

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
(In the Supreme Court)
Case No. 2021-001504

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JUL 05 2022

SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
Letitia H. Verdin, SC Judge 2162
Case No.2021-CP-23-0362

JAYNE LaFORGE STOVALL

APPELLANT

V.

PAULETTE B. STOVALL and
WILLIAM S. STOVALL

RESPONDENT
DEFENDANT

INITIAL BRIEF OF APPELLANT

Jayne LaForge Stovall
3197 Golden Oak Ct.
Dallas, Texas 75234
972-983-4712

APPELLATE CASE NO. 2021-001504

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INTRODUCTION:

My father, Walter Stovall, died on January 7, 2018. In his Will and two Trust documents, I am Co-Trustee with Respondent and beneficiary of two Trusts. I received no communication from Respondent before my father's death to date, other than through our respective lawyers. Respondent directed facilities and agencies not to give me any information about my father's condition or location during the last weeks of his life. The Greenville Lawyer Referral Service denied pro bono counsel for me and for my sister, Lisa Stovall Rodriguez, stating there was too much money in my father's estate. I had to go pro se when I exhausted my savings in 2020 paying attorneys' fees.

MEMORANDUM OF POINTS AND AUTHORITIES:

Previous Wills and Trust agreements drawn previously to the obvious revisions in 2012 and 2013 were never provided by Respondent, although they did exist. In 2012 and 2013 when the revised Will and Trusts were supposedly drawn, I was 51 years old – not younger than 25 years old – and William was 58. The original trust document was likely drawn up sometime in the 1980's, as Decedent had bought and sold several pieces of real estate over a period of time, including some rental properties, between the time the original trust agreement was drawn up in the 1980's and the time it was revised in 2012. Note there is a section in the Trust about beneficiaries having the right to inhabit property as long as they maintain it and pay insurance and taxes. It is my belief that several CD's and bank accounts contain the proceeds from these properties and are Trust assets undisclosed by Respondent. This would include the proceeds from the house my sister, Lisa Stovall Rodriguez, owned, and was taken in foreclosure by Respondent four months before my father's death. A de son tort. Authority #2.

The change of spelling of Dad's middle name was made after a genealogy search was made by Defendant's wife, Mary Stovall in 2005, who obtained a copy of my father's original birth certificate. My father always thought it was spelled "Steven" and that is what he used for everything prior to 2005.

My father was institutionalized in late 1960 for treatment for a psychotic episode and continued to have problems leading up to the divorce in 1973, documented by Judge Roper's Order. He continued to have problems which were diagnosed and treated over the years of his marriage to Respondent, documented by the little information obtained during discovery, including a police report regarding the arrest of my father for spousal assault filed by Respondent in 2005. My brother, William Stovall, Defendant, was well aware of my father's mental and physical conditions, and was actually 22 and a pre-med student at UT when my father married Respondent – not 18, as he has stated.

The only medical records provided by Respondent were from 2016 and the entrance evaluation on my father's admittance to The Woodlands which just happened to include two evaluations including medical records from August 16, 2010 and July 1, 2011 that I am sure Respondent's attorneys did not know were accidentally included in one batch of documents they actually provided in their Designation of Matter for the May 19th hearing. See Authorities and Points #5 and #6.

The psychological evaluation which was maliciously used to threaten me, was obtained from Respondent and given to Defendant, William Stovall. I obtained the evaluation in 2014 and shared it with my father. My score on that evaluation was 80, within normal range, as the range is 15 points below and above 80, with anything 70 or below indicative of a problem. This evaluation has been used by Respondent's attorneys in an attempt to have me removed as co-Trustee of both Trusts, in violation of my HIPPA rights. I do not have dementia or mental health issues. I am a Special Ed teacher, working, and taking care of my Mother who is terminally ill.

As to my supposed failure to cooperate with Respondent, I was contacted by her lawyers only twice in three years about signing two documents. The first was NOT TO AUTHORIZE RMD's from the Trust of which I am beneficiary, but to cash it in. The other was to sell a piece of property which is part of the Family Trust. Respondent tried to sell it without my signature, and my attorney at the time, Nathan Farmer, advised that she had tried to sell it "behind my back" and not to sign it. I have submitted the evidence confirming to the Courts and to Respondent's lawyers several times. I also have proof that Respondent handled all financial transactions after my father could not, and financial records would confirm. See Authority #7 and #15. I have kept copies of all documents regarding this matter, as it is obvious that the Courts have not reviewed them.

