

STATE OF SOUTH CAROLINA)
 COUNTY OF GREENVILLE)

IN THE FAMILY COURT
 36850

Johnnie Mae Wynn,)
) Plaintiff,)
) vs.)
 Calvin Wynn,)
) Defendant.)

FILED
 GREENVILLE CO. S. C.
 AUG 13 2 39 PM '79
 DONNIE B. BANKERSLEY
 O R D R. H. 941
 78-DR-23-3941

This matter was originally brought in the Court of Common Pleas in November 1978. With the consent of all parties the matter was transferred to this Court for disposition by the Honorable Joseph R. Moss, Presiding Judge of the Thirteenth Judicial Circuit on or about May 29, 1979.

Plaintiff, Mrs. Wynn was divorced from Mr. Wynn by Order of this Court dated December 1, 1976 on the statutory ground of living separate and apart for in excess of three years. The Court, in said Order disposed of all issues concerning the parties but was silent concerning the real property owned by Calvin Wynn, the Defendant in this case.

Subsequently, this Court granted Mrs. Wynn "the absolute and exclusive use and possession of the former marital abode located at Route 5, Davis Road, Greenville, South Carolina, including the right to reside in same until further Order of this Court ...", said Order having been issued by this Court on November 28, 1978.

The issue at bar was raised in a companion case wherein Mrs. Wynn as Plaintiff is seeking sole ownership of the real property owned by Mr. Wynn in the first cause of action under the theory of resulting trust, or in the alternative she seeks in the second cause of action "partition of the property and to be paid one-half of the proceeds as the result of the partitioning of the property". Mr. Wynn timely answered. The matter was heard with testimony being taken from both parties.

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