

CERTIFIED TRUE COPY

STATE OF SOUTH CAROLINA 2022 SEP 13 AM 8:45 IN THE COURT OF COMMON PLEAS
 COUNTY OF YORK DAVID HAMILTON SIXTEENTH JUDICIAL CIRCUIT
 CASE NO: 2021-CP-46-02314

DAVID HAMILTON
 CLERK OF COURT
 YORK COUNTY, SC

Jacqueline Orr Anthony, Martin Orr, Camallous Orr, Ricky Orr, Chalmers Orr, William Douglas Orr, III, Clayton Leon Orr, Jerome Alfred Orr, Jr., Krystal Lenae Orr, Jonathan Kennon Orr, Brenda Orr-Adams, Bobbie Jean Orr, Michael A. Orr, John M. Orr, Jr., Dennis M. Orr, James G. Orr, Andre F. Orr, Annie Orr, Arielle Orr, Anwar S. Orr, Kendra N. Orr, Shavonda M. Orr, George M. Orr, Keiwanna Beard, Asia Martin, Markis Martin, George Burris, Anthoni Orr, Deon K. Burris, Harold L. Jones, Jr., Constance Jackson, Anthony Jones, Judy Huntley, Troy Ross, James A. Carolina, Jr., Gwendolyn Jefferson, Priscilla McCoy-Hilliard, James Orr, Anthony Orr, Bonita Orr, Daisy E. Jackson, Paul Neal, Jr., Joyce A. Jackson, Joyce Orr Myers and Barbara Malloy Pittman,

Plaintiffs,

vs.

Vincent Carolina and Charles Gregory Carolina and John Doe representing all unknown and infant defendants,

Defendants.

ORDER OF JUDGMENT

This matter came before the court for final hearing on August 2, 2022. Present before the court were various plaintiffs including Krystal Lenae Orr who is a licensed South Carolina attorney, and Plaintiffs' counsel, Walter L. Heinsohn. Also present was J. Martin Foster, Esq., the Guardian-ad-Litem who has filed his report on behalf of infant and unknown defendants. The two named defendants have filed their Acceptances of Service/Answers admitting the allegations of the complaint and joining in the requested relief.

As a first cause of action, plaintiffs request an order quieting title to certain undeveloped York County real property, hereinafter referred to as the "Property", and more particularly described as follows:

ALL THAT CERTAIN piece, parcel or lot of land lying and being situate in the State of South Carolina, County of York, Bullock Creek Township, on Orr Road but also having frontage on Canadian Drive, originally containing 68.72 acres, more or less, and having the following courses and distances, to wit:



2022039899

ORDER LIEN NC
 RECORDING FEES

\$0.00

PRESENTED & RECORDED:

09-13-2022 09:26:52 AM

BK: LIENS 495

DAVID HAMILTON
 CLERK OF COURT
 YORK COUNTY, SC

3: 342 - 353

BY: CASSI REDDEN CLERK

BEGINNING at a corner and running thence N. 74-1/2 E. 26.10*; thence N. 58 E. 6.85; thence N. 12-3/4 W. 19.70; thence N. 80 W. 14.40; thence S. 4-1/2 E. 3 along the public road (Orr Road); thence S. 32 W. 10.50 along the public road; thence S. 58 W. 25.05 along the said road and along the continuation thereof and the line of the old road to the corner on Orr=s line; thence S. 47 E. 3.60; thence N. 42 E 7; thence S. 48 E. 10.64 to the beginning corner. Bounded on the north by lands of Oliver Meeks, on the west by lands recently assigned to Nettie McKnight by the commissioners under a Writ of Partition issued in the case of Mary H. McConnell v. Nettie C. McKnight, on the 5th day of January, 1909, by J.A. Tate, Clerk of Court for York County, and the public road, and on the south by lands of F. Orr, all of which more fully appears on a plat thereof made by Thomas H. Hardin, Surveyor, and dated January 8, 1909.

