

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO. 2020-CP-07-02301

GEORGIA HARRISON, BARBARA)
HARRISON, JOYCE ELLEN)
HARRISON, WILLIAM S.)
HARRISON, III, STANLEY)
ROBERTS, and DIANA MENDHEIM,)
individually and as agent and attorney)
in fact,)

RECEIVED
Mar 09 2022
SC Court of Appeals

Plaintiffs,)

vs.)

ORDER

STEPHANIE LORRAINE)
KIRKLAND, GARY LAMONT)
KIRKLAND, KEITA NICOLE)
WHITE, CHERYL KIRKLAND,)
WILLIAM CHARLES KIRKLAND,)
PAULETTE KIRKLAND, PAUL T.)
ALLBRIGHT, CHRISTOPHER)
KIRKLAND AND SHAWN)
KIRKLAND,)

Defendants.

On September 27, 2021, Defendants Keita Nicole White, Gary Lamont Kirkland, Stephanie Lorraine Kirkland, and Cheryl Kirkland, by and through their counsel of record, Charles E. Houston, Jr., notified the Court pursuant to S.C. Code Annot. Section 15-61-370 (B), that they are interested in purchasing the ownership interests of the cotenants that requested partition by sale in this case. Said Notice was made via the filing of a “Notice of Exercise of Right of First Refusal” by Attorney Houston with the Clerk of Court on September 27, 2021.

On October 5, 2021, Attorney Houston, current counsel for the original four (4) Defendants, notified counsel for the Plaintiffs that five of the original Represented Co-Owners, namely Christopher Kirkland, Shawn Kirkland, William Charles Kirkland, Paulette Kirkland, and Paul T. Allbright, had revoked their respective Powers of Attorney earlier given to Plaintiff Diana

Mendheim, and that they wish to now be positioned as Defendants in this action and that Mr. Houston now also represents these individuals. Attorney Houston also advised the Plaintiffs that these five individuals also are interested in purchasing the ownership interests of the cotenants that requested partition by sale in this case pursuant to South Carolina Code Annot. Section 15-61-370(B). In response, the Plaintiffs have advised the Court that the Plaintiffs consent to William Charles Kirkland, Paulette Kirkland, Paul T. Allbright, Christopher Kirkland, and Shawn Kirkland being re-aligned as Defendants in this action and further that the Plaintiffs, for purposes of this action, agree that these new Defendants William Charles Kirkland, Paulette Kirkland, Paul T. Allbright, Christopher Kirkland, and Shawn Kirkland have timely notified the Court and the Plaintiffs of their interest in purchasing the ownership interests of the cotenants that requested partition by sale in this case pursuant to South Carolina Code Annot. Section 15-61-370 (B).

The Court held a status conference in this matter via WebEx on October 19, 2021. The Plaintiffs were represented by Thomas C. Taylor and Chester C. Williams. The Defendants (including the five new Defendants above-named) were represented by Attorney Houston. Also present via WebEx were the Plaintiffs' advisor Andre White, and Plaintiffs Georgia Harrison and Diana Mendheim. Also present in the WebEx hearing was Attorney Tom Johnson of Hardeeville, who represents a third party that currently has a contract with the Plaintiffs to purchase the property.

During the status conference, counsel for the Plaintiffs and the Defendants affirmed their consent to the realignment of the parties as above described and confirmed the timeliness of these Defendants' notice to the Court and the Plaintiffs of their intended South Carolina Code Annot. Section 15-61-370 (B) rights of purchase. Further, all counsel agreed that each and every owner of an undivided interest in the land as were identified in this Court's Order of May 21, 2021, have been notified of their South Carolina Code Annot. Section 15-61-370 (B) rights of purchase, and that only the nine Defendants herein have timely notified the Court of their interest in purchasing the ownership interests of the cotenants that requested partition by sale in this case.

The parties have agreed that they will publish a notice of the pendency of this action in a newspaper of general circulation in Beaufort County, once a week for three successive weeks

following the entry of this Order, in order to provide additional notice to the public of the pendency of the action and provide an opportunity for any other person who might claim some interest in the property, to petition the Court for inclusion in the suit if such claim is well founded. However, all parties agree that there are no other known individuals or entities with any interest in the property other than those identified in this Court's May 21, 2021 Order.

Further, although not required under the statutes, at the Defendants' request, this Court and the Plaintiffs and other petitioning co-owners, agree that the appointment of a Guardian ad Litem Nisi would be appropriate to protect the interests of any infants, insane or incompetent persons, persons in the military, and any other persons who may claim a right, title, interest in or lien on the parcel of land identified in the Complaint. Thus, the Court hereby appoints Maria Belbas Parker, Esq., of the Law Office of Maria B. Parker, Post Office Box 7926, Hilton Head Island, SC, 29938, as the Guardian ad Litem Nisi of any infants, insane or incompetent persons, persons in the military, and any other persons who may claim a right, title, interest in or lien on the parcel of land identified in the Complaint, and her appointment and contact information shall be contained in the published Notice of Pendency of Action. If any infants, insane or incompetent persons, persons in the military, and any other persons who may claim a right, title, interest in or lien on the parcel of land identified in the Complaint, contact Ms. Parker, or are brought to her attention, she shall advise this Court in writing by December 1, 2021 of the specifics of the claimant.

