

RECEIVED

OCT 22 2021

2021-CP

STATE OF SOUTH CAROLINA

SC Court of Appeals

COMMON PLEAS CASE NUMBER

COUNTY OF

Charleston

MAGISTRATE CIVIL CASE NUMBER

2021-CP-1002038

Tina Gordon / Tina Colson
APPELLANT(S)

IN THE COURT OF COMMON PLEAS

VS.

NOTICE OF CIVIL APPEAL

Pamela Annie Mills
RESPONDENT(S)

The plaintiff/defendant (circle one), Tina Gordon / Tina Colson hereby gives notice of appeal from the judgment of the magistrate's court in the above action, to the Circuit Court of Common Pleas, in the county of Charleston.

This notice of appeal is made subsequent to personal notice of the judgment which was received on the 8 day of Oct., 2021.

The appellant's exceptions to the judgment of the magistrate are set forth as follows:

I was very ill/sick and diagnosed with Covid-19 Sept. 12, 2021 - Sept. 27, 2021 and I was still sick after last test and fighting for my life the whole month of Sept.
Note: I would ask the court to honor my appeal to the Sept. 28, 2021 Court Hearing and Order Please stop any and all of the Real, Personal Etc, Property, to Pamela Annie Mills, who is claiming something shady, not completed, and Award the Entire Avery Gardner Estate back to me, Tina Colson, ATTN: Tina Gordon sole m, Heir and only Heir Alive or who Pamela would claim
Dated: Oct. 22, 2021 Appellant (or his attorney)

this family estate. I also request a peaceful transfer of any and all personal, Real etc. Property to this Estate be awarded to the rightful owner and only Alive Heir that came forward to claim my Estate.

Laboratory Results
September 27, 2021

Printed Date: 9/27/2021
Printed By: amoore.tn011

Patient Name: TINA GORDON
DOB: 01/29/1974
Sex: F
Patient ID: 1713798
Race:

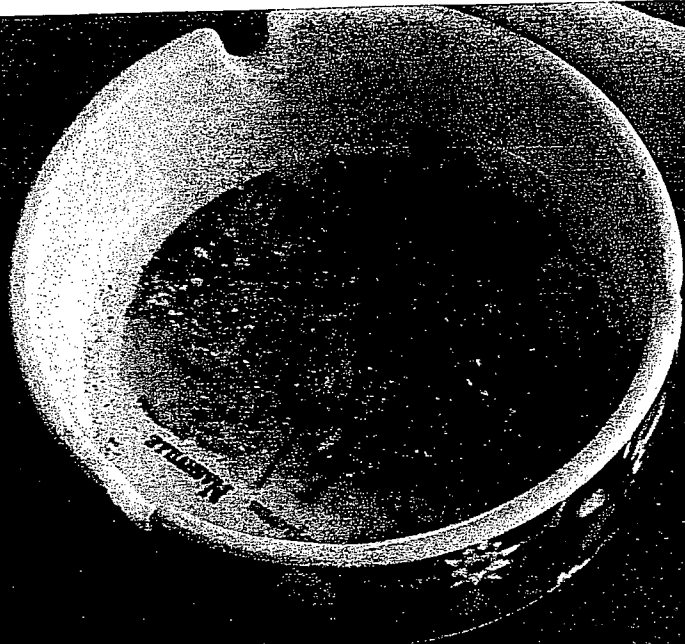
Collected: 09/27/2021 11:51
Received:
Reported:
Physician: Alana Moore
CLIA: 44D2154722

Test Name	In Range	Out of Range	Reference Range	Lab
COVID - QuickVue [87811]				
COVID - QuickVue [87811]	Negative		Normal = Negative	52
Negative but inconclusive until confirmed by results of backup molecular PCR test				

Performing Laboratory Information

52 - Murfreesboro West - Urgent Team 1144 Fortress Blvd Ste K Murfreesboro, TN 37218-5588 Director:

Ascension Saint Thomas Urgent Care
1144 Fortress Blvd, Suite K
Murfreesboro, TN 37128
615-809-3541



Laboratory Results
September 12, 2021

Patient Name: TINA GORDON
DOB: 01/29/1974
Sex: F
Patient ID: 1713798
Race:

Printed Date: 9/12/2021
Printed By: DFarmer.tn011

Collected: 09/12/2021 16:18
Received:
Reported:
Physician: Danelle Farmer
CLIA: 44d1060840

Test Name	In Range	Out of Range	Reference Range	Lab
COVID - QuickVue [87811]		Positive Abnormal	Normal = Negative	12
COVID - QuickVue [87811]				

Performing Laboratory Information
12= Murfreesboro - Urgent Team 2445 Memorial Boulevard, Murfreesboro, TN 37129 Director:

*Notice: Tested Positive Sept. 12, 2021
2. Then Quarantine 14 days til Sept. 27, 2021
I tested Negative. Court Order Decree
was filed on Sept. 28, 2021 While I had
Covid-19 and was in Quarantine at that time
I did not travel out of TN (all of travel)*

STATE OF SOUTH CAROLINA)
COUNTY OF Charleston)

IN THE MATTER OF:)
Estate of Avery Gardner Jr.)
(Decedent))

Tina Gordon A.K.A. Tina Colson)
Appellant(s),)

vs.)

Pamela Anne Mills)
Respondent(s).)

IN THE CIRCUIT COURT

Appeal from Probate Court for Charleston County

CASE NUMBER: 2021CP

Civil Action: 2021-CP-10-01038

NOTICE OF INTENT TO APPEAL TO
CIRCUIT COURT

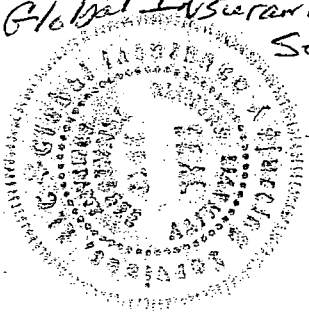
RECEIVED

OCT 22 2021

SC Court of Appeals

Pursuant to SCPC 62-1-308, Appellant hereby provides his/her/its Notice of Appellant's Intent to Appeal the Order/Sentence/Decree of the Probate Court dated September 28th, 2021. Said Order/Sentence/Decree was received by the Appellant or Appellant's counsel on October 8th, 2021. A copy of said Final Order is attached.

SWORN to before me this 19th
day of October, 2021
Margaret Trevino
Notary Public for: Margaret Trevino
My Commission Expires: 03/18/2022
Global Insurance Adjusting Services, LLC



Relationship to Decedent/Estate: Heir

Respectfully submitted,

Signature: Tina Colson
Print Name: Tina Gordon A.K.A. Tina Colson
Address: 3601 Asbury LN
Murfreesboro, TN 37129
(Home): (615) 429-6265 415-890-2564
(Cell):
Email: thebellecollection@gmail.com

Attorney: N/A
Address: _____
Telephone: _____
Email: _____

FILED
2021 OCT 22 AM 9:55
JULIE J. ARMSTRONG
CLERK OF COURT

IMPORTANT:

1. This Notice must be filed with the Probate Court, the Circuit Court, and all parties not in default within ten (10) days after receipt of written notice of the appealed-from order, sentence, or decree of the Probate Court. Parties must comply with requirements set forth in SCPC 62-1-308.
2. This form is not intended for appeals other than appeals to the County Circuit Court. An Appeal to a Court other than the County Circuit Court must follow SCPC 62-1-308(I) and the South Carolina Appellate Court Rules, as applicable.

STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF: Charleston

PROOF OF DELIVERY

IN THE MATTER OF: Estate of Avery Gardner Jr.
(Decedent)

CASE NUMBER: 2021CP

and Tina Colson (Heir)

Civil Action: 2021-CP-10-0103

On the 20 day of October, 2021 mailed or delivered the following document(s):

To the U.S. Postal Mail to the list below and with signature receipt requested.

A copy of which is attached hereto and incorporated herein, or
 The original of which is on file with the Court.

Delivery was accomplished by the following method (check appropriate box):

- personal delivery
- certified mail
- commercial delivery
- ordinary first-class mail
- registered mail
- electronic message (Article 7, Trust matters only)

to each of the following persons at the address shown:

FILED
2021 OCT 22 AM 9:35
JULIE J. ARMSTRONG
CLERK OF COURT

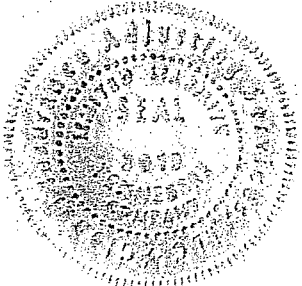
NAME	ADDRESS
<u>Pamela Ann Mills - Respondent</u>	
<u>Weeks & Irvin Law Firm</u>	
<u>To Attorney Bar No. SC:100980</u>	

<u>3 Petitioner</u>	<u>Abby M. Robertson</u>	<u>8086-B. Rivers Ave. North Carolina, SC</u>
	<u>1-843-553-9800</u>	<u>294106 AKA. 294106</u>

SWORN to before me this 21 day of October, 2021

Margaret Mervine
Notary Public for South Carolina
My Commission Expires: 3/18/22

Signature: Tina Gordon AKA. Tina Colson
 Print Name: Tina Gordon
 Address: 3101 Asbury Lane
Marbleboro, NC, 27129
 Telephone (Work):
 (Home): 615-890-2564
 (Cell): 615-429-6265
 E-mail: thebellecollection@gmail.com
 Relationship to Decedent/Estate: Heir / Self



Note: Please forward a Copy to Pamela Anne Mills home address

as a 2001 copy of a certification in this matter

STATE OF SOUTH CAROLINA)
COUNTY OF: Charleston)

IN THE PROBATE COURT

DEMAND FOR HEARING (ESTATES ONLY)
Pursuant to Notice of Right to Demand Hearing

IN THE MATTER OF Estate of Avery Gardner Jr.
(Decedent)

CASE NUMBER: 2021CP

Civil Action: 2021CP-10-01038

RECEIVED

OCT 22 2021

Pursuant to SCPC 62-3-1001, I demand a hearing in the above-referenced estate.

