

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)
)
)
)
 Plaintiff(s),)
 -vs-)
)
 Defendant(s),)
)
 _____)

IN THE COURT OF COMMON PLEAS
 SEVENTH JUDICIAL CIRCUIT

COMPLAINT TO QUIET TITLE (TAX SALE)

CASE NO: _____-CP-42-_____

PLAINTIFF _____, complaining of Defendant _____, would respectfully show unto to the Court:

FOR A FIRST CAUSE OF ACTION
 (Suit to Quiet Title)

1. That Plaintiff _____ is a corporation organized and existing pursuant to laws of the state of South Carolina, that it has its principal place of business in Spartanburg County, South Carolina and that it does business in Spartanburg County, South Carolina.

2. That, on information and belief, Defendant _____ is a citizen and resident of Spartanburg County, South Carolina.

3. That this Court has subject matter jurisdiction over this action pursuant to S.C. Code §§ 12-16-10 and 15-67-10.

4. That by deed dated _____, and recorded on _____, in the office of the Register of Deeds for Spartanburg County, South Carolina, in Book ____, at Page ____, conveyed to Defendant _____, the following described property, to-wit:

[Insert legal description here]

TMS #

Property Address:

(hereinafter referred to as the “Property”), a copy of which deed is attached hereto as Exhibit A, and incorporated herein by reference.

5. That, on information and belief, Defendant _____, neglected to pay the real property taxes for the ____ tax year duly levied and assessed against the Property by the political subdivisions of the State of South Carolina legally authorized to assess real property taxes against the Property.

6. That, on information and belief, _____, the County Treasurer of Spartanburg County, South Carolina, issued a tax execution for the ____ tax year directed to the Spartanburg County Delinquent Tax Collector (hereinafter referred to as the “Tax Collector”) against Defendant _____, strictly charging and commanding the Tax Collector to levy by distress and sell so much of the estate of Defendant _____, to satisfy the delinquent taxes, assessments, penalties, and costs for their collection.

7. That, on information and belief, by virtue of the tax executions issued by _____, for the tax year(s) _____, the Tax Collector sent a copy of the tax execution to Defendant _____, and further sent on _____, via certified mail, a notice of delinquent taxes, assessments, penalties and costs to Defendant _____, which notice was received by Defendant _____, on _____.

8. That on _____, during the usual hours of sale, the Tax Collector, after due advertisement, did sell the Property and give receipt therefor to the Spartanburg County Forfeited Land Commission, the highest bidder at such sale for the sum of \$ _____, and; that the Spartanburg County Forfeited Land Commission did pay the Tax Collector the aforementioned sum on the same day as required by S.C. Code § 12-51-60.

9. That, on information and belief, on _____, the Tax Collector sent via certified mail a final notice before redemption to Defendant _____, such notice being received by Defendant _____, on _____.

10. That, on information and belief, no one redeemed the Property during the twelve (12) month redemption period beginning on _____, the date of the aforementioned sale, and ending on _____, as provided in S.C. Code § 12-51-90.

11. That, on information and belief, the aforementioned execution and sale of the Property was proper in that it complied with S.C. Code §§ 12-49-10 through 300 and 12-51-10 through 170.

12. That by deed dated _____, and recorded on _____, in the Office of the Register of Deeds for Spartanburg County, South Carolina, in Deed Book ____, at Page ____, the Tax Collector conveyed title to the Property to The Spartanburg County Forfeited Land Commission, a copy of which deed is attached hereto as Exhibit B, and is incorporated herein by reference.

13. That the duly assessed real property taxes for the tax year _____, together with all assessments, penalties and costs, constituted a first lien in all cases whatsoever upon the Property, which first lien attached at the beginning of the tax year , as provided in S.C. Code § 12-49-10, and; that the aforementioned tax lien was senior to and took priority over all liens, and that any liens on the Property were junior to and subordinate to the aforementioned tax lien.

14. That, on information and belief, by virtue of the failure of Defendant _____, to pay the taxes on the Property for the ____ tax year, by virtue of the Spartanburg County Forfeited Land Commission's successful bid at the delinquent tax sale on _____, by virtue of the failure of Defendant _____, to redeem the Property and by virtue of the conveyance of the Property to the Spartanburg County Forfeited Land Commission

by the Tax Collector, any and all interest Defendant _____, had in and to the Property has been extinguished.