The Court having received timely notice of the intention of the nine Defendants to purchase the interests of the cotenants who initiated this action, the Court hereby, pursuant to S.C. Code Annot. Section 15-61-370 (D)(2), allocates the right to buy those interests among the electing Defendant cotenants based upon their respective existing fractional ownership of the entire parcel divided by the total existing fractional ownership of all cotenants electing to buy as follows:

<u>ELECTING COTENTANT</u>	<u>PERCENTAGE OWNERSHIP INTEREST</u>	<u>ALLOCATED RIGHT TO BUY INTEREST</u>
Stephanie Lorraine Kirkland	0.260417%	22.22220%
Gary Lamont Kirkland	0.260417%	22.22220%
Keita Nicole White	0.260417%	22.22220%
William Charles Kirkland	0.260417%	22.22220%

Cheryl Kirkland	0.026042%	2.22224%
Christopher Kirkland	0.026042%	2.22224%
Shawn Kirkland	0.026042%	2.22224%
Paulette Kirkland	0.026042%	2.22224%
Paul T. Allbright	0.026042%	2.22224%
TOTAL	<u>1.171878%</u>	<u>100.00%</u>

<u>ELECTING COTENANT</u>	FAIR MARKET VALUE OF THE PROPERTY	FAIR MARKET VALUE OF THE NON-ELECTING COTENANTS' INTERESTS IN THE PROPERTY (98.82813%)	<u>PRICE TO BE PAID</u>
	\$9,100,000.00	\$8,993,359.10	
Stephanie Lorraine Kirkland			\$1,998,522.25
Gary Lamont Kirkland			\$1,998,522.25
Keita Nicole White			\$1,998,522.25
William Charles Kirkland			\$1,998,522.25
Cheryl Kirkland			\$199,854.02
Christopher Kirkland			\$199,854.02
Shawn Kirkland			\$199,854.02
Paulette Kirkland			\$199,854.02
Paul T. Allbright			\$199,854.02
TOTAL			\$8,993,359.10

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Christopher Kirkland, Shawn Kirkland, William Charles Kirkland, Paulette Kirkland, and Paul T. Allbright, who previously appeared in this action as represented parties (by the Plaintiff Diana Mendheim via Powers of Attorney), are hereby realigned in this case as Defendants, represented by Attorney Houston.

Further, the nine (9) Defendants (specifically Stephanie Lorraine Kirkland, Gary Lamont Kirkland, Keita Nicole White, Cheryl Kirkland, Christopher Kirkland, Shawn Kirkland, William Charles Kirkland, Paulette Kirkland, and Paul T. Allbright) are notified by this Order of their rights

to purchase all of the petitioning cotenants' ownership upon the payments into the Court as set forth above.

Further, because the petitioning Plaintiffs compose or represent all of the cotenants of the property except the nine (9) Defendants set forth above, the filing of this Order satisfies the notice requirement to all other cotenants set forth in S.C. Code Section 15-61-370 (D)(2). No further notice to the cotenants is necessary. Should any other currently unknown individuals claiming some ownership interest in the parcel, petition the Court for recognition in this case, or should Ms. Parker report to the Court that an infant, or insane or incompetent person claiming some ownership interest in the parcel has been identified in her capacity as the Guardian ad Litem Nisi, the Court will consider those claims/notices in a timely fashion.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to S.C. Code Section 15-61-370 (E), the Court hereby sets the date of December 22, 2021 as the date by which the Defendants must pay their apportioned prices into the Court. Payment shall be made by deposit of the appropriate amounts in collected funds with the Beaufort County Clerk of Court on or before 5:00 p.m. EST December 22, 2021.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that if the Defendants fail to timely pay their apportioned prices into the Court, then the property that is the subject of this action shall be partitioned by sale at a purchase price of not less than \$9,100,000.00, and that the Plaintiffs shall be authorized to enter into, or ratify, a contract of sale for not less than such price, and including such other commercially reasonable terms and conditions as are deemed appropriate.

AND IT IS SO ORDERED.

s/_____
 Marvin Dukes, III
 Master In Equity and Special Circuit
 Court Judge of Beaufort County

October____, 2021



Beaufort Common Pleas

Case Caption: Georgia Harrison , plaintiff, et al VS Stephanie Lorraine Kirkland ,
defendant, et al
Case Number: 2020CP0702301
Type: Order/Other

So Ordered:

s/Marvin H. Dukes III #3069