The estate issues I would like addressed are (Sept. 12, 2021 - Sept. 28, 2021) Thank Your Honor, DUSC Court on Appeals Had Covid-19 AND HAD TO BE QUARANTINE and couldn't attend My Sept. 28, Court date. I ask to reopen case with my Appeal and allow for the laws of South Carolina to be their job and may justice prevail.

(attach additional sheets if necessary)

Executed this 20th day of October, 2021

Signature: Tina Gordon / Tina Colson
Print Name: Tina Gordon / Tina Colson
Address: 3607 Asbury Lane
Murfreesboro, TN 37129

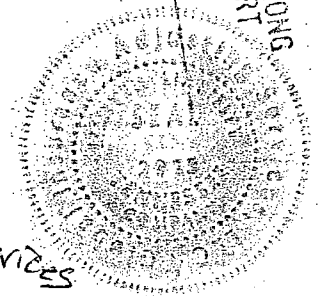
Telephone (Work): _____
(Home): 615-890-2564
(Cell): 615-429-6265
Email: thebelcollection@gmail.c

Relationship to Decedent/Estate: Heir / Self

Attorney: _____
Address: _____
Telephone: _____
Email: _____

FILED
2021 OCT 22 AM 9:35
JULIE J. ARMSTRONG
CLERK OF COURT

Margaret Trevino
Notary Public
Margaret Trevino
Global Insurance Adjusting Services
3/18/2021



STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF Charleston

IN THE MATTER OF:

(Decedent)

NOTICE OF RIGHT TO DEMAND HEARING

CASE NUMBER:

2021-CP

Estate of Avery Gardner Jr.

Civil Action = 2021-CP-90-01038

As an interested person in the above Estate, you are hereby notified that the documents necessary to close this Estate have been or are now being provided to you. These documents are the full Accounting (if applicable) for this Estate, the Proposal for Distribution (if applicable), and the Application for Settlement. The Personal Representative is required to file with the Court proof that these documents and this Notice have been sent to you.

From the date this proof is filed with the Court, YOU HAVE THIRTY (30) DAYS TO DEMAND IN WRITING A HEARING (use FORM 113ES) concerning any matter included in these closing documents.

If you do not file WITH THE COURT written demand for hearing (on FORM 113ES) within this time period, the Court may enter such orders on such conditions as may be requested and as the Court deems appropriate.

If you do file a written demand for hearing (use FORM 113ES) within this time period, a hearing date will be set, and Notice of Hearing will be sent to you.

The address of the Court is:

RECEIVED

OCT 22 2021

SC Court of Appeals

Executed this 20th day of October, 2021

Personal Representative Signature:

Print Name:

Address:

Telephone (Work):

(Home):

(Cell):

Email:

Tina Gordon "AKA" Tina Colson
3601 Ashbury Lane
Murfreesboro, TN 37129
615-890-2564
615-429-6268
thebellecollection@gmail.com

Co-Personal Representative Signature:

Print Name:

Address:

Telephone (Work):

(Home):

(Cell):

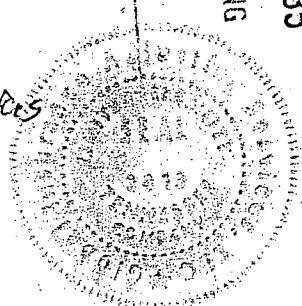
Email:

Margaret Trevino
Global Insurance Adjusting Services LLC
Margaret Trevino

Commission Exp. 3/18/2022

Notary Public

2021 OCT 22 AM 9:35
JULIE J. ARISTON
CLERK OF COURT



STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

IN THE MATTER OF:)
ESTATE OF AVERY GARDNER JR.)
(Decedent))

IN THE PROBATE COURT

WAIVER OF BOND

CASE NUMBER: 2021-CP-10-01038

FILED
2021 OCT 22 AM 9:36
JULIE J. ARMSTRONG
CLERK OF COURT

The undersigned states as follows:

I am an

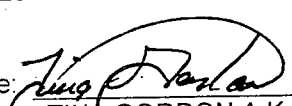
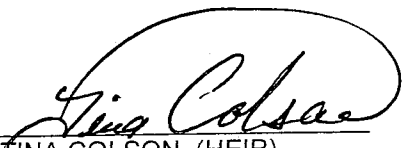
- Heir or beneficiary of the Estate;
- Interested party other than a creditor of the Estate;

and I hereby request that the Court waive bond:

- for any person appointed to administer this Estate
- for TINA GORDON A.K.A. TINA COLSON (HEIR)
(name of proposed Personal Representative)

Executed this 20 day of October, 2021.

SWORN to before me this 20day of
OCTOBER, 2021

Signature:  

Print Name: TINA GORDON A.K.A. TINA COLSON (HEIR)

Address: 3601 ASBURY LANE
MURFREESBORO, TN 37129

Telephone (Work): _____

(Home): _____

(Cell): (615) 429-6265

Email: THEBELLECOLLECTION@GMAIL.COM

Relationship to Decedent/Estate: HEIR BY LAST WILL

Notary Public for South Carolina
My commission expires:

STATE OF SOUTH CAROLINA
COUNTY OF Charleston

IN THE MATTER OF:
Estate of Avery Gardner Jr.

Decedent Alleged Incapacitated Individual
 Minor Other: _____

▲ PROBATE COURT USE ONLY ▲

IN THE PROBATE COURT

CASE NUMBER 2021CP-GC- 100 - 1038

SUMMONS

Tina Gordon A.K.A. Tina Colson (Hetr)
Petitioner(s),
vs.
Pamela Anne Mills Personal Representative of
the Estate of Daniel Nathaniel Infinger, III A.K.A. Dan N.
Respondent(s). * Infinger A.K.A. Danny N. Infinger

Civil Action: 2021-SP-10-
-0103.

*For Guardianship/Conservatorship matters, you must include the alleged incapacitated individual as a Respondent.

TO THE RESPONDENT(S) LISTED ABOVE:

YOU ARE HEREBY SUMMONED and required to Answer the Petition in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer upon the Petitioner(s) listed above at the following address(es):

Please Type or Print.

Tina Gordon A.K.A. Tina Gordon

Tina Gordon AKA Tina Colson

(Name of Petitioner/Attorney for Petitioner)

3601 Asbury Lane

(Street Address or Mailing Address)

Murfreesboro, TN 37129

(City, State, and Zip Code)

615-429-6265 - 615-890-2564

Your Answer must be served on the Petitioner at the above address within **thirty (30) days** after the service of this Summons and Petition upon you, exclusive of the day of such service; and if you fail to answer the Petition within that time, judgment by default will be rendered against you for the relief demanded in the Petition.

FILED
2021 OCT 22 AM 9:55
JULIE J. ARMS, JUDGE
CLERK OF COURT

Self Rep. Tina Gordon/Tina Colson
Signature of Petitioner(s)/Attorney for Petitioner(s)

Date: Oct. 20, 2021



Note: I was only notified 1 time by reg. us. mail from my counsel.

KELLEY YARBOROUGH WOODY
ATTORNEY AT LAW, LLC

P.O. Box 6432 • COLUMBIA • SOUTH CAROLINA • 29260 • KWOODY@KELLEYWOODY.COM
803-787-9678 (PHONE) 803-787-9743 (FAX)

March 25, 2021

Marian Alviar
535 King Charles Circle
Summerville, SC 29485

Tanya Gardner
7501 Peppercorn Lane, Apt. D4
North Charleston, SC 29420

Tina Colson
3601 Asbury Lane
Murfreesboro, TN 37129

Henry Thomas, Sr.
121 Allspice Drive
Summerville, SC 29483

Cynthia Gardner
Jesse Gardner
1516 McCurdy Road
Benton, AR 72019

Jayne Schurlknight
2400 Vagas Street
Dallas, TX 75219

Kristian Gardner
Trinity Gardner
3458 Forest Road
Bethel Park, PA 15102

Delecta Stokes
648 Griffith Acres Drive
Cottageville, SC 29435

Re: Pamela Anne Mills v. Avery Gardner, Sr., deceased, et al
Civil Action: 2021-CP-10-01038

Dear Ladies and Gentlemen:

I am the Court appointed Guardian ad Litem for **Unknown** Defendants including any unknown minors, incarcerated, or imprisoned in the above-referenced action only. I am also the appointed Attorney for any **Unknown** Defendants who may be in the military service. I will file an Answer on behalf of these defendants.

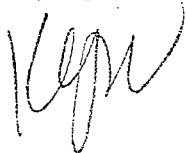
This action seeks to quiet (confirm) the title to property known as 4171 S. Rhett Avenue and 4177 S. Rhett Avenue, Charleston County, South Carolina in the Estate of Daniel Nathaniel Infinger III. The subject property was formerly owned by Avery Gardner (deceased). This action will terminate any interest in the subject property that may be held by any heirs or devisees of Avery Gardner and any other person or entity claiming any right therein.

According to the Complaint, Avery Gardner contracted to sell the subject property to Daniel N. Infinger III. Payment was made, however, there was never a deed recorded in which Avery Gardner conveyed the subject property to Daniel N. Infinger III.