* All distances appear to be in chains. One chain equals 66 feet.

LESS AND EXCEPT THEREFROM, HOWEVER, the following conveyances:

1. .99 acre parcel conveyed by Lena Orr to Helen Ruth Orr by deed dated July 2, 1976, recorded July 19, 1976, in Deed Book 533 at page 698;
2. 2.28 acre parcel conveyed by Lena Orr to William D. Orr, III and Peggy L. Orr by deed dated April 10, 1979, recorded April 10, 1979, in Deed Book 591 at page 990;
3. 8.0 acre tract conveyed by Lena Orr to John Maxwell Orr by deed dated November 15, 1979, recorded November 20, 1979, in Deed Book 605 at page 879;
4. .997 acre parcel conveyed by Lena Orr to James Orr by deed dated April 20, 1982, recorded April 23, 1982, in Deed Book 661 at page 140, and

Less and except any other conveyances as may appear on the public records for York County.

TAX MAP NO: 228-00-00-001

As a second cause of action, Plaintiffs request the court to distribute the just compensation awarded from the condemnation of a utility right of way across the Property in the case of Central Electric Power Cooperative, Inc. v. William D. Orr, et al., York County Court of Common Pleas Case No: 2019-CP-46-01680. As ruled in that action:

The Landowners and Other Condemnees named above, and possibly other individuals, are entitled to a share of the Ajust compensation@ based on a calculation of the percentage of their respective ownership interest. However, the division of just compensation to be paid cannot be decided in this action and, therefore, in accordance with ' 28-2-460, S.C. Code Ann., the award of Ajust compensation@ must be held by the Clerk of Court until a final determination can be made about what is the percentage of ownership of each person entitled to a share of the Subject Property and

the just compensation and this will require a further Order of this Court in an equity proceeding.

The principal amount on deposit with the Clerk of Court in that action is FOURTEEN THOUSAND EIGHT HUNDRED THIRTY-ONE and 68/100 (\$14,831.68) DOLLARS and interest is accruing thereon. Distribution of the funds would correspond to the interests of the owners as determined in the Quiet Title cause of action after first reimbursing certain parties for their contribution for the costs and fees incurred in this action.

I find the pleadings to be regular and have been properly served on all defendants; notice of this hearing has been properly served on the defendants and the Guardian-ad-Litem; and this Court has jurisdiction over the parties and the subject matter of this action.

I find from the undisputed complaint and the testimony and evidence presented, that Plaintiffs have proven, by the appropriate burden of proof, that there are no infant or unknown defendants, none of the parties are in active military service, and the following are the true and exclusive owners of the Property in the following percentages:

| | |
|--|----------|
| Jacqueline Orr Anthony: | 1.78571% |
| Martin Orr: | 1.78571% |
| Camallous Orr: | 1.78571% |
| Ricky Orr: | 1.78571% |
| Chalmers Orr: | 1.78571% |
| W.D. Orr (a/k/a William Douglas Orr, III): | 1.78571% |
| Leon Orr (a/k/a Clayton Leon Orr): | 1.78571% |
| Jerome Alfred Orr, Jr: | .59528% |
| Krystal Lenae Orr: | .59528% |
| Jonathan Kennon Orr: | .59528% |
| Brenda Orr-Adams: | .71428% |
| Bobbie Jean Orr: | 7.85713% |
| Michael A. Orr: | .71428% |
| John M. Orr, Jr: | .71428% |
| Dennis M. Orr: | .71428% |
| James G. Orr: | .71428% |
| Andre F. Orr: | .71428% |
| Annie Orr: | .35714% |
| Arielle Orr: | .07143% |
| Anwar S. Orr: | .07143% |
| Kendra N. Orr: | .07143% |
| Shavonda M. Orr: | .07143% |
| George M. Orr: | .07143% |

