

GREENVILLE S.C.  
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STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )  
IN THE COURT OF COMMON PLEAS

Paul E. Proffitt, Jr., as Trustee for )  
Quentin O. Ball, George Wike, and Paul )  
E. Proffitt, Jr., )  
Plaintiffs. )

*Created  
Dennis S. Bullock  
K.S.C.*

vs. )

ORDER

Larry D. Smith and Carolyn P. Smith, )  
Defendants. )

This matter comes before me on July 15, 1982, as a result of a Summons and Petition served upon the Defendants by the Plaintiff. This matter was referred to me by Order of the Clerk of Court for Greenville County for the purpose of taking testimony and issuing a final Order pursuant to the Code of Laws of South Carolina, 1976, Section 15-31-10 as amended.

The Defendant Larry D. Smith was served on October 19, 1981, by the Sheriff's Department of Avery County, North Carolina. At the time of the hearing, H. Michael Spivey, attorney for the Plaintiff, presented an Affidavit of Default in connection with the defendant Larry D. Smith. At the hearing there was a question as to whether said Defendant, being incarcerated in prison had been notified as to his right to apply for a Guardian Ad Litem. Subsequent to this on July 21, 1982, Defendant Larry D. Smith was served with a Notice to apply for a Guardian Ad Litem and as can be seen by the Affidavit of Default of Mr. Spivey, Defendant Larry D. Smith is in default on said notice.

That Defendant, Carolyn P. Smith was served by publication in that she could not be found to be served after diligent search. The Defendant Carolyn P. Smith was served in accordance with the statutes of the state of South Carolina by publication in the Greenville News, a paper of general circulation on June 10, 1982, June 17, 1982, and June 24, 1982. As can be seen by the Affidavit of Default of H. Michael Spivey, attorney for the Plaintiff, the Defendant has failed to file any responsive pleadings and therefore is in default.

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