Patsy Gardner (deceased), Avery Gardner, Jr. (deceased), and Avery Gardner III (deceased) are the only known heirs of Avery Gardner. Thomas Henry, Sr., Avery Gardner III, Marian Alviar, Delecta Stokes, and Jane Schurlknight are the only known heirs of Patsy Gardner. Nathan Gardener, Kristian Gardner, and Trinity Gardner are the only known heirs of Avery Gardner III. Cynthia Gardner, Tanya Gardner, Tina Colson, and Jesse Gardner are the only known heirs of Avery Gardner, Jr.

Please contact me with any information you may have as to other heirs or anyone else or any who may claim an interest in the subject property.

Sincerely,
Kelley Y. Woody



Mark W. Weeks
Robert L. Irvine, III
Joseph W. Kessinger
M. Eric Kempson
Michael H. Shumaker
W. Christopher Haynes


Weeks & Irvine, LLC
ATTORNEYS AT LAW

J. Marshall Milligan
Lenord Mitchum
Abby M. Robertson
Douglas Laflin
Thomas L. Teiken
Michael Browder

North Charleston (843) 553-9800 • Goose Creek (843) 553-9100 • West Ashley (843) 571-2996
Summerville (843) 875-7111 • Mt. Pleasant - (843) 856-9800

If you are represented by an Attorney for this matter, please forward this communication to your Attorney.

September 30, 2021

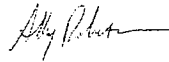
RE: 4171 & 4177 S. Rhet Avenue, North Charleston, SC
Charleston County Case Number 2021CP1001038
Quiet Title Action – Quiet Title & Confirm Contract of Sale

To: Those Defendants Named Therein:

Pursuant to the hearing on September 28, 2021, an Order has been issued in the above referenced matter. A copy is enclosed for you here.

This concludes the matter.

Best Regards,



Abby M. Robertson, Esq.

ATTN:
Probate Judge.
Alert Mr. Irvin G. Condon

I contacted 2 Times by the Plaintiff's

Attorney Abby M. Robertson Esq. 1-Time U.S. Ma
2-Time I was

Regarding Case No. - 2021CP certified lett.

Pamela Anne Mills vs. Avery Gardner, Jr

Civil Action No. 2021-CP-01038

Mark W. Weeks
Robert L. Irvine, III
Joseph W. Kessinger
M. Eric Kempson
Michael H. Shumaker
W. Christopher Haynes


Weeks & Irvine, LLC
ATTORNEYS AT LAW

J. Marshall Milligan
Lenord Mitchum
Abby M. Robertson
Douglas Laflin
Thomas L. Teiken
Michael Browder

North Charleston (843) 553-9800 • Goose Creek (843) 553-9100 • West Ashley (843) 571-2996
Summerville (843) 875-7111 • Mt. Pleasant - (843) 856-9800

If you are represented by an Attorney for this matter, please forward this communication to your Attorney.

March 11, 2021

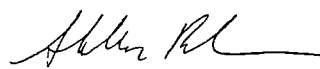
RE: 4171 & 4177 S. Rhett Avenue, North Charleston, SC
Charleston County Case Number 2021CP1002038
Quiet Title Action – Quiet Title & Confirm Contract of Sale

To: Those Defendants Named Therein:

I have been retained to represent the Estate of Daniel N. Infinger, III for the purpose of filing a Quiet Title Action in the Charleston County Court of Common Pleas in order to confirm his ownership of property located at 4171 and 4177 S. Rhett Avenue. The late Mr. Infinger purchased this property from Avery W. Gardner by a Contract of Sale dated June 26, 1979. This agreement was filed at the Register of Deeds Office, however, there has never been a conveyance from Avery W. Gardner to Mr. Infinger. As such, his ownership of the property is not clear. Because Mr. Avery W. Gardner has passed, I have named each of you as his heirs who would have inherited his interest in any property that he owned.

Enclosed you will find a Summons, Complaint and lis pendens, as well as several Exhibits. The Summons provides information regarding any answer that you may wish to file with the Court. While I do not represent you and cannot give you legal advice, I would like to answer any questions that you have about the process.

Best Regards,


Abby M. Robertson, Esq.

the day of such service, and if you fail to answer the Complaint, judgment by default will be rendered against you for the relief demanded in this Complaint. Your answer must be in writing and signed by you or your attorney and must state your address or the address of your attorney, if signed by your attorney.

TO SUCH OF THE DEFENDANTS IN THE ABOVE ACTION named as John Doe and Jane Doe, Richard Roe and Mary Roe, whom may be infants, insane persons, incompetents and persons in the military service of The United States of America: PLEASE TAKE NOTICE that you may apply for the appointment of a guardian ad litem within thirty (30) days after the service of this Summons & Notice, Lis Pendens and Complaint upon you. If you fail to do so, application for such appointment will be made by the Plaintiff herein.

FURTHER YOU WILL PLEASE TAKE NOTICE, that should you fail to answer the foregoing summons, the Plaintiff will move for an Order of Reference of this cause to the Master-In-Equity for Charleston County, which Order shall, pursuant to Rule 53 of the South Carolina Rules of Civil Procedure and §14-11-85 Code of Laws of South Carolina, 1976, as amended, specifically provide that the said Master-in-Equity is authorized and empowered to enter a final judgment in this case, which judgment shall be appealable to the South Carolina Court of Appeals in accordance with §14-11-85, Code of Laws of South Carolina, 1976, as amended.

s/ Abby M. Robertson
SC Bar No.: 100980
Attorney for Petitioner
8086-B Rivers Avenue
North Charleston, SC 29406
843-553-9800

Charleston, SC
February 1, 2021

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS

Case No. 2021CP _____

Pamela Anne Mills, Personal Representative)
of the Estate of Daniel Nathaniel Infinger, III)
A.K.A. Dan N. Infinger A.K.A. Danny N.)
Infinger,)
Plaintiff,)

vs.)

COMPLAINT
Non-Jury
Quiet Title

Avery W. Gardner, Sr., deceased, Marian)
Alviar, Tina Colson, Cynthia Gardner, Jesse)
Gardner, Kristian G. Gardner, Nathan A.)
Gardner, Tanya Gardner, Trinity L. Gardner,)
Thomas A. Henry, Sr., Jayne H.)
Schurknight, Delecta H. Stokes, Patsy)
Gardner, deceased, Avery W. Gardner, III,)
deceased, and John Doe and Jane Doe, as)
fictitious names representing unknown heirs,)
distributees, devisees, personal)
representatives, successors and assigns of)
Avery W. Gardner, Sr., Patsy Gardner, Avery)
W. Gardner, III, deceased, and all other)
defendants who may be deceased, and all)
other persons unknown claiming any right,)
title, interest, estate or lien upon the real)
estate described in this Complaint; and)
Richard Roe and Mary Roe as fictitious)
names representing incompetents, minors,)
persons in military service to the United)
States of America, and persons under any)
other legal disability whose true names are)
unknown;)
Defendants.)

The Plaintiffs above-named, complaining of the Defendants herein, allege that:

Parties and Jurisdiction

1. That Daniel Nathaniel Infinger, III A.K.A. Dan N. Infinger A.K.A. Danny N. Infinger, (hereinafter "Daniel N. Infinger, III") died Testate in Berkeley County. His Estate is probated bearing Berkeley County Probate Case Number 2020ES08-346. Certified copies have been filed in Charleston County bearing Case Number 2021ES1000264.

2. That Pamela Annee Mills is the duly appointed Personal Representative of the Estate of Daniel N. Infinger, III.

3. Upon information and belief, Defendants Marian Alviar, Tanya Gardner, Thomas A. Henry, Sr., and Delecta H. Stokes are residents of the State of South Carolina.

4. Upon information and belief, the remaining Defendants are residents of various other states.

5. The real property which is the subject of this action (hereinafter "subject property") is located in Charleston County, South Carolina, and consists of six lots commonly known as 4171 S. Rhett Avenue and 4177 S. Rhett Avenue which are more fully described as follows:

All those six lots, pieces or parcels of land, with the buildings and improvements thereon, situate, lying and being in Charleston County, State aforesaid, known and designated as Lots 9, 10, 17, 18, 19 and 20, Block 43, North Charleston, as shown on a General Map of Resubdivision of North Charleston, made February, 1925, by James O'Hear, C.E., and recorded in section in the R.M.C. Office for Charleston County in Plat Book E, pages 239 and 242, inclusive, the said lots being found on section #1 of said map, recorded at page 239, and have such location, shape, metes and bounds as are shown on the said map, to which reference is hereby made for a fuller description.

TMS # 470-12-00-040 & 470-12-00-041

6. Because the Property is located in Charleston County, jurisdiction for this matter is properly set in Charleston County.

7. Due to the lack of Probate Estates or Determination of Heirs for certain Defendants, the Plaintiff has included as Defendants John Doe and Jane Doe, as fictitious names

representing unknown heirs, distributees, devisees, personal representatives, successors and assigns of Avery W. Gardner, Sr., Patsy Gardner, and Avery W. Gardner, Jr., deceased, and all other defendants who may be deceased, and all other persons unknown claiming any right, title, interest, estate or lien upon the real estate described in this Complaint; and Richard Roe and Mary Roe, as fictitious names representing incompetents, minors, persons in military service to the United States of America, and persons under any other legal disability whose true names are unknown.

8. The Plaintiff brings this claim against the above named Defendants pursuant to the provisions of the "Uniform Declaratory Judgment Act" of §15-53-10, Code of Laws of South Carolina, 1976, as amended, for the purpose of obtaining a determination from this Court that the Plaintiff is the rightful owner of the Property.

9. The Plaintiff further brings this claim against the above named Defendants pursuant to §15-67-10, Code of Laws of South Carolina, 1976, as amended, to determine adverse claims, if any, to the Subject Property and to quiet title thereto in the names of the Plaintiff.

1stCause of Action - Quiet Title

(All of the foregoing allegations are incorporated into this Cause of Action as if fully set forth below.)

