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| STATE OF SOUTH CAROLINA |) | IN THE COURT OF COMMON PLEAS |
| COUNTY OF GREENVILLE |) | THIRTEENTH JUDICIAL CIRCUIT |
| |) | |
| Sharon Thompson, |) | CASE NO. 2021-CP-23-2694 |
| |) | |
| Plaintiff, |) | ORDER FINDING HEIRS' PROPERTY |
| |) | & VALUING PROPERTY |
| vs. |) | |
| |) | |
| |) | |
| Louise H. Thompson, et al., |) | |
| Defendants. |) | |

THIS MATTER COMES BEFORE THE COURT pursuant to Plaintiff’s Motion for Finding of Heir’s Property and Valuation of Property (“Motion”) filed on November 30, 2021. The Motion and Notice of Hearing were property served upon all parties as evidenced by the Certificate of Service filed on December 2, 2021. A hearing on the Motion was scheduled for and held on February 9, 2022. Present was Plaintiff’s attorney, Jessica S. Ferguson, Esq. Respondents’ names were sounded at the call of the case, and none appeared. In leu of attending the hearing, Kelley Yarborough Woody, Esq., Guardian ad Litem Nisi for John Doe, filed an Affidavit on January 20, 2022.

At the hearing, attorney Ferguson moved before this Court for a finding that the subject real property, 20 Woodfin Avenue, Greenville, South Carolina, 29605 (TMS #: 00950007000903) (“Real Property”), meets the definition of heirs’ property pursuant to S.C. Code Ann. § 15-61-330(A) and § 15-61-320(5), and for an evidentiary valuation of the Real Property pursuant to S.C. Code Ann. § 15-61-360. Based upon my review of the Court’s file, Plaintiff’s Motion and attached exhibits, and argument of counsel, I make the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. The subject Real Property, 20 Woodfin Avenue, Greenville, South Carolina, 29605 (TMS #: 00950007000903), is held in tenancy in common and (a) there is no agreement in a record binding all of the cotenants that governs the partition of the property; (b) one or more of the cotenants acquired title from a relative, whether living or deceased; and (ii) twenty percent or more of the interests are held by an individual who acquired title from a relative, whether living or deceased. Therefore, 20 Woodfin Avenue meets the definition of heirs’ property,

and this partition action shall proceed under The Clementa C. Pinckney Uniform Partition of Heirs' Property Act (§§ 15-61-310 — 15-61-420).

2. The evidentiary value of an appraisal of the Real Property is outweighed by the cost of the appraisal, as Plaintiff is an indigent client of South Carolina Legal Services and is unable to reasonably afford an appraisal. Further, all Defendants, except for John Doe, are in default, were properly noticed of this hearing, and chose not to attend or otherwise request an appraisal. Therefore, this Court shall establish by order the fair market value of the property pursuant to S.C. Code Ann. § 15-61-360.
3. As of February 9, 2022, 20 Woodfin Avenue has a fair market value of \$132,790.00. This valuation is based on the Greenville Tax Assessor's current evaluation, Zillow's Zestimate, and Redfin's estimate, as well as testimony from counsel regarding the current condition of the Real Property, which is in dire need of repair. This fair market value is not prejudicial or injurious to any party, as no Defendant appeared at the hearing or filed a return contesting the fair market value, and as all Defendants may only hold miniscule fractional interests in the Real Property. Further, Kelley Yarborough Woody, Esq. as Guardian ad Litem Nisi for John Doe consented to the fair market value of \$132,790.00.

THEREFORE, IT IS HEREBY ORDERED THAT:

- A. 20 Woodfin Avenue, Greenville, South Carolina, 29605 (TMS #: 00950007000903), meets the definition of heir's property, and this partition action shall proceed under The Clementa C. Pinckney Uniform Partition of Heirs' Property Act (§§ 15-61-310 — 15-61-420);
- B. The evidentiary value of an appraisal of the Real Property is outweighed by the cost of the appraisal, therefore this Court establishes by this order that 20 Woodfin Avenue has a fair market value of \$132,790.00, pursuant to S.C. Code Ann. § 15-61-360.

IT IS SO ORDERED.

Presiding Judge
Thirteenth Judicial Circuit

_____, 2022
Greenville, South Carolina



Greenville Common Pleas

Case Caption: Sharon Thompson vs. Louise H Thompson , defendant, et al

Case Number: 2021CP2302694

Type: Order/Other

So Ordered

s/Letitia H. Verdin, SC Judge 2162