

CIVIL CASE NUMBER

STATE OF SOUTH CAROLINA)

COUNTY OF _____)

PLAINTIFF(S))

VS.)

DEFENDANT(S))

COMPLAINT TO QUIET
TITLE AFTER TAX SALE

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 Charleston County, South Carolina and that it does business in Charleston County, South Carolina.
2. That, on information and belief, Defendant, _____, is a citizen and resident of Charleston County, South Carolina.
3. That this Court has subject matter jurisdiction over this action pursuant to Sections 12-16-10 and 15-67-10, Code of Laws of South Carolina, 1976.
4. That by deed dated _____, and recorded on _____, in the office of the Register of Mesne Conveyance for Charleston County, South Carolina, in Book _____, at Page _____, _____ conveyed to Defendant, _____, the following described property, to-wit:

Insert legal description here

TMS #

(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, Andrew C. Smith, the County Treasurer of Charleston County, South Carolina, issued a tax execution for the tax year _____ directed to the Charleston 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 Andrew C. Smith, for the tax year _____, 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 Charleston County Forfeited Land Commission, the highest bidder at such sale for the sum of \$_____, and; that the Charleston County Forfeited Land Commission did pay the Tax Collector the aforementioned sum on the same day as required by Section 12-51-60, Code of Laws of South Carolina, 1976, as amended.

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 Section 12-51-90, Code of Laws of South Carolina, 1976, as amended.

11. That, on information and belief, the aforementioned execution and sale of the Property was proper in that it complied with Sections 12-49-10 through 300 and 12-51-10 through 170, Code of Laws of South Carolina, 1976, as amended, in all material respects.

12. That by deed dated _____, and recorded on _____, in the Office of the Register of Mesne Conveyance for Charleston County, South Carolina, in Deed Book _____, at Page _____, the Tax Collector conveyed title to the Property to The Charleston 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 Section 12-49-10, Code of Laws of South Carolina, 1976, as amended, 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 Charleston 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 Charleston 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 Charleston County Forfeited Land Commission at a Charleston 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 Mesne Conveyance for Charleston County, South Carolina, in Deed Book _____, at Page _____, the Charleston 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 spouse, heirs, devisees, successors, assigns or any one or anything in the whole world claiming under her, 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 Charleston 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 spouse, heirs, devisees, successors, assigns and anyone or anything in the whole world claiming under her, 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