10. Upon information and belief, the subject property was devised to Avery W. Gardner by his wife, Annie K. Gardner, who died estate on September 12, 1974. Her Estate was probated in Charleston County bearing Probate Case Number 77-365. A copy of her Will and the Devise & Descent of Real Property are filed herewith as Exhibit 1.

11. Upon information and belief, the subject property was the sold to Daniel N. Infinger, III, subject to that "Contract of Sale" of Avery W. Gardner dated June 26, 1979 and

recorded on June 29, 1979 in Deed Book P119 at Page 372. A copy of the Contract is filed herewith as Exhibit 2.

12. Upon information and belief, the Contract of Sale provided that the sales price was \$27,500.00 and that payments were made beginning August 1, 1979 for a period of 72 months.

13. Upon information and belief, Daniel N. Infinger, III made a deposit of \$4,000.00 on the signing of the agreement and made the \$325.00 monthly payments.

14. Upon information and belief, the purchase price for the property has been paid in full.

15. Upon information and belief, there has never been a Deed to convey the legal title to the subject property to the purchaser.

16. Upon information and belief, more than 72 months have passed since the signing of the agreement.

17. Upon information and belief, the lack of a conveyance of legal title has caused a cloud on title prohibiting the Plaintiff from fully administering the decedent's Estate.

18. Upon information and belief, the Charleston County Tax Assessor provided Daniel N. Infinger, III as the owner of the property as of 1984. This is shown on the old real property cards which are filed as Exhibit 3.

19. Upon information and belief, the Plaintiff is entitled to an Order confirming title to the subject property in the Estate of Daniel Nathaniel Infinger, II A.K.A. Dan N. Infinger A.K.A. Danny N. Infinger having fully paid the purchase price over thirty (30) years ago.

20. Upon information and belief, Avery W. Gardner a.k.a. Avery W. Gardner, Sr. died intestate in August 24, 2001, leaving as his heirs his spouse, Patsy Gardner, and his two

children, Avery W. Gardner, Jr. and Avery W. Gardner, III.

21. Upon information and belief, Patsy Gardner died intestate on April 10, 2006. She left as her heirs her children, Thomas A. Henry, Sr., Avery W. Gardner, III, Marian Alviar, Delecta H. Stokes and Jayne H. Schurlknight. A copy of her obituary is filed as Exhibit 4.

22. Upon information and belief, Avery W. Gardner, III died intestate on June 28, 2016 leaving as his heirs his children, Nathan A. Gardner, Kristian G. Gardner, and Trinity L. Gardner. His Estate was probated in Colleton County bearing Case Number 2017ES1500121. A copy of the Application for Appointment is filed as Exhibit 5.

23. Upon information and belief, Avery W. Gardner, Jr. died intestate on February 15, 2018 leaving as his heirs his wife, Cynthia Gardner, and his children, Tanya Gardner, Tina Colson, and Jesse Gardner. A copy of his obituary is filed as Exhibit 6.

24. Upon information and belief, there has never been a Probate Administration or Determination of Heirs for Avery W. Gardner, Sr., Patsy Gardner, or Avery W. Gardner, Jr.

25. Upon information and belief, the lack of a Probate Administration or Determination of Heirs for those parties listed, as such, neither a deed nor other instrument of conveyance was ever recorded to the heirs of those parties, there could potentially exist a cloud on the title of the real estate described herein prohibiting good, marketable fee simple title in the aforesaid property in the name of the Plaintiff in that one or more of the Defendants could potentially claim some estate, title, right, lien or interest in and to the said property adverse to that of the Plaintiff.

26. Upon information and belief, Plaintiff is entitled to an Order confirming the heirs of Avery W. Gardner, Sr., as Patsy Gardner, Avery W. Gardner, Jr., and Avery W. Gardner, III.

27. Upon information and belief, Plaintiff is entitled to an Order confirming the heirs

of Patsy Gardner as Thomas A. Henry, Sr., Marian Alviar, Delecta H. Stokes, and Jayne H. Schurlknight.

28. Upon information and belief, Plaintiff is entitled to an Order confirming the heirs of Avery W. Gardner, Jr. as Cynthia Gardner, Tanya Gardner, Tina Colson, and Jesse Gardner.

29. Plaintiff has, therefore, joined herein as Defendants, John Doe and Jane Doe, adults, and Richard Roe and Mary Roe, infants insane persons, incompetents, and persons in the Military Service of the United States of America, being fictitious names designating as a class any unknown person or entity who may be an heir, distribute, devisee, legatee, widower, widow, assign, administrator, executor, creditor, successor, personal representative, issue or alienee of any of the said decedents and any and all other persons or legal entities, known and unknown, claiming any right, title, interest or estate in or lien upon the parcel of real estate described in the Lis Pendens, in order to quiet any potential interests in the subject property.

30. It is proper for the Court to appoint a guardian ad litem for those unknown Defendants during the pendency of this matter to protect any interests such persons may have in the Property.

31. Plaintiff is informed and believes that the claims of the Defendants, if any, are without any right whatsoever and further that the said Defendants have no valid interest in the Property due to their predecessor in interest conveying all of their right, title and interest in the property to the Plaintiff's predecessor in interest by that Contract for Sale which has been paid in full.

32. That in order to remove any question as to the Plaintiff's title, the Plaintiff asks this Honorable Court to issue an Order declaring and adjudging that they own the aforesaid property absolutely and in fee simple and that they are entitled to quiet and peaceable possession

of the same to the exclusion of the Defendants named herein and any other person who may claim any right, title or interest in the property.

WHEREFORE, Plaintiffs pray as follows:

- a. For appointment of a guardian or guardians ad litem to protect the interests of those persons within the class designated as John Doe and Jane Doe, as well as persons within the class designated as Richard Roe and Mary Roe.
- b. That this matter be referred to the Master in Equity for Charleston County with any appeal therefrom to the South Carolina Supreme Court;
- c. For an Order confirming and quieting title to the subject Property in the Plaintiff;
- d. For an order of this Court that each of the Defendants including any John Doe, Jane Doe, Richard Roe, and/or Mary Roe Defendants be barred and forever divested of any and all right, title, interest, estate, claim, or lien of any kind in and to the Property;
- e. That the Court issue a Master's Deed naming the Defendants as Grantor and Plaintiff as Grantee;
- f. That the Order confirming and quieting title to the Property in the Plaintiff be recorded in the Charleston County Register of Deeds Office; and
- g. For such other and further relief as the Court may deem just and proper.

Weeks & Irvine, LLC

s/ Abby M. Robertson
SC Bar No.: 100980
Attorney for Petitioner
8086-B Rivers Avenue
North Charleston, SC 29406
843-553-9800

Charleston, SC
March 3, 2021

ELECTRONICALLY FILED - 2021 Mar 03 4:01 PM - CHARLESTON - COMMON PLEAS - CASE#2021CP1001038

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON)

Case No. 2021CP _____

Pamela Anne Mills, Personal Representative)
of the Estate of Daniel Nathaniel Infinger, III)
A.K.A. Dan N. Infinger A.K.A. Danny N.)
Infinger,)
Plaintiff,)

vs.)

LIS PENDENS
Non-Jury
Quiet Title

Avery W. Gardner, Sr., deceased, Marian)
Alviar, Tina Colson, Cynthia Gardner, Jesse)
Gardner, Kristian G. Gardner, Nathan A.)
Gardner, Tanya Gardner, Trinity L. Gardner,)
Thomas A. Henry, Sr., Jayne H.)
Schurlknight, Delecta H. Stokes, Patsy)
Gardner, deceased, Avery W. Gardner, III,)
deceased, and John Doe and Jane Doe, as)
fictitious names representing unknown heirs,)
distributees, devisees, personal)
representatives, successors and assigns of)
Avery W. Gardner, Sr., Patsy Gardner, Avery)
W. Gardner, III, deceased, and all other)
defendants who may be deceased, and all)
other persons unknown claiming any right,)
title, interest, estate or lien upon the real)
estate described in this Complaint; and)
Richard Roe and Mary Roe as fictitious)
names representing incompetents, minors,)
persons in military service to the United)
States of America, and persons under any)
other legal disability whose true names are)
unknown;)
Defendants.)

NOTICE IS HEREBY GIVEN that an action has been commenced and is now pending
before this Court upon Complaint of the above named Plaintiff against the above named

Defendants, seeking to quiet title, which property was, at the time of the commencement of this action and at all times thereafter, including the date of the filing of this notice, situate in Charleston County, South Carolina, and more fully described as follows, to wit:

All those six lots, pieces or parcels of land, with the buildings and improvements thereon, situate, lying and being in Charleston County, State aforesaid, known and designated as Lots 9, 10, 17, 18, 19 and 20, Block 43, North Charleston, as shown on a General Map of Resubdivision of North Charleston, made February, 1925, by James O'Hear, C.E., and recorded in section in the R.M.C. Office for Charleston County in Plat Book E, pages 239 and 242, inclusive, the said lots being found on section #1 of said map, recorded at page 239, and have such location, shape, metes and bounds as are shown on the said map, to which reference is hereby made for a fuller description.

TMS # 470-12-00-040 & 470-12-00-041

Property Address: 4177 & 4171 S. Rhett Ave., N. Charleston, SC 29405

Weeks & Irvine, LLC

s/ Abby M. Robertson
SC Bar No.: 100980
Attorney for Petitioner
8086-B Rivers Avenue
North Charleston, SC 29406
843-553-9800

**CHARLESTON COUNTY
PROBATE COURT**

FILE #

77-365

FILE OF:

Gardner, Annie K.

Fiduciary:

Gardner, Avery W.