| | |
|---|------------------|
| Keiwanna Beard: | .53571% |
| Asia Martin: | .08929% |
| Markis Martin: | .08929% |
| George Burris: | .35714% |
| Anthoni Orr: | .17857% |
| Deon K. Burris: | .17857% |
| Harold L. Jones, Jr: | 4.76190% |
| Constance Jackson: | 4.76190% |
| Anthony Jones: | 4.76190% |
| Judy Huntley: | 14.28571% |
| Troy Ross: | 4.76190% |
| James A. Carolina, Jr: | 4.76190% |
| Gwendolyn Jefferson: | 4.76190% |
| Priscilla Orr (n/k/a Priscilla McCoy-Hilliard): | 2.38095% |
| James Orr: | .79365% |
| Anthony Orr: | .79365% |
| Bonita Orr: | .79365% |
| Daisy E. Jackson: | 1.58730% |
| Paul Neal, Jr: | 1.58730% |
| Joyce A. Jackson: | 1.58730% |
| Joyce Orr Myers: | 4.76190% |
| Barbara Marlowe Pittman: | <u>14.28571%</u> |
| TOTAL: | 100% |

Not included in the distribution are the defendants, Vincent Carolina and Charles Gregory Carolina, who are brothers and have signed waivers/disclaimers of their interests (Exhibits I and J to the Complaint), and their interests have been equally divided among and between their siblings. The just compensation, and all accumulated interest, held by the Clerk of Court in the Central Electric Power Cooperative, Inc. case should be distributed to the owners named above, each receiving the percentage thereof as corresponds to their ownership interest. However, certain parties have contributed to the costs and fees necessary to bring this action. Equity requires that before any distribution is made, those who contributed should first be reimbursed. AIn any proceeding under this chapter the court may make such award of costs as may seem equitable and just. § 15-53-100 SC Code of Laws. In this case, the following individuals have contributed the following amounts to cover the costs and fees for this action and I find it is equitable and just that

they should first be reimbursed, and the net proceeds then distributed to the owners:

| | | | |
|-------------------------|----|---------------|---|
| Barbara Pittman: | \$ | 860.00 | |
| Troy Ross: | \$ | 860.00 | |
| Constance Jackson: | \$ | 287.00 | |
| Harold Jones, Jr: | \$ | 286.67 | |
| Anthony G. Jones: | \$ | 286.67 | |
| James M. Orr: | \$ | 97.00 | |
| Joyce A. Orr: | \$ | 287.00 | |
| Bonita Ann Myers: | \$ | 194.00 | |
| Dorothy Walker=s heirs: | \$ | 287.00 | (Daisy E. Jackson, Paul Neal, Jr. & Joyce A. Jackson) |
| Bobbie J. Orr: | \$ | 860.00 | |
| Rick Orr: | \$ | 860.00 | |
| Harold Huntley: | \$ | <u>834.66</u> | |
| TOTAL: | \$ | 6,000.00 | |

I find that it is appropriate that the Clerk of Court deliver the funds to Plaintiffs' counsel, Walter L. Heinsohn, for disbursement in accordance herewith.

I further find that the Guardian-ad-Litem, concurs, consents and agrees to the relief granted herein. Now, therefore,

IT IS ORDERED, ADJUDGED DECREED:

1. The following be, and hereby are, declared to be the true and lawful owners of the Property in fee simple absolute, free and clear of any right, title or claim of any other person, persons or legal entities whatsoever, in the following percentages:

| | |
|--|----------|
| Jacqueline Orr Anthony: | 1.78571% |
| Martin Orr: | 1.78571% |
| Camallous Orr: | 1.78571% |
| Ricky Orr: | 1.78571% |
| Chalmers Orr: | 1.78571% |
| W.D. Orr (a/k/a William Douglas Orr, III): | 1.78571% |
| Leon Orr (a/k/a Clayton Leon Orr): | 1.78571% |
| Jerome Alfred Orr, Jr: | .59528% |
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| Jonathan Kennon Orr: | .59528% |
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| John M. Orr, Jr: | .71428% |

