



*Cancelled
Donnie S. Tankersley*

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

ORIGINAL FILED

APR 26 1982

JOHN W. WILLIAMS, CLERK

Robert L. Kosnoski,

Plaintiff,

-vs-

Tom S. Bruce and Mary E.
Bruce,

Defendants.

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FINDINGS OF FACT AND CONCLUSIONS
OF LAW AND ORDER

Civil Action No. 81-1906-3

The present action, based upon diversity jurisdiction, 28 U.S.C. §1332, was instituted by the Plaintiff, Robert L. Kosnoski (a West Virginia resident), as judgment creditor of the Defendant, Tom S. Bruce (a South Carolina resident), to set aside a conveyance by him to his wife, the Defendant, Mary E. Bruce (a South Carolina resident), as being a fraudulent conveyance made in violation of §27-23-10, 1976 Code of Laws of South Carolina, as amended. The amount in controversy exceeds \$10,000.00, exclusive of costs and interest. The real property in question is located in Greenville County, South Carolina. The Defendants answered by way of general denial.

At the commencement of the trial before the Court, without a jury, on March 25, 1982, the Defendant, Mary E. Bruce, over Plaintiff's objection, asserted an equitable interest, inchoate dower, and homestead exemption, and at the conclusion of the trial Defendant moved for and was granted a variance in the pleadings.

12(296) 444-2-22, 23, 24

On December 1, 1977, the Plaintiff, Robert L. Kosnoski, instituted Civil Action No. 77-2331, in the United States District Court, District of South Carolina, Greenville Division, against the Defendant, Tom S. Bruce, alleging violations of the South Carolina Uniform Securities Act -- failure to register and securities fraud. By Order of the District Court dated November 1980 (filed November 10, 1980) as amended and supplemented by Orders dated January 13, 1981 (filed January 13, 1981) and February 21, 1981 (filed February 27, 1981), this action resulted in judgment being entered November 11, 1980 and March 2, 1981, in favor of Plaintiff against the

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