Date:

May 11, 1977

- Testate Estate
- Intestate Estate
- General Guardianship
- Committeeship

Last Will and Testament of

I, ANNIE K. GARDNER, of the County of Charleston, State of South Carolina, being of sound and disposing mind and memory and desiring to make such disposition of my worldly estate as I deem best, DO HEREBY MAKE, PUBLISH AND DECLARE THIS TO BE MY LAST WILL AND TESTAMENT, hereby revoking and cancelling any and all former Wills and Codicils whatever made by me.

ONE: I direct that all my just debts and funeral expenses be paid out of my estate as soon after my decease as conveniently may be.

C.S.
TWO: I give, devise and bequeath all of my property, real, personal and mixed, of whatsoever it may consist and where-soever it may be situate, of which I may die seized and possessed or to which I may be entitled at the time of my death, unto my beloved husband, Avery W. Gardner.

W.F.G.
no 1
THREE: In the event my said husband, Avery W. Gardner, should predecease me or if we both should perish together in a common disaster, then in either event I bequeath the sum of \$100.00 to my daughter, Annie Lee Wise Paul, I also bequeath the sum of \$100.00 to my son James Arthur Wise.

FOUR: All the rest, residue and remainder of my estate, real, personal and mixed, of whatsoever it may consist and where-soever it may be situate, of which I may die seized and possessed or to which I may be entitled at the time of my death, I hereby bequeath to my son, Avery William Gardner, Jr., his heirs and assigns forever.

FIVE: I nominate, constitute and appoint my beloved

husband, Avery W. Gardner, to serve as Executor of this my Last Will and Testament. If for any reason my said husband, Avery W. Gardner should be unable to serve in this capacity, then in that event I nominate, constitute and appoint the First National Bank to serve as Executors in his place and stead.

u x 4
2

^{6th} IN WITNESS WHEREOF, I have hereunto set my Hand and Seal this ~~21st~~ day of October, 1966, at Charleston Heights, South Carolina.

Annie K. Gardner
ANNIE K. GARDNER

SIGNED, SEALED, PUBLISHED AND DECLARED by the Testatrix, ANNIE K. GARDNER, as and for her Last Will and Testament, in the presence of us, who at her request and in her presence and in the presence of each other, all present together, have hereunto subscribed our names as witnesses.

Casper J. [Signature] ADDRESS North Char., S.C.
Ralph J. [Signature] ADDRESS Char. Hts., S.C.
Samuel H. Altman ADDRESS Chas Hts, S.C.

Last Will
and
Testament

of

ANNIE K. GARDNER

LEE & PADGETT
ATTORNEYS AT LAW
3418 RIVERS AVENUE
CHARLESTON HEIGHTS, S. C. 29405

COMPLIANT IN TRIPLICATE AND FILE WITH THE PROBATE COURT.
Where Property Is Located In Another County, File Separate Forms in Triplicate
For Each Such County.
(So. Car. Code References: Sections 15-481 and 60-158)

STATE OF SOUTH CAROLINA,

COUNTY OF CHARLESTON.

IN THE PROBATE COURT

DEVISE/DESCENT OF REAL ESTATE

AND DESCRIPTION

Estate Classification: TESTATE - Testamentary (77-365)

BY: ANNIE K. GARDNER

DECEASED OWNER -- AS GRANTOR

[Each Devisee/Heir-At-Law, or group thereof, must be shown as to each particular parcel or realty. Use a separate bracket for each separate realty. Also show the type of fee (title) and the fractional shares of interest as the same may pertain.]

TO:

DEVISEE/HEIR-AT-LAW

- AS GRANTEE -

DESCRIPTION

Briefly include sufficient information to designate and locate real estate, such as number of acres or lots, lot numbers, name of subdivision, street address, city or parish, county, etc.

AVERY W. GARDNER

Lots 9,10,17,18,19 and 20,
Block 43, North Charleston,
as shown on a General Map
of Resubdivision of North
Charleston, made February, 1925,
by James O'Hear, C.E., and
recorded in Sections in the
RMC Office for Charleston
County in Plat Book E,
Pages 239 to 242, inclusive,
the said lots being found on
Section #1, of said map, recorded
at page 239.

Being the same property conveyed to the Testatrix, Annie K. Gardner, by her former husband, Vance L. Wise, by deed dated October 4, 1948, which deed was duly recorded in the RMC Office for Charleston County in Book X49, Page 571, on October 6, 1948. Annie K. Gardner died testate on September 12, 1974, leaving her husband, the devisee herein, as her sole beneficiary.

Devisee's address

Mr. Avery W. Gardner
405 S. Rhett Ave.
North Charleston, SC 29405

FILED BY: Wheeler M. Tillman

AS Attorney

OF THE SUBJECT ESTATE.

Date: January 30, 19 78

BP 119 372

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON) CONTRACT OF SALE

THIS AGREEMENT made and concluded in North Charleston, Charleston County, South Carolina by and between AVERY W. GARDNER, hereinafter called "Seller" and DANIEL N. INFINGER, III., hereinafter called "Buyer" in which the Seller covenants to sell to the Buyer and the Buyer covenants to purchase from the Seller, upon the terms and conditions set forth below, the following described real property:

Handwritten initials: AWC
DNI

ALL these six lots, pieces or parcels of land, with the buildings and improvements thereon, situate, lying and being in Charleston County, State aforesaid, known and designated as Lots 9, 10, 17, 18, 19 and 20, Block 43, North Charleston, as shown on a General Map of Resubdivision of North Charleston, made February, 1925, by James O'Hear, C.E., and recorded in sections in the R.M.C. Office for Charleston County in Plat Book E, pages 239 and 242, inclusive, the said Lots being found on section #1 of said map, recorded at page 239, and have such location, shape, metes and bounds as are shown on the said map, to which reference is hereby made for a fuller description.

LOTS NOS. 9 and 10 are subject in all respects to all the reservations, covenants, conditions and limitations set forth in "Exhibit C", annexed to and made a part of the deed from North Charleston Corporation to Diedrich F. Mohring, dated May 20th, 1915, and recorded in the R.M.C. Office aforesaid in Book R-26, page 591, as fully in all respects as if embodied herein; LOTS NOS. 17, 18, 19 and 20 are subject in all respects to all the reservations, covenants, conditions and limitations set forth in a Declaration modifying Restrictions of a certain "Exhibit B" therein mentioned, made by North Charleston Holding Corporation, dated February 12th, 1942, and recorded in the R.M.C. Office aforesaid in Book M-41, page 580, as fully in all respects as if embodied herein;

Buyer's Address:

5466 Lauradell Ave.
North Charleston, S.C. 29406

MP 119 p. 372

BEING the same property devised unto the Seller by his former wife, ANNIE K. GARDNER, who died testate on September 12, 1974. Her Estate was duly probated in Charleston County, S.C., Case File No. 77-355.

TMS#470-12-00-40 Lots 17 & 18, Block 43
TMS#470-12-00-41 Lots 9, 10, 19 & 20, Block 43

*AWG
2/21/21*

TERMS OF SALE

The sales price is Twenty-Seven Thousand Five Hundred and No/100 Dollars (\$27,500.00), payable as follows:

1. The sum of Four Thousand and No/100 Dollars (\$4,000.00) is due and payable at the time of signing of this Contract of Sale, the receipt whereof is hereby acknowledged.

2. The remaining balance of Twenty-Three Thousand Five Hundred and No/100 Dollars (\$23,500.00) shall be payable, without interest, in equal monthly installments in the amount of Three Hundred Twenty-Five and No/100 Dollars (\$325.00) per month for seventy-two (72) months, and then the last payment for the seventy-third (73rd) month shall be in the amount of One Hundred and No/100 Dollars (\$100.00) commencing with the first payment on August 1, 1979, and continuing for each successive month thereafter until paid in full.

5. Seller represents to the Buyer that there is an outstanding and existing first mortgage lien against the within described real property which mortgage runs in favor of the South Carolina Department of Mental Health, in the original amount of Eleven Thousand Four Hundred Forty-Four and 90/100. Said mortgage, dated February 10, 1976, was duly recorded in the R.M.C. Office for Charleston County, S.C. on February 16, 1978, in Book Y114, page 377. The present outstanding indebtedness due under the terms

DP119 PL 372

and conditions of the said mortgage is Ten Thousand Two Hundred Forty-Four and 90/100 Dollars (\$10,244.90), at the time of the signing of this Contract of Sale. Said mortgage provides for equal monthly installments of Seventy-Five and No/100 Dollars (\$75.00) per month.

4. Seller represents to the Buyer that from the monthly payments due the Seller under the terms of this Contract of Sale, Seller agrees to make the mortgage payment of Seventy-Five and No/100 Dollars (\$75.00) per month to the South Carolina Department of Mental Health, retaining Two Hundred Fifty and No/100 Dollars (\$250.00) toward the purchase of the Seller's equity in the within described real property. Seller and Buyer agree that the Seller's equity is valued at Thirteen Thousand Two Hundred Fifty-Five and 10/100 Dollars (\$13,255.10). After first applying the sum of Two Hundred Fifty and No/100 Dollars (\$250.00) toward the reduction of the price of the Seller's equity, the Seller further represents to the Buyer that, after being paid in full for the price of the Seller's equity, then the entire amount of Three Hundred and Twenty-Five and No/100 Dollars (\$325.00) per month, which is due and payable under the terms of this Contract of Sale shall be paid over to the South Carolina Department of Mental Health toward the payment of the outstanding indebtedness due under the terms and conditions of the said Department's within described real estate mortgage.

TITLE

5. The Seller will make, execute and deliver unto the Buyer a General Warranty Deed conveying title to the premises herein in fee simple upon the payment in full

SA7119 PG 372

of the purchase price as it appears and is payable under the terms and conditions of this Contract of Sale.

