

Roll No. 7-88

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STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

Sarah A. Osteen,

Plaintiff,

-vs-

Better-Bilt Construction Corporation,
a Corporation,

Defendant,

ORDER.

Upon the reading and filing of the verified Complaint in this action which was brought by the Plaintiff, for the purpose of vacating a purported mortgage to the Better Bilt Construction Corporation of Atlanta, Georgia, the same being recorded in the R.M.C. Office for Greenville County, South Carolina, in Book 879 at Page 448.

A hearing was had before me at Chambers, Greenville, South Carolina and the testimony of Plaintiff and her son, Johnny Osteen was taken. The testimony shows that the Plaintiff is illiterate, that she can neither read or write and she was approached by some one wanting to put siding on her home at Woodside Mill. She was told by the Agent of the Defendant that they wanted to use her home for demonstration purposed and that there would be no charge for the material or labor. Several months later the Plaintiff was asked to make payments to the Defendant, all of which she refused to do.

The purported contract or mortgage, which was offered in evidence is un-signed and only bears a mark. It is the opinion of the Court that this does not constitute a signature, nor neither does it constitute a contract between the Plaintiff and Defendant. The Defendant was served by publication, the Summons in the matter being published in the Greer Citizen, for three consecutive weekly issues. A copy of the Summons and Complaint was mailed to the Defendant by Plaintiff's attorney, James E. Taylor, by certified mail and the same has been returned to the sender, without locating the Defendant after using all ordinary diligence in attempting to make a delivery of certified mail. The affidavit of Plaintiff's attorney shows that the Defendant is in default of answering, and he is asking the Court for a default Order of judgment.

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J.E.