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STATE OF SOUTH CAROLINA **JUL 07 2022**

COUNTY OF RICHLAND

SC Court of Appeals

IN THE PROBATE COURT

Estate Numbers: 2017-ES-40-02031
2018-ES-40-01104

FILED

IN THE MATTER OF THE ESTATE OF)
WILLIAM JOSEPH, JR. and as it affects)
THE ESTATE OF ROSA LEE GOODWIN)

ORDER TO REPAY THE ESTATE OF WILLIAM JOSEPH, JR.

AMY W. McCULLOUGH
PROBATE JUDGE
RICHLAND COUNTY, S.C.

Cap Seal & Date

THIS MATTER COMES BEFORE THE COURT pursuant to a hearing held on November 22, 2021, to address the Accounting in the Estate of William Joseph, Jr. ("Estate"), specifically the amount owed by Clarence Goodwin, Jr., as former Personal Representative, to the Estate and the amount to be distributed to the beneficiaries of the Estate of Rosa Lee Goodwin, sole devisee of the Estate of William Joseph, Jr. Notice of Hearing was sent to all interested parties in both Estates. The interested parties present at the hearing were Clarence Goodwin, Jr. and his attorney, Barbara Brunson; Pamela Thomas; Barbara Preater; Kim Mobley; and Curtis Goodwin.

A prior hearing in this matter was held on January 9, 2019, wherein Clarence Goodwin, Jr. was terminated as the Personal Representative of the Estate and required to file an Accounting of all Estate assets and all assets managed by Mr. Goodwin as Agent under a Power of Attorney for William Joseph, Jr., as it was determined at a previous hearing that Mr. Goodwin had transferred assets to himself as such Agent. Prior to the Decedent's death, Clarence Goodwin, Jr., had served as Power of Attorney for the Decedent and was listed as such on all of the Decedent's bank accounts with Bank of America.

Mr. Goodwin subsequently hired attorney Barbara Brunson to assist him in completing the Accounting, which was filed by attorney Brunson on May 20, 2019. Pursuant to all testimony and documents filed in this matter, the Court finds the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. On October 13, 2017, the Decedent, William Joseph, Jr., hereinafter "Decedent", died as a resident of Richland County; therefore, the Court has venue and subject matter jurisdiction in this matter, pursuant to S.C. Code Ann. §§ 62-3-201(a)(1) and 62-1-302(a)(1), 1976, as amended.
2. On December 6, 2017, the Last Will and Testament of William Joseph, Jr. dated March 22, 2017, was filed with the Court. The Will leaves all assets to his sister, Rosa Lee Goodwin. The Will nominates Rosa Lee Goodwin and her living children as the Joint Personal Representatives of his Estate.
3. On December 6, 2017, a Renunciation, Nomination, and Waiver of Bond form signed by Rosa Lee Goodwin was filed. On this form, Rosa Lee Goodwin nominated her son, Clarence Goodwin, Jr., to serve as Personal Representative of the Estate of William Joseph, Jr.
4. On December 13, 2017, Clarence Goodwin, Jr. was appointed as the Personal Representative of the Estate.