ASSIGNMENT

6. This Contract of Sale is between the parties herein. It is expressly understood and agreed by and between the parties that this Contract of Sale cannot be assigned, transferred, set over or conveyed by the Buyer. The assignment, etc. is prohibited and shall constitute a breach hereof.

AWG
3/3/21

TAXES

7. All 1979 real property taxes pertaining to the said premises will be prorated between the parties as of the date of the signing of this Contract. The Seller will pay the taxes through the date of the signing of this Contract and the Buyer will pay the taxes thereafter to the end of the taxable year. Thereafter, and continuing during the term of this Contract, the Buyer shall pay all taxes and assessments upon the said premises when the same shall first become payable. The failure of the Buyer to pay all taxes and assessments upon the said premises shall constitute a breach hereof.

DEFAULT

8. Time is of the essence. If the Buyer fails to make any payment hereunder when the same shall become due, the Seller may declare the unpaid balance of the purchase price with all accrued interest thereon due and payable to the Seller without further notice. The failure to exercise this option shall not constitute a waiver of the right to exercise the same in the event of any subsequent default.

EXP 119 11 372

BREACH

9. By the terms of this agreement, the aforesaid conditions constitute what is contemplated by the parties as a breach hereof in addition to those conditions hereafter set forth:

10. In the event the Buyer fails to pay taxes and/or assessments upon the premises when the same shall become due, the Seller may cause the same to be paid, together with all penalties and costs incurred thereon, and be entitled to the prompt reimbursement thereof together with interest at the rate of twelve percent (12%) per annum plus a fee of One Hundred and No/100 Dollars (\$100.00) in costs. The failure of the Buyer to promptly and within thirty (30) days after demand to reimburse Seller for the taxes, etc. paid shall constitute a forfeiture of this Contract herein.

11. In the event the Buyer files a Petition in Bankruptcy, or is involuntarily adjudged a Bankrupt, the same shall constitute a forfeiture of this Contract herein.

LEGAL PROCEEDINGS

12. It is agreed between the parties that should legal proceedings be instituted for any purpose due to Buyer's default, breach or forfeiture hereof, or should a Petition in Bankruptcy be filed by or against the Buyer, or should the debt for the purchase price hereof be placed in the hands of an attorney at law for collection, by suit or otherwise, that all costs and expenses incurred by the Seller, including legal fees of not less than fifteen percent (15%) of the amount involved shall thereupon become due and payable as a part of the debt for the purchase price, and may be recovered and collected hereunder.

Handwritten initials or mark.

BP119 PC 372

DAMAGES

13. It is agreed between the parties, that should legal proceedings be instituted to foreclose the Buyer's equity of redemption if any, hereunder all sums of money paid toward the purchase price, including all interest paid shall be deemed as liquidated damages for the breach. The Buyer shall be liable to make all additional payments as hereunder during the pendency of any legal proceedings so long as Buyer remains in possession of the premises. The failure to make such later payments will permit the Seller to have a Receiver appointed by the Court and have such Receiver empowered to either collect such additional payments or to have the Buyer evicted from the premises.

Handwritten initials

ATTORNEY SELECTION FOR
TITLE TRANSFER

14. Seller and Buyer agree that Wheeler M. Tillian, Esq. shall be the attorney with respect to the transfer of title, following the completion of all of the terms and conditions of this Contract of Sale.

15. PROVIDED ALWAYS, and it is the true intent and meaning of the parties to these presents, that when the Buyer shall pay, or cause to be paid unto Seller, the purchase price, with interest thereon, if any shall be due, and also all sums of money paid by Seller, according to the conditions and agreements of this Contract of Sale and shall perform all the obligations according to the true intent and meaning of said Contract, and the conditions thereunder written, then this Contract of Sale shall cease, determine and be void, otherwise it shall remain in full force and effect. Finally, upon the payment in full of the purchase price and also all sums of money paid by Seller,

WP119 W 372

the Buyer shall receive a General Warranty Deed conveying the premises herein in fee simple.

16. AND IT IS LASTLY AGREED, between the parties that the Buyer is to hold and enjoy the said premises until default, breach or forfeiture.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 26th day of June, 1979.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Linda L. Gallardo

Avery W. Gardner
AVERY W. GARDNER, Seller

Wheeler M. Tillman

Daniel N. Infinger III
DANIEL N. INFINGER, III., Buyer

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

PERSONALLY appeared before me Linda L. Gallardo
_____ and made oath that she saw)
the within named AVERY W. GARDNER and DANIEL N. INFINGER,
III., sign, seal and as their acts and deeds, deliver the
within written Contract of Sale and that she with
Wheeler M. Tillman witnessed the execution thereof.

Linda L. Gallardo

SWORN TO before me this 26th
day of June, 1979.

Wheeler M. Tillman (SEAL)
Notary Public for South Carolina
My Commission Expires: July 27, 1980

William W. Wiggins
P.O. Box 2985
Charleston, SC 29405

BP 119 R 372

275

low
56
WLV

Filed, Indexed and Recorded
March 29 1977 *4:48*
BOOK *119* PAGE *372*

Robert A. King
Register Mesne Conveyance
Charleston County, S. C.

REAL PROPERTY RECORD										CHARLESTON COUNTY, S C		
1.	T. M. No. 470 — 12 — 0			LOT 40	GEOGRAPHICAL AREA City of NORTH CHARLESTON				TAX DISTRICT NO. 4-3			
2.	TITLE OF OWNERSHIP				DATE OF MO DAY YR	DEED BOOK	PAGE	INDICATED PURCHASE PRICE	MAILING ADDRESS			
3.	GARDNER, Annie K.											
4.	GARDNER, Avery W.					77	365	By Will	405 S. 1st Ave N. Chas 29106			
5.	INFINGER, Daniel N., III				5-29-79	119	327		5460 W. Admiral Ave S X			
6.												
7.												
8.												
9.												
10.	PROPERTY LOCATION 4177 SOUTH RHETT AVENUE						SUBDIVISION NORTH CHARLESTON					
11.	Lot 17, 18		Block 43		Tract No		Parcel No		Other			
12.	ACREAGE High Land Marsh Land Total Acres				ACREAGE TAKEN FROM DEED (), PLAT (), COMPUTATIONS ()							
13.	MEASUREMENTS Road Frontage				60 x 125.1 x 50 x 125.8 x X X X							
14.	PLATS RECORDED IN E-239								COPY OF CURRENT PLAT IN TAX MAP WORK SHEET FOLDER ✓			
15.	17 18 BLK 43 NC											
16.	YEAR ASSESSMENT FOR		1970									
17.	LAND ASSESSMENT \$		90									
18.	BUILDING ASSESSMENT \$		225									
19.	TOTAL ASSESSMENT \$		315									
20.	NUMBER OF BUILDINGS		1									
21.	TOTAL APPRAISED VALUE \$											
22.	BUILDING PERMIT ISSUING AUTHORITY	PERMIT NUMBER	DATE OF MO DAY YR	DESCRIPTION OF WORK				ESTIMATED COST AS TAKEN FROM PERMIT \$	1960-68 TAX MAP CODE			
23.									TMS 147A BLOCK 7 LOT 6			
24.												
25.	"X" IN LAST COLUMN, SEE REVERSE SIDE FOR ADDITIONAL REMARKS											

COMPUTERIZED
CHECKED
12/24/83

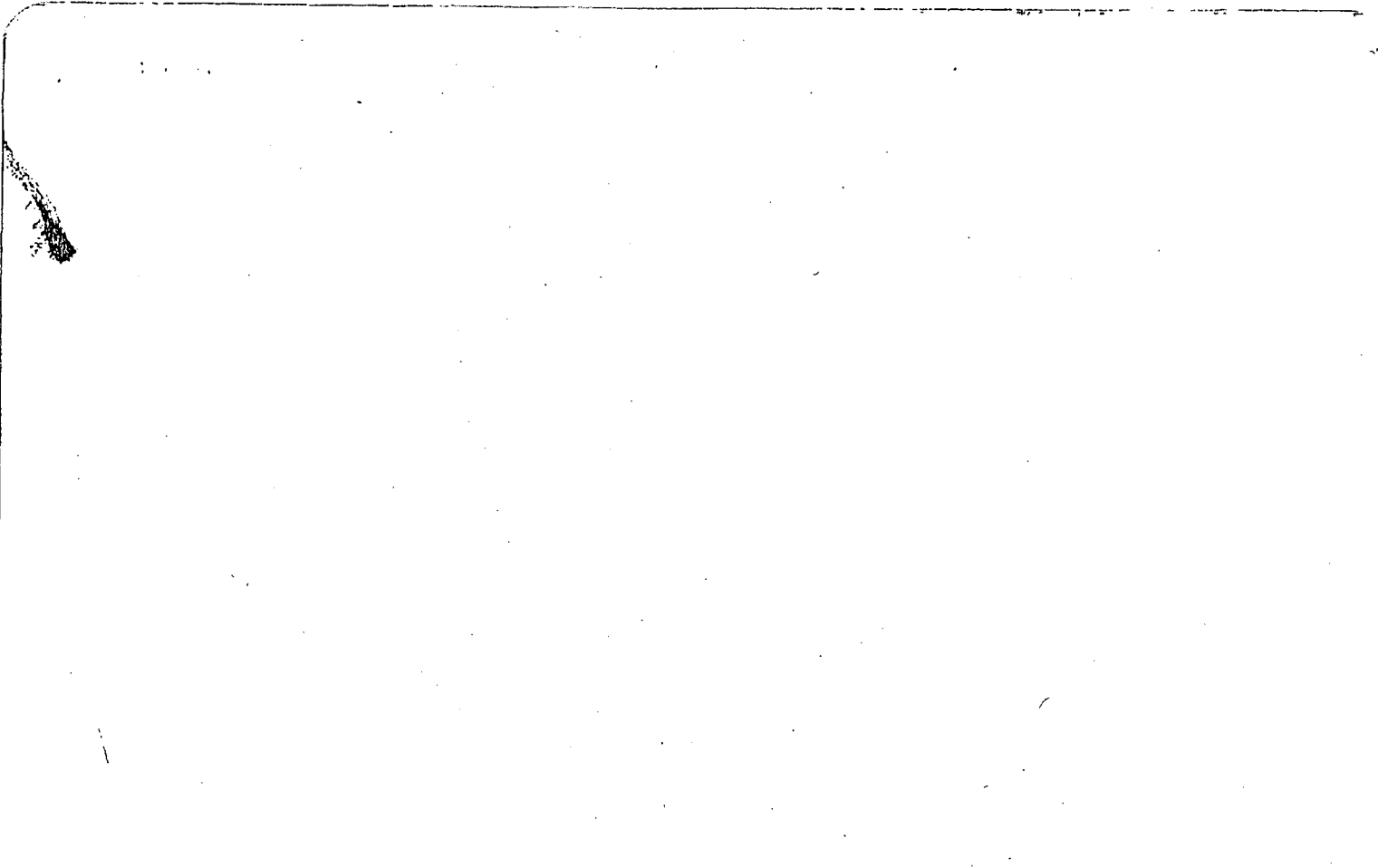
LINE #5—On tax books in name of Dan N Infinger, III. Corrected by deed P119-327 to Daniel N. Infinger, III for 1984. 12/16/83 ds

