

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	13 TH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
	)	C.A. NO.: 2022-CP-23-06033
Donna Nimmons,	)	
	)	
Plaintiff,	)	
	)	ORDER OF DEFAULT AND ORDER FOR
	)	PUBLIC SERVICE
v.	)	
	)	
Gladys L. Arrowood, Crystal	)	
Gail A. Hess, Kelley Loretta	)	
Arrowood Ingle,	)	
and Jeana Marie A. Wirchball,	)	
Defendant.	)	

This matter is before the Court on a Motion for Entry of Default Judgement and for an Order for Public Sale of a parcel of real estate.

From the records filed with the Clerk of Court it appears the Plaintiff, Donna Nimmons, (hereafter "Plaintiff") filed an action for partition or certain real estate in Greenville County on or about November 2, 2022. The Defendant, Gladys L. Arrowood accepted service of the Complaint on September 3, 2023. She is in default as evidenced by affidavit of default filed on October 19, 2023. The Defendant, Crystal A. Hess was served with the Complaint on November 4, 2022. She is in default as evidenced by affidavit of default filed on March 20, 2023. The Defendant, Kelly Lorretta Arrowood was served with the Complaint on February 15, 2023. She is in default as evidenced by affidavit of default filed March 20, 2023.

The Defendant, Jeanna Marie A. Wirchball was served pursuant to an Order of Publication on July 28, 2023, August 4, 2023, and August 11, 2023. She is in default as evidenced by affidavit filed October 19, 2023.

All parties were notified of the date, time, and place of this hearing by first class mail pursuant to Rule 55 (b) (2) SCRCP.

The Plaintiffs Complaint alleges she is a fifty percent (50%) remainder interest in property described as:

ALL that certain piece, parcel, or lot of land, in Highland Township, Greenville County, State of South Carolina, lying on the west side of Mosteller Road, near Blue Ridge High School and having the following metes and bounds:

BEGINNING at center of road near branch of Wild Cat Creek and on C.E. Mosteller's line and running thence over iron pin at 25 feet N. 62-32 W. 277 feet to iron pin, O.M.: thence still with Mosteller's line N. 16-15 W. 251 feet to stone center of road; thence S. 64-00 E. 144 feet to corner of A. Bomar land; thence with Bomar's line S. 81-30 E. 45 feet to center of road; thence along road as line S. 33-37 E. 135 feet to nail; thence S. 26-02 E. 100 feet to nail; thence S. 12-45 E. 100 feet to beginning corner and containing one and 14/100 acres (including road R.O.W.).

This being the same property conveyed to Donna Nimmons by Deed of Gloria Jean A. Rogers dated October 19, 2022, and recorded in Deed Book 2671 at Page 3619 on October 19, 2022, in the Office of the Register of Deeds for Greenville County, South Carolina. See also deed to Gloria Jean A. Rogers (1/2 interest), and Crystal Gail A. Hess, Kelly Lorretta A. Ingle, and Jeana Marie A. Wirschball (16 2/3rd interest each) from W.H. Arrowood and Gladys L. Arrowood dated October 30, 2016, and recorded November 3, 2016, in Deed Book 2499 at Page 3758 in the Office of the Register of Deeds for Greenville County, South Carolina. W.H. Arrowood died testate on December 12, 2020 (See Greenville County Probate File No. 2011ES2300011).

Greenville County Tax Map Number: 0635.04-01-022.10

Defendant Gladys L. Arrowood has a life estate or interest in the property by virtue of the deed from W.H. Arrowood and Gladys L. Arrowood recorded in Deed Book 2499 at Page 3758 on November 3, 2016.

Defendants Crystal Gail A. Hess, Kelly Lorretta A. Ingle, and Jeana Marie A. Wirschball each have a remainder interest of sixteen and 2/3 interest (16 2/3) by virtue of the deed from W.H. Arrowood and Gladys L. Arrowood recorded in Deed Book 2499 at Page 3758 on November 3, 2016.

FINDING OF FACTS AND CONCLUSION OF LAW

The Court finds the property described in the Plaintiff's Complaint is subject to partition pursuant to S.C. Code Sec15-61-10 et. Seq.

The property cannot be divided in kind and no writ of Partition is necessary and therefore waived pursuant to Rule 71 (f) (5), SCRCP.

The property is not "Heir Property" as defined under S.C. Code Sec15-61-110. Plaintiff is entitled to have the property sold at public auction.

NOW THEREFORE IT IS ORDERED AS FOLLOWS.

1. This matter is referred to the Master-in-Equity Charles B. Summons, for sale on the first legal sales day, that complies with the requirements of a public sale or some subsequent sales day. The sale shall be subject to Greenville County property taxes and any existing easements or restrictions of record.
2. The sale shall be at Greenville County Court House after due advertisement.
3. Deposit of five percent cash at the time of the bid. Such deposit shall be applied on the purchase price upon compliance with the bid in twenty (20) days. In case of non-compliance the deposit will be forfeited and applied to the costs.
4. Upon a successful sale the Master-in-Equity will execute to the purchaser a deed to the premises sold subject to Greenville County taxes and assessment subject to existing easement of record and to existing restriction of record.
5. The Master in Equity shall apply the proceeds of the sale as follows: a) first to payment of costs and expenses of the action; b) to attorney fees to Plaintiffs attorney as determined by the Master in Equity; c) to each party as their interest determined by the Master in Equity.

The Honorable Judge G. D. Morgan, Jr.



Greenville Common Pleas

Case Caption: Donna Nimmons vs. Gladys L Arrowood , defendant, et al

Case Number: 2022CP2306033

Type: Order/Judgment by Default and Form 4

So Ordered

G.D. Morgan Jr.