To be Contest and Surv. Children

5. On February 6, 2018, Clarence Goodwin, Jr. filed the Inventory and Appraisement swearing that the total assets of the Estate were \$96,713.77 as two (2) life insurance policies from River Source.
6. On March 9, 2018, Rosa Lee Goodwin passed away and the Estate of Rosa Lee Goodwin is currently open in this Court under Case Number 2018-ES-40-01104. ??
7. On October 17, 2018, Clarence Goodwin, Jr. reported on his first Accounting that he had spent \$21,069.25 on funeral expenses for William Joseph, Jr. and \$16,949.00 on funeral expenses for Rosa Lee Goodwin and had distributed \$12,500.00 each to Barbara Preater and Pamela Thomas. Mr. Goodwin also reports an unidentified expense for \$12,835.49 and reports a balance yet to be distributed of \$20,860.03. W.R.W. /
8. At the time of his filing, based on the Accounting and statements made by Clarence Goodwin, Jr., it came to the Court staff's attention that funds from the Estate of William Joseph, Jr. may have been misappropriated. He was instructed to produce the Will of Rosa Lee Goodwin and to file an Accounting with supporting bank statements for the funds in the Estate of William Joseph, Jr. *YES* *Not true*
9. On November 8, 2018, having not received the appropriate information from Clarence Goodwin, Jr., this Court issued an Order to freeze the Estate account with Bank of America.
10. On November 27, 2018, this Court sent a letter and an email to Clarence Goodwin, Jr. instructing him to get all bank statements and perform a detailed Accounting. *I hired a lawyer*
11. On December 5, 2018, having not received the bank statements, this Court issued an Order to Bank of America to obtain the bank statements. ✓
12. On December 17, 2018, Clarence Goodwin, Jr. filed his second Accounting. He reported the same funeral expenses for both Estates, distributions of \$12,500.00 each to Barbara Preater and Pamela Thomas for pain and suffering, a distribution of \$19,835.49 to himself for pain and suffering and additional payments of \$6,630.00 each to Barbara Preater and Pamela Thomas and a payment to himself of \$7,000.00, leaving a reported balance of \$346.00. *HEY WILL NOT DISCLOSE WILL*
13. Also on December 17, 2018, Clarence Goodwin, Jr. filed the Last Will and Testament of Rosa Lee Goodwin, dated November 11, 1997, with the Court. The Will leaves everything to her six (6) children: Clarence Goodwin, Jr., Barbara Preater, Ronnie Leroy Goodwin, Johnny Ezekiel Goodwin, Nelson Lester Goodwin, and Pamela Thomas, "share and share alike, per stirpes." *TO HER 3 SUR. NOT ON UNCLE-BO-LL'S WILL*
14. Rosa Lee Goodwin was predeceased by three (3) of her children: Ronnie Leroy Goodwin (date of death April 13, 2017), Johnny Ezekiel Goodwin (date of death July 25, 2014), and Nelson Lester Goodwin (dated of death December 17, 1991), all of whom left issue.
15. On December 19, 2018, this Court received the bank statements from Bank of America showing that at the time the estate account was frozen, there was a balance of \$588.03 and that On October 18,

*Dates missing from
each line items -*

- 2018, Clarence Goodwin, Jr. wrote himself three (3) separate checks that totaled \$20,260.00 and during the administration, many other checks written to himself, along with many cash withdrawals.
16. A closing hearing in the Estate of William Joseph, Jr. was held on January 9, 2019, to address the unfiled bank statements, the unfiled detailed Accounting of Estate assets, and the opening of the Estate of Rosa Lee Goodwin.
 17. At this hearing, Clarence Goodwin, Jr. presented an Accounting, but provided no invoices to back up entries, and it was determined that Clarence Goodwin, Jr. had indeed misappropriated Estate funds, using assets of William Joseph, Jr. to fund construction on his personal home and unequal distributions to certain heirs.
 18. Clarence Goodwin, Jr. was terminated as Personal Representative of the Estate and instructed again to perform an adequate Accounting with supporting documentation.
 19. In order to make progress, Pamela Thomas was appointed as Special Administrator to sell William Joseph, Jr.'s 2016 Chrysler 300 for the benefit of the Estate, open an estate account, and deposit the funds from the sale of the 2016 Chrysler 300 into that estate account. She accomplished this task and funded the estate account. The estate account had \$14,470.99 in it as of January 18, 2022.
 20. Clarence Goodwin, Jr. hired attorney Barbara Brunson to assist him with the Accounting.
 21. On April 9, 2019, this Court received a report for attorney Brunson that Mr. Goodwin was claiming as an expense \$66,879.00 in home improvement costs for his home. *NO*
 22. On May 9, 2019, this Court received a confirmation that Clarence Goodwin, Jr. as Agent under the Power of Attorney for William Joseph, Jr. changed the beneficiary status of a Certificate of Deposit from two (2) other individuals to himself. *NOT TRUE*
 23. On May 24, 2019, attorney Brunson filed an Accounting with certain supporting documents. ✓
 24. On November 22, 2021, a hearing was held to determine the amount owed by Clarence Goodwin, Jr. to the Estate of William Joseph, Jr. and the distributions due to the Estate of Rosa Lee Goodwin. *NO*
 25. Clarence Goodwin, Jr. was allowed to testify and explain his Accounting. *NO*
 26. All other parties were given an opportunity to testify and all parties present did so.
 27. It was determined, after a thorough review of all documents presented by Clarence Goodwin, Jr. and his attorney, that there were still missing documents that were needed. *AFTER PAYING for bank statement*
 28. This Court issued separate orders to obtain other supporting documents.
 29. Upon review of the Accountings, filed documents, and other documents ordered by this Court to be produced from their source, the Court finds that the total value of the Estate of William Joseph, Jr. should have been \$238,169.88, as determined by the following:
 - a. \$96,713.77 in RiverSource annuities made payable to the Estate;
 - b. \$62,979.19 in the various Bank of America accounts at the time of the Decedent's death;