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| Dennis M. Orr: | .71428% |
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| Annie Orr: | .35714% |
| Arielle Orr: | .07143% |
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| Bonita Orr: | .79365% |
| Daisy E. Jackson: | 1.58730% |
| Paul Neal, Jr: | 1.58730% |
| Joyce A. Jackson: | 1.58730% |
| Joyce Orr Myers: | 4.76190% |
| Barbara Marlowe Pittman: | <u>14.28571%</u> |
| TOTAL: | 100%; |

2. All just compensation funds held by the Clerk of Court, including principal and all accumulated interest, in the case of Central Electric Power Cooperative, Inc. v. William D. Orr, et al., Case No: 2019-CP-46-01680, shall be delivered to Walter L. Heinsohn, Attorney at Law;

3. Walter L. Heinsohn shall distribute the funds as follows:

a. First, to the following for reimbursement of the funds contributed by them to cover the costs and fees of this action:

| | |
|--------------------|-----------|
| Barbara Pittman: | \$ 860.00 |
| Troy Ross: | \$ 860.00 |
| Constance Jackson: | \$ 287.00 |

| | | | |
|-------------------------|----|---------------|---|
| Harold Jones, Jr: | \$ | 286.67 | |
| Anthony G. Jones: | \$ | 286.67 | |
| James M. Orr: | \$ | 97.00 | |
| Joyce A. Orr: | \$ | 287.00 | |
| Bonita Ann Myers: | \$ | 194.00 | |
| Dorothy Walker=s heirs: | \$ | 287.00 | (Daisy E. Jackson, Paul Neal, Jr. & Joyce A. Jackson) |
| Bobbie J. Orr: | \$ | 860.00 | |
| Rick Orr: | \$ | 860.00 | |
| Harold Huntley: | \$ | <u>834.66</u> | |
| TOTAL: | | \$ 6,000.00 | |

b. Second, the remaining funds shall be disbursed to the owners in accordance with their percentage of ownership as stated above;

4. Upon distribution of the funds, Walter L. Heinsohn shall file with this court his report of distribution. In the event any disbursements are returned as undeliverable after diligent search has been made to obtain a good address, Walter L. Heinsohn shall petition this Court for further instructions as to the distribution of any such funds.

AND IT IS SO ORDERED.

Judge's Signature Page to Follow

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF YORK
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NO. 2021 CP-46-02314

Jacqueline Orr Anthony, et al.,

Vincent Carolina, et al.,

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Walter L. Heinsohn

Attorney for : ☐ Plaintiff ☐
Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional

information.

- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRCF; ☐ Rule 41(a), SCRCF (Vol. Nonsuit); ☐ Rule 43(k), SCRCF (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRCF; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

| Judgment in Favor of (List name(s) below) | Judgment Against (List name(s) below) | Judgment Amount To be Enrolled (List amount(s) below) |
|--|---|---|
| Jacqueline Orr Anthony, Martin Orr, Camallous Orr, Ricky Orr, Chalmers Orr, William Douglas Orr, III, Clayton Leon Orr, Jerome | Vincent Carolina and Charles Gregory Carolina | \$N/A |