15. That on _____, Plaintiff _____ purchased the Property from the Spartanburg County Forfeited Land Commission at a Spartanburg County Forfeited Land Commission auction.

16. That, by letter dated _____, Plaintiff _____, by and through its attorney, did forward on to Defendant _____, a quit claim deed conveying any interest in and to the Property she may have to Plaintiff _____, and further advising Defendant _____, that Plaintiff _____, had acquired title to the Property.

17. That, to date, Plaintiff _____ has not received back the aforementioned quit claim deed.

18. That by deed dated _____, and recorded on _____, in the Office of the Register of Deeds for Spartanburg County, South Carolina, in Deed Book ____, at Page ____, the Spartanburg County Forfeited Land Commission conveyed title to the Property to Plaintiff _____.

19. That, on information and belief, Plaintiff _____, is entitled to judgment terminating any and all interest Defendant _____, his/her/its spouse, heirs, devisees, successors, assigns or any one or anything in the whole world claiming under him/her/it, irrespective of the nature of that interest, have in and to the Property and barring any future claims they may assert.

20. That, on information and belief, by virtue of the failure of Defendant _____, to execute and return the aforementioned quit claim deed Plaintiff

_____, is entitled to recover from Defendant, all costs and attorney fees incurred in connection with this case.

21. That, on information and belief, the Master-in-Equity for Spartanburg County, South Carolina, should hear this case for final determination, with direct appeal to the Supreme Court for the State of South Carolina.

FOR A SECOND CAUSE OF ACTION
(Accounting)

22. That each and every allegation set forth in Paragraph 1 through Paragraph 21 hereinabove is incorporated herein as if fully set forth herein verbatim.

23. That, on information and belief, Defendant _____, has received rental income from the Property subsequent to _____. That, on information and belief, Defendant _____, has converted rent monies which belong to Plaintiff _____.

25. That, on information and belief, Plaintiff _____, is entitled to an accounting to determine the amount rent converted by Defendant _____.

FOR A THIRD CAUSE OF ACTION
(Conversion)

26. That each and every allegation set forth in Paragraph 1 through Paragraph 25 hereinabove is incorporated herein as if fully set forth herein verbatim.

27. That Defendant _____'s, retention of rent monies due subsequent to _____, constitutes a conversion of rent money belonging to Plaintiff _____, which conversion was willfully and intentionally done with knowledge that the rent monies belonged to Plaintiff _____, which had and has an immediate right to possession of such rent monies.

28. That all of the relevant foregoing acts of Defendant _____, complained of in Paragraph 1 through Paragraph 27 hereinabove were willful, wanton, malicious, reckless and done with conscious indifference to the ownership of and immediate right of possession of the rent monies by Plaintiff _____, and were in reckless disregard thereof.

29. That, on information and belief, Plaintiff _____, is entitled to damages in an amount equal to the amount of rent monies converted by Defendant _____, for pre-judgment interest, for punitive damages in an appropriate amount and for the costs and attorney's fees associated with bringing this action.

WHEREFORE, Plaintiff _____, prays that it be awarded judgment:

A. Terminating any and all interest Defendant _____, his/her/its spouse, heirs, devisees, successors, assigns and anyone or anything in the whole world claiming under him/her/it, irrespective of the nature of such claim, has in and to the Property, barring any future claims Defendant _____ may have in and to the Property;

B. Directing Defendant _____ to provide Plaintiff _____ with an accounting of all rent monies associated with the Property collected after _____, by Defendant _____;

C. Awarding Plaintiff _____, a judgment in an amount equal to the rent monies associated with the Property collected after _____, by Defendant _____;

D. Awarding Plaintiff _____ pre-judgment interest;

E. Awarding Plaintiff _____, punitive damages in an appropriate amount;

F. Awarding Plaintiff _____, all costs and attorney fees incurred in bringing this case; and

G. Awarding Plaintiff _____, such other and further relief as this Court
deems just and proper.

Attorney for Plaintiff