- c. \$59,013.92 in funds misappropriated by Clarence Goodwin, Jr. during his time as Power of Attorney for the Decedent;
- d. 2008 Chrysler 300, valued at \$5,000.00; and *NOT TRUE*
- e. 2016 Chrysler 300, valued at \$14,463.00 (which Clarence Goodwin, Jr. had transferred to himself and had been driving). *NOT TRUE -*

30. The following \$17,596.52 in estate expenses reported by Clarence Goodwin, Jr. are allowed and therefore subtracted from the total value of the Estate of William Joseph, Jr. before distribution to the Estate of Rosa Lee Goodwin, including:

- a. Funeral expenses in the amount of \$12,811.50;
- b. Administrative fees in the amount of \$785.02;
- c. Attorney's fees already paid as a retainer to Barbara Brunson by Clarence Goodwin, Jr. in the amount of \$2,500.00, for assistance in preparing the estate Accounting; and
- d. Additional funeral expenses to Hadley Davis Funeral Home in Miami, Florida in the amount of \$1,500.00.

31. Thus, upon the completion of administration, the Estate of William Joseph, Jr. should have distributed \$220,573.36 to the Estate of Rosa Lee Goodwin. ✓

32. Based on the assets that should have been reported in the Estate of William Joseph, Jr. there are additional probate fees owed in the amount of \$207.25 ✓

33. Based on the assets that therefore should have been transferred to the Estate of Rosa Lee Goodwin, there are probate fees owed in the amount of \$275.86.

34. Clarence Goodwin, Jr. paid \$17,199.25 for the funeral expenses for Rosa Lee Goodwin, which amount is allowed as an expense of the Estate of Rosa Lee Goodwin and deducted from the amount he will owe back, leaving \$203,374.11 to be distributed amongst the beneficiaries of the Estate of Rosa Lee Goodwin. ✓

- please produce STATEMENT to arrive this amount.

35. At the November 22, 2021 hearing, Clarence Goodwin, Jr. attempted to justify his spending from the Estate of William Joseph, Jr., including funds spent improving Clarence Goodwin, Jr.'s own home as a supposed benefit for William Joseph, Jr. and Rosa Lee Goodwin. *MY MOTHERS, AND MY HOUSE.*

36. At the 2019 hearing, this same explanation was provided as he insisted that he made the improvements to move William Joseph, Jr. and Rosa Lee Goodwin into his home to care for them. *TRUE*

37. The home was not completed before their deaths therefore this benefit did not occur and additionally, Clarence Goodwin, Jr. is the ultimate beneficiary of the improvements, as he alone owns his home.

38. This explanation was previously ruled as an inappropriate use of the Estate Funds at the 2019 hearing and this remains the ruling of this Court.