Defendant has full knowledge of my Dad's mental and physical history and has lied about it. He is also the person who told me about the disgraceful state of the home where father lived and his lack of proper care. It is obvious that a person does not develop mental illness, diabetes, Lewy's Body Dementia, Alzheimers, or any of the other conditions Dad supposedly suddenly developed in 2016, and just diagnosed on his admission to the Woodlands in 2018. See A & P #3. Perjury Under Oath.

Two hearings were held in Greenville Probate Court, one on May 19, 2021, and one on July 7, 2021. No Order was issued for the May 19th hearing. Judge Jennings made inappropriate personal remarks to me on May 19th, asking if I was "on something" because I was obviously upset. He kept saying I was going to lose if I did not retain another lawyer. On July 7th, I was constantly interrupted and not allowed to speak or to question Respondent or Defendant.

Evidence obtained through discovery and by me, provided to the court prior to these hearings, was not reviewed, including depositions and affidavits provided by my mother, Joan Martin, and my sister, Lisa Rodriguez both of whom have essential tremor which affects their speech. See Authorities #4 and #1.

Respondent has failed to perform the duties of Co-Trustee as required by S. Carolina Probate Code rules. See Authorities #2 and #11.

Respondent has refused to release complete financial records related to my father's estate, or relevant medical records related to my father's mental and medical conditions.

Respondent states there is no money left in the Trusts in her response to interrogatories. That is not true. See Authorities #10 and #14.

Respondent foreclosed on my sister Lisa Rodriguez's Dallas home four months before my father died, sold the home, and my sister has received nothing. Lisa is permanently disabled from a back injury. Respondent has wrongfully interfered with distribution of the estate, a de son tort. See Authority #2 and #15

CONCLUSION:

Because Defendant William Stovall is not fit to serve as co-Trustee of either Trust because of his false testimony, his threats, and his history of mistreatment of his sisters, and because Respondent Paulette B. Stovall has not managed the estate according to S. Carolina Law, I am asking the Court to appoint an independent administrator and to order a forensic accounting of my father's estate, to be paid for by the estate, to cover the period from execution of the 2012 and 2013 documents to the date of my father's death, as well as a full accounting of the Trust assets from his death to date. As beneficiary, I am entitled to an accounting according to S. Carolina laws, including beneficiary designations. I am also asking that I be reimbursed by the Estate for the legal expenses I have incurred before having to go pro se, which I can document.

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Letitia H. Verdin, SC Judge 2162

Case No. 2021-CP-23-03689

Court of Appeals Case No: 2021-001504

Jayne LaForge Stovall

Appellant

V

Paulette B. Stovall and

Respondent

William S. Stovall

Defendant

PROOF OF SERVICE

I certify that I have served the Initial Brief and Designation of Matter on Paulette B. Stovall by depositing a copy of it in the United States Mail, postage prepaid, on June 27, 2022, addressed to her attorney of record, Devon Puriefoy, at 3 Boyce Avenue, Greenville, S. Carolina, 29691, and to Defendant William S. Stovall, pro se, at 1305 North King James Lane, Liberty Lake, Washington 99019.

Jayne L Stovall

Jayne LaForge Stovall
3197 Golden Oak Ct.
Dallas, Texas 75234
972-983-4712
Pro Se Appellant

June 27, 2022

TO: Jenny Abbott Kitchings, SCCA Clerk

FROM: Jayne Stovall

RE: Appellate Case No. 2021-001504

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Enclosed is the revised Initial Brief and Designation of Matter. I have received your letter with the enclosed copy of the one from Claire Allen. Actually, LaToyla was kind enough to send me the same copy on June 23rd by E-Mail and PDF. When you had advised that the Appeal had been reactivated in your letter, filed on June 9th, it is stated that I had thirty days from that date to file the Initial Brief. Since I had already prepared the Brief and sent it to your offices back in March, before the Appeal was denied, I am assuming that the revised Brief and Designation of Matter enclosed is due no later than July 9th.

I have made the corrections and additions requested to the best of my ability with the computer I have, and it is necessary for me to make trips to obtain multiple copies, and to FAX or send material by the USPS. If there is a problem, I would appreciate it if you or LaToyla would E-Mail or call me. Otherwise, I will assume there is nothing else I need to do until I hear further from you. I sincerely appreciate your help, as this ordeal has been going on for three and a half years and has still not been resolved.

Jayne S. Stovall

Jayne LaForge Stovall

/jls

Enclosure: Initial Brief and Designation of Matter

