

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
IN THE NINTH JUDICIAL CIRCUIT
CASE NO. 2011-CP10-1084

ROOSEVELT SIMMONS)
Plaintiff)
Vs.)
MASE and COMPANY, LLC,)
J. AL CANNON, JR.,)
CHARLESTON COUNTY)
SHERIFF'S DEPARTMENT,)
CHARLESTON COUNTY,)
CHARLESTON COUNTY)
REVENUE COLLECTIONS)
DEPARTMENT and)
HARRY LONG)
Defendants)

BY _____

JULIE J. ARMSTRONG
CLERK OF COURT

2012 NOV 30 AM 11:58

FILED

**AMENDMENT TO
SECOND AMENDED COMPLAINT**

SIXTH COUNT
(Inadequacy of Sale price)

38. Plaintiff repeats and realleges each and every allegation of Paragraphs 1-37 of the Second Amended Complaint as if more fully set forth herein.

39. On or about November 4, 2009, Harry Long in his capacity as Deputy Sheriff of defendant Charleston County Sheriff's Department conducted a judicial sale of real property known as TMS 283-00-00-498 then owned by plaintiff.

40. The sale was purportedly to satisfy a judgment in Case No. 2000-JG -10-1817 issued by the Magistrates Court against plaintiff Roosevelt Simmons for nonpayment of a user fee imposed against TMS 282-00-00-138 also owned by plaintiff.

41. Defendant Mase and Company, LLC purchased the subject property for the sum of six hundred dollars (\$600.00) but the judgment remains unsatisfied.

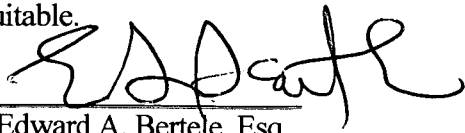
42. On or about February 2010, defendant J. Al Cannon, Jr., Sheriff of Charleston County (the Sheriff) executed a deed purporting to transfer title to TMS 498 to defendant Mase and Company, LLC. The deed was recorded in the office of the Register of Mesne Conveyances of Charleston County in Deed Book 0109 page 498.

43. The sale price was so grossly inadequate as to shock the conscience.

44. The fair market value of the subject property is approximately \$70,000.00

WHEREFORE, plaintiff requests that judgment be entered against the defendants as follows:

1. A declaration that the Sheriff's deed to real property designated as TMS 283-00-00-498 to defendant Mase and Company, LLC, recorded in the office of the RMC of Charleston County in Deed Book 0109 page 498 is void and of no effect and that an Order thereupon be entered in the record of the Recorder of Mesne Conveyances;
2. A declaration invalidating all judgments entered against Simmons relating to payment of user fees imposed against TMS 282-00-00-138 and TMS 311-00-00-024 and 311-00-00-032;
3. Declaratory and injunctive relief against defendants' future imposition of user fees;
4. Compensatory damages;
5. Punitive damages;
6. An award of counsel fees and costs to the plaintiff;
7. Such other relief as the Court deems just and equitable.

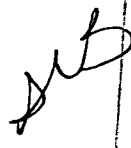

Edward A. Bertele, Esq.
1812 Pierce Street
Charleston, SC 29492
(843) 471-2082 phone
Attorney for Plaintiff Roosevelt Simmons

Dated: November 29, 2012

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

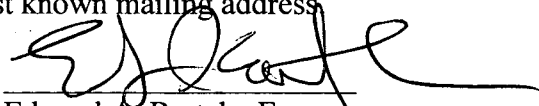
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BY 

CERTIFICATION OF SERVICE

I hereby certify that a true copy of the plaintiff's Amendment to Second Amended Complaint was served upon the defendants' attorneys, Christopher Dorsel, Esq. and Wendy Keefer, Esq. by regular mail postage prepaid at their last known mailing address


Edward A. Bertele, Esq.

November 29, 2012

**EDWARD A. BERTELE, ESQ.
ATTORNEY AT LAW**

**1812 PIERCE STREET
CHARLESTON, SC 29492**

Email: ebertele@msn.com

Member: SC, NJ & NY bars

Ph: (843) 471-2082

Fax: (843) 471-2082

November 29, 2012

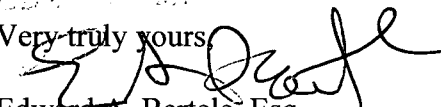
Ms. Julie J. Armstrong
Clerk of the Court
Charleston County Courthouse
100 Broad Street
Charleston, SC 29401

Re: Simmons v. Mase and Co, LLC. et al
Case No. 2011-CP-10-1084

Dear Ms. Armstrong:

Enclosed for filing is plaintiff's Amendment to Second Amended Complaint together with certificate of service. Thank you for your kind assistance in this matter.

Very truly yours,


Edward A. Bertele, Esq.

Encl:

CC: Chris Dorsel, Esq. w/o enclosure
Wendy Keefer, Esq. " "