate, and being in the County of Spartanburg, State of South Carolina, shown and designated as 26.0 acres on a plat prepared by C.A. Seawright, R.L.S. recorded in Plat Book 62 at Page 361 on September 3, 1970 with the Spartanburg County Register of Deeds.

LESS AND EXCEPT:

All that certain piece parcel, or lot of land lying, situate, and being in the County of Spartanburg, State of South Carolina, shown and designated as 10.0 acres on a Survey for Raymond E. Carlock and Dorthula S. Carlock recorded on August 27, 1973 at Plat Book 71, Page 572, Spartanburg County Register of Deeds.

ALSO LESS AND EXCEPT:

All that certain 1.0-acre parcel, more or less, conveyed from Maude R. Mathis to Claude Junior Wingo by that certain deed recorded in Deed Book 41-T, Page 520 on March 15, 1974, Spartanburg County Register of Deeds.

ALSO LESS AND EXCEPT:

All that certain 1.0-acre parcel of land conveyed to Mazie Lee Wood and Janet Lee Wood by Maude R. Mathis in that certain deed recorded in Deed Book 42-E, Page 109 on August 15, 1974, Spartanburg County Register of Deeds.

ALSO LESS AND EXCEPT:

All that certain parcel or land containing 1.0-acre more or less conveyed to Shirley Ann Fuller by Maude R. Mathis in that certain deed recorded on March 15, 1974, in Deed Book 41-T, Page 522, Spartanburg County Register of Deeds.

ALSO LESS AND EXCEPT:

All that certain lot or parcel of land conveyed to Ruth Drummond Suber by Raymond Arnold, Jr. in that certain deed recorded in Deed Book 44-F, Page 262 on December 13, 1976, Spartanburg County Register of Deeds.

This being a portion of the property conveyed to Maude Rookard Mathis by Willie Mae Rookard Ferguson in that certain deed recorded on September 3, 1970 in Deed Book 37-F, Page 160, Spartanburg County Register of Deeds.

Block Map #: 5-12-00-002.00

2. That Robert E. Metts, Jr., the Delinquent Tax Collector for Spartanburg County (hereinafter "Tax Collector"), acting pursuant to the acts of the General Assembly of South Carolina and the statute laws for said state, after an execution was issued by the county treasurer on March 17, 2012, did on August 10, 2012 mail via "Certified Mail, Return Receipt Requested, Restricted Delivery" a notice of

- delinquent property taxes, penalties and costs owed in the amount of \$87.66 for the year 2011 to Raymond Arnold with such notice being signed for and received by Raymond Arnold on August 11, 2012; and
3. That on sales day, December 3, 2012 the Tax Collector did during the usual hours of sale, after due advertisement in the *Spartanburg Herald-Journal* as Item Number 09183 sell the said property of the said defaulting taxpayer(s): Raymond Arnold a/k/a Raymond Arnold, Jr., to Michael E. Williams, purchaser hereinafter known as "Grantee" and the highest bidder at such sale for the sum of \$5,300.00 and gave receipt of the total amount of said purchase money to the Grantee; and
 4. That more than twelve months elapsed since the date of said sale and the defaulting taxpayers, any grantee from the owner or any mortgage or judgment creditor have failed to redeem said land so sold for taxes; and
 5. That the Tax Collector of Spartanburg County did on November 4, 2013, mail via "Certified Mail, Return Receipt Requested, Restricted Delivery" a notice of end of redemption to Raymond Arnold with such notice being signed for and received by Raymond Arnold Jr. on November 12, 2013; and
 6. That the Tax Collector of and for the County and State aforesaid, in consideration of the premises and \$5,300.00 granted, bargained, sold, and released, unto Michael E. Williams and assigns: The within described property by Deed recorded in Deed Book 106-A at Page 194.
 7. That more than two (2) years have passed since the sale.
 8. That all issues regarding the conduct of the sale in 2012 by the Delinquent Tax Collector were settled by the dismissal of the Case No. 2014-CP-42-4750.

THEREFORE, THIS COURT CONCLUDES AS A MATTER OF LAW:

1. This Court has jurisdiction over the subject matter and parties to this action.
2. The duly assessed real property taxes for 2011, together with all assessments, penalties and costs constituted a first lien in all cases whatsoever upon the Property, which first lien attached at the beginning of the fiscal year during which the tax was levied and was senior to and took priority over all liens, and any liens on the Property were junior to and subordinate to the aforementioned tax lien.
3. By virtue of the failure of the Delinquent Taxpayer Defendants to pay the taxes on the Property for tax year 2011, by virtue of the successful bid of Michael E. Williams, by virtue of the failure of Defendants to redeem the Property and by virtue of the Tax Collector's conveyance of the Property to Michael E. Williams, any and all interest Defendant, his heirs and assigns, and any person or party claiming through them, had in and to the Property was extinguished.
4. Michael E. Williams is entitled to a judgment terminating any and all interest in the Property of Defendant, his heirs, successors and/or assigns or anyone or anything claiming through him, irrespective of the nature of that interest, and barring any future claims they may assert.

NOW, THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The auction and tax sale of the Property on December 3, 2012 is hereby validated.

2. The Tax Deed dated May 12, 2014 and recorded in Deed Book 106-A at Page 195 in the Office of the Register of Deeds for Spartanburg County, South Carolina from the Tax Collector to Michael E. Williams is hereby validated.
3. The Office of the Register of Deeds for Spartanburg County is ordered to enroll this Order in its records and index Defendant Raymond Arnold a/k/a Raymond Arnold, Jr., as "Grantor" and Michael E. Williams as "Grantee".
4. Any and all interests of Defendant together with his heirs, successors, assigns, or anyone or anything that claims or may claim to have an interest in the Property through them, irrespective of the nature of that interest, are terminated and any future claims they may assert are barred.
5. Legal and equitable title to the Property is hereby quieted in favor of Michael E. Williams, who hereby takes free and clear title to the Property, subject to no judgments, liens, or any other encumbrances.
6. That my Order of May 25, 2021, is hereby voided.

AND IT IS SO ORDERED.

Date: _____

Gordon G. Cooper
Master-in-Equity



Spartanburg Common Pleas

Case Caption: Michael E. Williams VS Raymond Arnold

Case Number: 2019CP4202747

Type: Master/Order/Quiet Title and Form 4

It is So Ordered

s/Judge Gordon G Cooper-3065

Electronically signed on 2021-06-28 10:59:31 page 8 of 8

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