REAL PROPERTY RECORD

CHARLESTON COUNTY, S C

1.	T. M. No. 470 — 12 — 0		LOT 44	GEOGRAPHICAL AREA <i>Co. of</i> NORTH CHARLESTON				TAX DISTRICT NO. 4-3
2.	TITLE OF OWNERSHIP			DATE OF MO DAY YR	DEED BOOK	DEED PAGE	INDICATED PURCHASE PRICE	MAILING ADDRESS
3.	GARDNER, Annie K.							
4.	GARDNER, Avery W.				77	365	By Will	405 S. Rhet Ave 29406
5.	INFINGER, Daniel N., III			6-29-79	119	327		5460 S. Rhet Ave 29406 X
6.								
7.								
8.								
9.								
10.	PROPERTY LOCATION 4171 SOUTH RHETT AVENUE				SUBDIVISION NORTH CHARLESTON			
11.	Lot 9, 10, 19, 20		Block 43	Tract No		Parcel No		Other
12.	ACREAGE High Land		Marsh Land		Total Acres		ACREAGE TAKEN FROM DEED (), PLAT (), COMPUTATIONS ()	
13.	MEASUREMENTS Road Frontage		60 x 257.8 x 60 x 257.8 x				X X X X	
14.	PLATS RECORDED IN E-239			COPY OF CURRENT PLAT IN TAX MAP WORK SHEET FOLDER X				
15.	19 20 BLK 43 NC - 9 10 BLK 43 NC							
16.	YEAR ASSESSMENT FOR			1970				
17.	LAND ASSESSMENT \$			190				
18.	BUILDING ASSESSMENT \$			350				
19.	TOTAL ASSESSMENT \$			540				
20.	NUMBER OF BUILDINGS			1				
21.	TOTAL APPRAISED VALUE \$							
22.	BUILDING PERMIT ISSUING AUTHORITY	PERMIT NUMBER	DATE OF MO DAY YR	DESCRIPTION OF WORK			ESTIMATED COST AS TAKEN FROM PERMIT \$	1960-68 TAX MAP CODE
23.								TMS 147A BLOCK 7 LOT 7,8
24.								
25.								"X" IN LAST COLUMN SEE REVERSE SIDE FOR ADDITIONAL REMARKS

COMPUTERIZED CHECKED 12/29/83



LINE #5-- On tax books in name of Dan N Infinger, III. Corrected by deed P119-327 to Daniel N. Infinger, III for 1984. 12/16/83 ds

LINE#15 Lots combined because building crosses line.

LINE#19 Assessments combined: 19 20 BLK 43 NC - 1S100-1B350T\$450; 9 10 BLK 43 NC, \$90; - total \$1190 1B350 T\$540

Patsy Gardner

Send Flowers



GARDNER, Patsy RIDGELAND, SC - Patsy Baker Gardner, 73, died Monday, April 10, 2006 at St. Joseph's Hospital in Savannah, GA. She was born on January 21, 1933 to the late Fred and Clara Stark Baker in West Helena, Arkansas. She was a homemaker and she was a Baptist. Survivors include her two sons, Thomas A. Henry, Sr. of Ladson, SC and Avery W. Gardner, III of Pittsburg, PA; three daughters, Marian Alviar of Ridgeland, SC, Delecta H. Stokes of Walterboro, SC and Jayne H. Schurknight of Cottageville, SC; three brothers, Fred Baker of Fairfield, CA, C. H. (Buddy) Baker of Montezuma, GA and Paul Baker of Hardeeville, SC; two sisters, Viola (Boots) Way of Trenton, SC, Lois Barrow of Tacoma, WA, thirteen grandchildren and 5 great grandchildren. She was preceded in death by her husband Avery W. Gardner, Sr. Funeral services will be held at 1:00 pm, Wednesday, April 12, 2006 at Sauls Funeral Home Chapel, 310 W. Adams St. in Ridgeland, SC. A visitation will be held on Tuesday, April 11, 2006 from 6 until 8 pm at the funeral home. In lieu of flowers, memorial donations may be made to the Ridgeland Cemetery Fund, P.O. Box 1630, Ridgeland, SC 29936 SAULS FUNERAL HOME OF RIDGELAND is assisting the family with their arrangements. Visit our guestbook at www.charleston.net/deaths.

To plant trees in memory, please visit our Sympathy Store.

Published by Charleston Post & Courier on Apr. 11, 2006.

MEMORIAL EVENTS

No memorial events are currently scheduled.

To offer your sympathy during this difficult time, you can now have memorial trees planted in a National Forest in memory of your loved one.



[Plant Memorial Trees](#)

Funeral services provided by:

Sauls Funeral Home



[Call](#)

GUEST BOOK

Add a Message

From

Your Name

Your Message

ELECTRONICALLY FILED - 2021 Mar 03 4:01 PM - CHARLESTON - COMMON PLEAS - CASE#2021CP1001038

STATE OF SOUTH CAROLINA)
)
COUNTY OF: COLLETON)
)
IN THE MATTER OF:)
AVERY WALTER GARDNER, III)
(Decedent))

IN THE PROBATE COURT

CASE NUMBER: 2017-ES-15-0121

2017 NOV 29 PM 3:08
COLLETON COUNTY
PROBATE COURT

***COMPLETE THIS SECTION ONLY IF FILING PETITION FOR FORMAL TESTACY AND/OR FORMAL APPOINTMENT**

*
Petitioner(s)
vs.
*
Respondent(s)

APPLICATION FOR INFORMAL (check any that apply)
 PROBATE OF WILL
 APPOINTMENT

***PETITION FOR FORMAL**
 TESTACY
 APPOINTMENT

If this is a formal filing, please explain on page 3 or attach pleadings pursuant to *SC Rules of Civil Procedure*.

***NOTE: IF THIS IS A FORMAL PROCEEDING, IN ADDITION TO THIS FORM PETITION, YOU MUST ALSO FILE A SUMMONS (FORM SCCA 401PC), AND PAY THE STATUTORY FILING FEE OF \$150.00. A HEARING IN THE PROBATE COURT ON THE PETITION MAY BE REQUIRED.**

I. ALL APPLICANTS/PETITIONERS MUST COMPLETE THIS SECTION.

1. Applicant/Petitioner(s): JENNIFER L. WRIGHT
Address: 3458 FOREST ROAD, BETHEL PARK, PA 15102
Telephone (Work): 412-690-2442 X 134
(Home): 412-498-9142
(Cell): 412-498-9142
Email: JWRIGHT@CARNEGIELEARNING.COM
Relationship to Decedent: EX-WIFE/MOTHER OF HEIRS

2. Decedent Information:
Full Legal Name (including all known names): AVERY WALTER GARDNER, III
Date of Birth: 04/29/1973
Date of Death: 06/28/2016
Age at Date of Death: 43

3. Venue for this proceeding is proper in this County because:
 Decedent was domiciled in this County at date of death:
Address: 1524 VAN DYKE ROAD, COTTAGEVILLE, SC 29435 County: COLLETON State: South Carolina
 Decedent was not domiciled in South Carolina, but property of Decedent was located in this County at date of death at:
Address: _____ County: _____ State: South Carolina
 Decedent has a right to take legal action in this County because:

If the above address is the address of a nursing home, prison, or other residential facility, please give the last address

of the Decedent prior to entering a facility:

4(a) Names and addresses of beneficiaries (devisees) named in the Will.

Full Legal Name (including all known names)	Year of Birth	Full Address	Relationship to Decedent

See attached for additional devisees (check if applicable).

4(b) Names and addresses of intestate heirs who are not devisees (persons who inherit if Decedent left no Will).

Full Legal Name (including all known names)	Year of Birth	Full Address	Relationship to Decedent
NATHAN A. GARDNER	1993	2074 RAILROAD ST, BETHEL PARK, PA 15102	SON
KRISTIAN G. GARDNER	2000	3458 FOREST RD, BETHEL PARK, PA 15102	SON
TRINITY L. GARDNER	2001	3458 FOREST RD, BETHEL PARK, PA 15102	DAUGHTER

See attached for additional intestate heirs (check if applicable).

