

All of the Defendants are today in Greenville and the deposition of Paula Wagner was taken on August 1, 1980 and the deposition of the other two Defendants were scheduled to be taken today, August 6, 1980, and the parties have reached a settlement.

The Complaint of the Plaintiff in this action sets forth in detail the judgment which it originally obtained against Grantland P. and Mae Joyce W. Wagner on August 4, 1977 filed in Judgment Roll 77-3559, Clerk of Court's Office, and also sets forth in detail the history of the real estate or the conveyances involving the real estate which is the subject of this action and is described in Paragraph X of the Complaint.

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Since the Lis Pendens was filed in this case on May 15, 1980, Defendant Paula N. Wagner attempted to convey the subject property to her brother Grantland P. Wagner, II by an alleged deed dated January 2, 1980 signed in Anderson County and recorded May 30, 1980 in Deed Book 1126 at Page 798, RMC Office for Greenville County. This deed, of course, is of no effect and is a nullity, in that it was not recorded until some fifteen days after the Lis Pendens was filed. In fairness to Attorney Smith, I wish to state that he did not know anything about this deed until within the last 24 hours.

IT IS THEREFORE ORDERED That the alleged deed from Paula N. Wagner to her brother, Grantland P. Wagner, II, recorded in Deed Book 1126 at Page 798, RMC Office for Greenville County, be cancelled by Donna Tankersley, RMC Office for Greenville County, pursuant to this Order and that the cancellation by her shall refer to this Order as her authority.

IT IS FURTHER ORDERED That the alleged deed from Mae Joyce W. Wagner to Paula N. Wagner dated April 13, 1977 and recorded in Deed Book 1054 at Page 593, RMC Office for Greenville County, be likewise cancelled by Donna Tankersley, RMC Office for Greenville County, and that the cancellation shall refer to this Order as her authority for so doing.

The parties recognize that Plaintiff is entitled to the relief sought under the allegations of its Complaint and particularly Paragraph XII thereof.

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