House was his idea to help enlarge the house to accommodate

39. Clarence Goodwin, Jr. also testified as to his mental state surrounding the death of William Joseph, Jr. and Rosa Lee Goodwin, explaining that he had been pressured into spending and/or giving away money during his time as Personal Representative.
40. Barbara Preater has received \$14,000.00 from Clarence Goodwin, Jr.
41. Pamela Thomas has received \$15,000.00 from Clarence Goodwin, Jr., \$10,000.00 as a cash payment and the Estate's 2008 Chrysler, valued at \$5,000.00.
42. Barbara Preater and Pamela Thomas forgave Clarence Goodwin, Jr. of any further amount owed to them by both signing Affidavits to this effect.
43. Kim Mobley, an heir to the Estate of Rosa Lee Goodwin as the daughter of Ronnie Leroy Goodwin, predeceased son of Rosa Lee Goodwin, acknowledged a previous distribution of \$300.00 through a Receipt filed with the Court on January 9, 2019.
44. Curtis Goodwin, an heir to the Estate of Rosa Lee Goodwin as the son of Johnny Ezekiel Goodwin, predeceased son of Rosa Lee Goodwin, has not received any distributions.
45. Antonio Goodwin, Catrina Murphy, Anthony Moore, Joshua Goodwin, Jonathan Goodwin, and Nelson Williams, heirs to the Estate of Rosa Lee Goodwin as the children of Nelson Lester Goodwin, predeceased son of Rosa Lee Goodwin, have not received any distributions.
46. A one-sixth (1/6) value of the funds to be distributed from the Estate of William Joseph, Jr. through the Estate of Rosa Lee Goodwin is \$33,895.69 ($\$203,374.11 / 6 = \$33,895.69$) *NOT True*
47. Clearly, Clarence Goodwin, Jr. is not entitled to any further distributions as he has received much more than a one-sixth (1/6) share that he was entitled to from the Estate of Rosa Lee Goodwin.
48. Clearly, Clarence Goodwin, Jr. is not entitled to a commission from the Estate of William Joseph, Jr. because of his breach of fiduciary responsibilities to the Estate and the heirs.
49. Therefore, the three (3) remaining shares to be repaid total \$101,687.07 ($\$33,895.69 * 3 = \$101,687.07$).
50. This amount is reduced by \$300.00 received by Kim Mobley to ultimately be reduced from her final payment through the Estate of Rosa Lee Goodwin and further reduced by the balance of the Bank of America account of \$14,470.99 to \$86,916.08.
51. Due to his misappropriation of estate assets, Clarence Goodwin, Jr. is to repay \$86,916.08 to the Estate of William Joseph, Jr.
52. Clarence Goodwin, Jr. is also required to pay the fees owed in the Estate of William Joseph Jr. in the amount of \$207.25 and the fees owed in the Estate of Rosa Lee Goodwin in the amount of \$275.86 and the fees owed to Ameriprise to obtain the necessary documents in the amount of \$75.00.
53. Any further outstanding attorney's fees due to Barbara Brunson are to be paid individually by Clarence Goodwin, Jr. and not from the assets of the Estate.

IT IS THEREFORE ORDERED:

Not Itemize

- A. That Clarence Goodwin Jr., former Personal Representative of the Estate of William Joseph, Jr., is to repay a total of \$87,474.19 to the Estate of William Joseph, Jr. or he will be held in contempt of Court.
- B. Clarence Goodwin, Jr. has a deadline of August 1, 2022 to make any and all payments to the Estate of William Joseph, Jr. All payments must be produced payable as a bank check or certified funds made payable to the Estate of William Joseph Jr. for immediate deposit into the Estate Account at Bank of America.
- C. Should Clarence Goodwin, Jr. fail to make the full payment by August 1, 2022, a bench warrant will be issued for his arrest and he will remain incarcerated at the Alvin S. Glen Detention Center until all monies are repaid.

IT IS SO ORDERED.

Amy W. McCulloch
Amy W. McCulloch, Probate Judge
Richland County Probate Court

June 8, 2022
Columbia, South Carolina

Please explain how \$87,474.19 was arrived from the accounting document produced by Barbara Brunson, my lawyer.

Please show an accounting statement on how this amount

Per Stipes

I did not come to change
the world but add value
in way that I can give
to me through DNR.