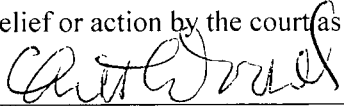


STATE OF SOUTH CAROLINA )  
)  
COUNTY OF CHARLESTON )  
)  
ROOSEVELT SIMMONS )  
Plaintiff, )  
vs. )  
MASE AND COMPANY, LLC, et al )  
Defendant. )

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT  
CASE NO.: 2011-CP-10-1084

**MOTION AND ORDER INFORMATION  
FORM AND COVERSHEET**

Plaintiff's Attorney: Edward A. Bertele, Bar No. _____ Address: 1812 Pierce St Charleston, SC 29492 Phone: 843.471.2082 Fax 843.471.2082 E-mail: ebertele@msn.com Other: _____	Defendant's Attorney: Christopher T. Dorsel, Bar No. 72504 Address: 3 Wesley Drive, Charleston, SC 29407 Phone: 843-556-4045 Fax 843-556-4046 E-mail: chris@sennlegal.com Other: _____
<input checked="" type="checkbox"/> <b>MOTION HEARING REQUESTED</b> (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> <b>FORM MOTION, NO HEARING REQUESTED</b> (complete SECTIONS II and III) <input type="checkbox"/> <b>PROPOSED ORDER/CONSENT ORDER</b> (complete SECTIONS II and III)	
<b>SECTION I: Hearing Information</b>	
Nature of Motion: Motion for Summary Judgment Estimated Time Needed: 20 minutes      Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	
<b>SECTION II: Motion/Order Type</b>	
<input type="checkbox"/> Written motion attached <input checked="" type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
 _____ Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant	05/01/2019 Date submitted
<b>SECTION III: Motion Fee</b>	
<input checked="" type="checkbox"/> PAID - AMOUNT: \$ <u>2500</u> <input type="checkbox"/> EXEMPT: (check reason) <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input type="checkbox"/> Other: _____	
<b>JUDGE'S SECTION</b>	
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____
<b>CLERK'S VERIFICATION</b>	
Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

ROOSEVELT SIMMONS,

Plaintiff,

v.

MASE AND COMPANY, LLC, J. AL  
CANNON, JR., CHARLESTON COUNTY  
SHERIFF'S OFFICE, CHARLESTON  
COUNTY, CHARLESTON COUNTY  
REVENUE COLLECTIONS  
DEPARTMENT, and HARRY LONG,

Defendants,

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL  
CIRCUIT CASE NO.: 2011-CP-10-1084

**DEFENDANTS AL CANNON, JR.,  
CHARLESTON COUNTY SHERIFF'S  
OFFICE, CHARLESTON COUNTY,  
AND CHARLESTON COUNTY  
REVENUE COLLECTIONS  
DEPARTMENT'S, MOTION FOR  
SUMMARY JUDGMENT**

FILED  
2019 MAY -6 PM 2:42  
JULIE J. ARMSTRONG  
CLERK OF COURT

Now come Defendants Al Cannon, Jr., Charleston County Sheriff's Office, Charleston County, and Charleston County Revenue Collections Department (hereinafter referred to as "these Defendants")<sup>1</sup> and file this Motion for Summary Judgment. These Defendants are aware of a Motion for Summary Judgment filed by co-Defendant Mase and Company, LLC, ("Mase"), and for the purpose of judicial economy and efficiency, these Defendants join fully in Mase's Motion with regard to the factual background and the arguments made in Section I of the Legal Argument. That section of Mase's Memorandum is outlined as follows:

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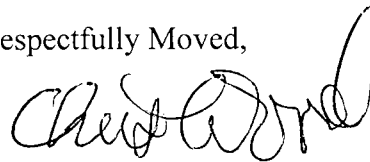
<sup>1</sup> All claims against Harry Long have been dismissed from this action and the dismissal has been upheld by the South Carolina Court of Appeals. To the extent the remaining defendants are properly part of this matter, this motion is submitted on their behalf. The undersigned is of the position that regardless of the outcome of the motions filed in this case, Defendant Long has no claims against him at this time.

- I. Even if the sale would otherwise be invalidated due to inadequate price, Plaintiff is barred from recovering the property under that legal theory due to his own inequitable conduct.

The factual background and arguments in Section I of Mase's Memorandum are incorporated herein, and these Defendants join in Mase's request that this Court find that Plaintiff is barred from recovery of the subject property on the basis of laches.

These Defendants do not join in Sections II, III, or IV of Mase's Memorandum and may file a responsive memorandum with regard to those sections.

Respectfully Moved,



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Christopher T. Dorsel, Esquire  
*Senn Legal, LLC*  
Post Office Box 12279  
Charleston, South Carolina 29422  
(843) 556-4045  
(843) 556-4046 (fax)  
[Chris@SennLegal.com](mailto:Chris@SennLegal.com)

*Attorney for Defendants Al Cannon, Jr.,  
Charleston County Sheriff's Office,  
Charleston County, and Charleston County  
Revenue Collections Department*

May 1, 2019  
Charleston, South Carolina

ROOSEVELT SIMMONS,

Plaintiff,

v.

MASE and COMPANY, LLC, J. AL  
CANNON, JR., SHERIFF OF  
CHARLESTON COUNTY and  
CHARLESTON COUNTY,

Defendants.

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL  
CIRCUIT CASE NO.: 2011-CP-10-1084

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that true copies of *Defendants Al Cannon, Jr., Charleston County Sheriff's Office, Charleston County, and Charleston County Revenue Collections Department's Motion for Summary Judgment* was served this 1<sup>st</sup> day of May, 2019, by depositing same in the United States mail, postage pre-paid, and addressed to the following:

Edward A. Bertele, Esquire  
1812 Pierce Street  
Charleston, SC 29492

and

Wendy J. Keefer, Esquire  
Keefer & Keefer, LLC  
1643B Savannah Hwy, Suite 226  
Charleston, SC 29407



Lisa L. Connors  
Paralegal for Christopher T. Dorsel, Esquire

FILED  
2019 MAY -6 PM 2:42  
JULIE J. ARMSTRONG  
CLERK OF COURT  
RY

  
*Senn Legal*  
—LLC—  
ATTORNEYS AT LAW

Sandra J. Senn  
Robin L. Jackson  
Christopher T. Dorsel  
Kevin M. DeAntonio

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Charleston, SC 29422  
(843) 556-4045  
F: (843) 556-4046

[chris@sennlegal.com](mailto:chris@sennlegal.com)

May 1, 2019

The Honorable Julie J. Armstrong  
Clerk of Court, Charleston  
100 Broad Street, Suite 106  
Charleston, SC 29402

RE: *Simmons v. Mase and Co. LLC et al.*  
C/A: 2011-CP-10-1084

Dear Ms. Armstrong,

Enclosed is the original and one copy of *Attorney for Defendants Al Cannon, Jr., Charleston County Sheriff's Office, Charleston County, and Charleston County Revenue Collections Department's Motion for Summary Judgment*. I would appreciate it if you would please file the original and return a file-stamped copy to me in the self-addressed, stamped envelope enclosed for your convenience. A firm check in the amount of \$25.00 representing the filing fee is also enclosed. If you should have any questions, please do not hesitate to contact me.

With kind regards, I remain,

Sincerely,



Christopher T. Dorsel

:llc  
Enclosures: As listed

cc: *(via first class mail, with copy of enclosure)*  
Wendy J. Keefer, Esquire  
Edward A. Bertele, Esquire