| | | |
|--|--|----|
| Alfred Orr, Jr., Krystal Lenae Orr, Jonathan Kennon Orr, Brenda Orr-Adams, Bobbie Jean Orr, Michael A. Orr, John M. Orr, Jr., Dennis M. Orr, James G. Orr, Andre F. Orr, Annie Orr, Arielle Orr, Anwar S. Orr, Kendra N. Orr, Shavonda M. Orr, George M. Orr, Keiwanna Beard, Asia Martin, Markis Martin, George Burris, Anthoni Orr, Deon K. Burris, Harold L. Jones, Jr., Constance Jackson, Anthony Jones, Judy Huntley, Troy Ross, James A. Carolina, Jr., Gwendolyn Jefferson, Priscilla McCoy-Hilliard, James Orr, Anthony Orr, Bonita Orr, Daisy E. Jackson, Paul Neal, Jr., Joyce A. Jackson, Joyce Orr Myers and Barbara Malloy Pittman, | | |
| | | \$ |
| | | \$ |
| <p>If applicable, describe the property, including tax map information and address, referenced in the order:</p> <p>ALL THAT CERTAIN piece, parcel or lot of land lying and being situate in the State of South Carolina, County of York, Bullock Creek Township, on Orr Road but also having frontage on Canadian Drive, originally containing 68.72 acres, more or less, and having the following courses and distances, to wit:</p> <p>BEGINNING at a corner and running thence N. 74-1/2 E. 26.10*; thence N. 58 E. 6.85; thence N. 12-3/4 W. 19.70; thence N. 80 W. 14.40; thence S. 4-1/2 E. 3 along the public road (Orr Road); thence S. 32 W. 10.50 along the public road; thence S. 58 W. 25.05 along the said road and along the continuation thereof and the line of the old road to the corner on Orr's line; thence S. 47 E. 3.60; thence N. 42 E 7; thence S. 48 E. 10.64 to the beginning corner. Bounded on the north by lands of Oliver Meeks, on the west by lands recently assigned to Nettie McKnight by the commissioners under a Writ of Partition issued in the case of Mary H. McConnell v. Nettie C. McKnight, on the 5th day of January, 1909, by J.A. Tate, Clerk of Court for York County, and the public road, and on the south by lands of F. Orr, all of which more fully appears on a plat thereof made by Thomas H. Hardin, Surveyor, and dated January 8, 1909.</p> | | |

* All distances appear to be in chains. One chain equals 66 feet.

LESS AND EXCEPT THEREFROM, HOWEVER, the following conveyances:

1. .99 acre parcel conveyed by Lena Orr to Helen Ruth Orr by deed dated July 2, 1976, recorded July 19, 1976, in Deed Book 533 at page 698;
2. 2.28 acre parcel conveyed by Lena Orr to William D. Orr, III and Peggy L. Orr by deed dated April 10, 1979, recorded April 10, 1979, in Deed Book 591 at page 990;
3. 8.0 acre tract conveyed by Lena Orr to John Maxwell Orr by deed dated November 15, 1979, recorded November 20, 1979, in Deed Book 605 at page 879;
4. .997 acre parcel conveyed by Lena Orr to James Orr by deed dated April 20, 1982, recorded April 23, 1982, in Deed Book 661 at page 140; and

Less and except any other conveyances as may appear on the public records for York County.

TAX MAP NO: 228-00-00-001

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of August, 2022 and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 2022 to attorneys of record or to parties (when appearing pro se) as follows:

Walter L. Heinsohn, Attorney at Law

P.O. Box 4287

Rock Hill, SC 29732

ATTORNEY(S) FOR THE PLAINTIFF(S)

J. Martin Foster, *Guardian ad Litem*

P.O. Box 106

Rock Hill, SC 29731

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter: N/A

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

1. All "just compensation" funds held by the Clerk of Court, including principal and all accumulated interest, in the case of Central Electric Power Cooperative, Inc. v. William D. Orr, et al., Case No: 2019-CP-46-01680, shall be delivered to Walter L. Heinsohn, Attorney at Law, for further distribution in accordance with this Order
2. This order should be indexed in the Grantee index in the Register of Deeds' office wherein all Plaintiffs should be listed as Grantees. It is not necessary to list either Defendant in any index.



York Common Pleas

Case Caption: Jacqueline Orr Anthony , plaintiff, et al VS Vincent Carolina ,
defendant, et al
Case Number: 2021CP4602314
Type: Master/Order/Quiet Title and Form 4

So Ordered

s/ Teasa K. Weaver 3084

Electronically signed on 2022-09-12 14:25:28 page 12 of 12