4(c) Did all of the above persons survive one hundred and twenty (120) hours since the death of Decedent?

YES NO If no, please explain on page 3.

5. Did Decedent have any change of marital status or the birth or adoption of any children after execution of this Will, if one exists, or has any child of the Decedent been born since his/her death, or is any birth of a child of the Decedent anticipated? (This includes illegitimate children.)

NO YES If yes, please explain, on page 3.

6. To the best of your knowledge, was the Decedent a patient in a non-private State of South Carolina mental health facility during his/her lifetime?

NO YES If yes, please explain, on page 3.

7. Has a Guardian or Conservator ever been appointed by a Court for this person?

NO YES If yes, please explain on page 3.

8. Has a Personal Representative of the Decedent been appointed prior to this date by a Court in this state or elsewhere?

NO YES If yes, please state details, including name and address of such Personal Representative on page 3.

9. Have you received or are you aware of any Demands for Notice (FORM #111ES) of any probate or appointment proceeding concerning the Decedent that may have been filed in this state or elsewhere?

NO YES If yes, please state details, including names and addresses on page 3.

10. Have more than ten (10) years passed since the Decedent's death?

NO YES If yes, please state circumstances authorizing tardy probate on page 3.

11(a). Did the Decedent own probate real estate?

NO YES If yes, an approximate value of \$_____ (Note: A complete inventory of probate assets with fair market values is to be filed after Personal Representative is appointed.)

11(b). Did the Decedent own probate personal property?

NO YES If yes, an approximate value of \$TBD (Note: A complete inventory of probate assets with fair market values is to be filed after Personal Representative is appointed.)

12. After the exercise of reasonable diligence, are you aware of any unrevoked Will and/or Codicil(s)?

YES If yes, then proceed to Section II.
 NO If no, then proceed to Section III.

II. IF A WILL EXISTS, PLEASE COMPLETE THIS SECTION.

1. Regarding the Decedent's Will:

- The original is attached.
- The original is in the Court's possession.
- An exemplified (authenticated) copy of a Will probated in another jurisdiction is attached.
- An exemplified (authenticated) copy of a Will not probated in another jurisdiction is attached.
- The original of the Will is lost, destroyed, or otherwise unavailable, however, a description of its contents is attached. (for formal proceeding, explain below or attach supplemental pleadings)

2. The execution date of the Will was: _____
Codicil(s): _____

3. Is there a memorandum that disposes of tangible personal property pursuant to 62-2-512?

NO YES If yes, attach hereto.

4. To the best of your knowledge, do you believe the Will listed above is the Decedent's validly executed last Will?

YES NO If no, please explain on page 3.

5. To the best of your knowledge, is any witness to the will an "interested witness" (i.e., does the will make any devise to a witness, a witness's spouse, or a witness's issue)?

NO YES If yes, please explain on page 3.

COMPLETE EXPLANATION(S) FOR QUESTIONS IN SECTIONS I and II HERE.
(If more space is required, use additional sheets.)

III. IF APPLYING FOR INFORMAL OR FORMAL APPOINTMENT, PLEASE COMPLETE THE FOLLOWING.

1. If the Applicant/Petitioner is not the proposed Personal Representative(s), list name and address of the person you are proposing be appointed as the fiduciary:
N/A

2. Priority for appointment of the proposed Personal Representative (whether applicant or nominee) is:

- named as Primary Personal Representative in Will
- named as Alternate Personal Representative in Will
- nominee of Primary Personal Representative in Will
- nominee of Alternate Personal Representative in Will
- surviving spouse of Decedent who is devisee of Decedent or nominee of said spouse
- other devisee of Decedent (describe): _____ or nominee of said devisee
- surviving spouse of Decedent or nominee of said spouse
- other heir of Decedent (describe): _____ or nominee of said heir
- creditor (forty-five (45) days after death must have passed) or nominee of creditor; written statement of claim, FORM 371ES, is attached
- other (describe): EX-WIFE, MOTHER OF HEIRS

3. List below the name(s) of any other person(s), if any, having an equal or higher priority of appointment than the proposed Personal Representative:
N/A

IV. ALL APPLICANTS/PETITIONERS MUST COMPLETE VERIFICATION.

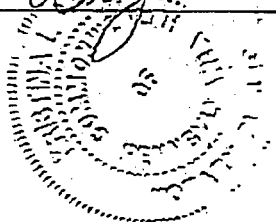
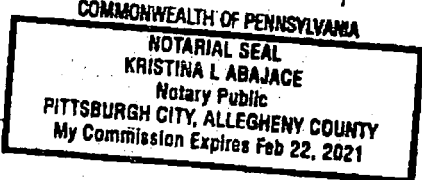
VERIFICATION

The undersigned, being sworn, states that the facts set forth in the foregoing statement are true to the best of the undersigned's knowledge, information and belief, and hereby submits to the Court's jurisdiction in this matter.

SWORN to before me this 13 day
of NOVEMBER, 20 17

Kristina L. Abajace
Notary Public for ~~South Carolina~~ Pennsylvania
My Commission Expires: 2/22/17

Signature of Applicant/Petitioner: _____



SWORN to before me this _____ day
of _____, 20 _____

Notary Public for South Carolina
My Commission Expires: _____

Signature of Co-Applicant/Co-Petitioner: _____

ORDER OF INFORMAL PROBATE

IT IS HEREBY ORDERED that the above application for probate of a Will executed _____ and

- Codicil executed _____ and
 Memorandum

be informally GRANTED DENIED.

Executed this _____ day of _____, 2017.

_____, Probate Court Judge

For formal probate of Will, see separate order executed _____.

ORDER OF INFORMAL APPOINTMENT

IT IS HEREBY ORDERED that the above Application for Appointment be granted upon the filing of an appropriate bond, if applicable, and upon the signing of the Qualification and Statement of Acceptance of appointment.

Bond

- Fiduciary Bond in the amount of \$_____
 Bond not required for Personal Representative nominated by Will
 Bond not required as Personal Representative is sole heir or sole devisee
 Bond not required as Personal Representative is state agency, bank, or trust company
 Bond waivers filed
 See order dated _____

Notice to Creditors

- Required
 Not Required

Other: Funds shall be placed in a restricted account (or held by attorney in trust account) and may not be expended or distributed without a Court order.

Executed this 29 day of November, 2017.

[Handwritten signature of Ashley H. Amundson]

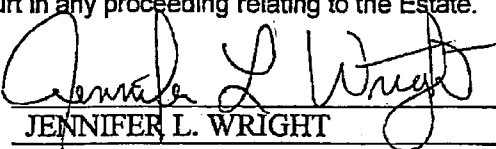
ASHLEY H. AMUNDSON

_____, Probate Court Judge

For formal appointment of Personal Representative, see separate order executed _____.

QUALIFICATION AND STATEMENT OF ACCEPTANCE

I accept this appointment and agree to perform the duties and discharge the trust of the office of Personal Representative of this estate. I further submit personally to the jurisdiction of the Court in any proceeding relating to the Estate.

Signature: 
 Print Name: JENNIFER L. WRIGHT
 Address: 3458 FOREST ROAD
BETHEL PARK, PA 15102
 Telephone (Work): 412-690-2442 X 134
 (Home): _____
 (Cell): 412-498-9142
 Email: JWRIGHT@CARNEGIELEARNING.COM

Signature: _____
 Print Name: _____
 Address: _____

Telephone (Work): _____
 (Home): _____
 (Cell): _____
 Email: _____

*Attorney: BRICE E. RICKER
 Address: 8086 RIVERS AVENUE
N. CHARLESTON, SC 29406
 Telephone: 843-553-9800
 Email: BRICKER@WIGGERLAWFIRM.COM

*By completing this information, attorney is designated as attorney of record for assisting Personal Representative until proper withdrawal.

Avery William Gardner Jr.

1951 - 2018



➔ Share

Avery William Gardner Jr., 66, of Benton, met our Lord on Thursday, Feb. 15, 2018. He was born April 14, 1951, in Daytona Beach, Florida, to the late Avery Walter Sr. and Annie (Kline) Gardner.

Avery was of the Baptist faith. He loved the mountains and would visit Petit Jean with his family. Spending time fishing - even during thunderstorms - was a favorite hobby of his. In his earlier years, Avery enjoyed playing badminton and croquet. He listened to music of all genres. His family cherishes the many evenings they would spend watching movies together. Avery had more than two thousand movies that he had catalogued and organized.

Avery is preceded in death by his parents; a son, Sean William Gardner; a

sister, Annie Lee Paul; and a brother, Avery Gardner III.

He leaves to cherish his memory his loving wife of 46 years, Cynthia Gardner, of Benton; two daughters, Tanya Gardner and partner, James Jones, of Charleston, South Carolina, and Tina Colson and partner, Robert Davis, of Augusta, Georgia; a son, Jesse Gardner, of Benton; six grandchildren, Marcus Ambrose, Sean Ambrose, Thayne Gardner, Tayben Colson, Roger Davis and Ireland Davis; a brother, James Wise and wife, Linda, of Charleston, South Carolina; and a number of family members and friends who loved Avery and will miss him always.

A memorial service, officiated by the Rev. Kim Hammer, will be held at 2 p.m. Friday, Feb. 23, at Smith-Benton Funeral Home, located at 322 N. Market St. in Benton.

Services are entrusted to Smith-Benton Funeral Home.

Online guest book: www.SmithFamilyCares.com.

To Plant Memorial Trees in memory, please visit our [Sympathy Store](#).

Published in The Saline Courier from Feb. 21 to Feb. 22, 2018.

Gard
See n

MEMORIAL EVENTS

FEB Memorial service

23 02:00 PM

[Smith-Benton Funeral Home](#)