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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL PENDING AT THE COURT OF APPEALS
Appellate Case Number Not Yet Assigned

FROM LEXINGTON COUNTY
WALTON J. MCLEOD, CIRCUIT COURT JUDGE
Case No. 2022-CP-32-01419

Emily P. Smith and Emily P. Smith and Associates, LLC, Appellants,

v.

Robert T. Smith; Southern Collection, LLC;
Southern Collection Brokerage, LLC;
Terrance Smith and Associates, LLC; Robert B. Smith,
And Sherry C. Smith, Respondents.

MOTION TO CERTIFY APPEAL

Appellants Emily Smith and Emily P. Smith and Associates, LLC (hereafter collectively referred to herein as “Emily”) seek an order of this Honorable Court certifying this appeal (currently pending at the Court of Appeals) in accordance with Rule 204(b), SCACR. This appeal raises significant issues of public interest and legal principal of major importance. Moreover, the issues involve subject matter jurisdiction and likely affect a significant number of cases now pending in family court.

The issue presented is whether the circuit court is deprived of subject matter jurisdiction over corporate issues when one (or more) of the members of the corporate entity is involved in litigation in family court. The circuit court judge has refused to recognize Emily’s rights as a

member of the jointly owned LLC, and has refused to allow her to exercise her statutory rights as a member of an LLC because she is married and involved in divorce proceedings.

Emily and Respondent, Robert T. “Terence” Smith (hereafter “Terence”), are married but are going through divorce proceedings that started approximately one year ago. Emily and Terence own equal interests in an LLC, Southern Collection LLC which operates as a real estate brokerage. Emily is a salesperson and Terence is the broker in charge. After initiating the divorce proceedings, Emily retained a certified fraud examiner and discovered that Terence had been withholding commissions she earned, overpaying himself, and diverting income to an LLC solely owned by Terence—without Emily’s knowledge or consent—that he created after Emily filed for divorce.¹

When Emily filed suit in family court a year ago, she requested equitable distribution in their pleadings. However, none of the companies they own were made parties to the action in family court. As indicated by the affidavit of Emily’s domestic attorney, Sheila Robinson, attached hereto as **Exhibit 2**, despite a year of litigation and multiple orders² issued by the family court, the family court has not yet addressed the status of the LLC owned by the parties, nor has it granted any relief regarding the parties’ respective interests in the LLC. In other words, the family court has exercised no jurisdiction over the LLC owned by the parties (or the LLC that Terence established after the parties separated and to which Emily believes he has transferred all of the assets of the jointly owned LLC) nor has it recognized the LLC’s interests as marital property. The family court has not issued any rulings regarding any of the LLCs nor has it recognized the LLCs interests as marital property. *Id.*

¹ See Affidavits of Christopher Leventis and Emily Smith, attached hereto as **Exhibit 1**.

² Some of which were emergency orders, *see* **Exhibit 2**.

On April 27, 2022, Emily exercised her statutory rights as a member of the jointly owned LLC and filed articles of disassociation with the secretary of state in accordance with S.C. Code Ann. § 33-44-704. **Exhibit 3.** She filed an action in circuit court seeking dissolution of the LLC pursuant to S.C. Code § 33-44-801(4). The circuit court judge refused Emily's request for a receiver over the LLC, ruling that he was "not convinced that the family court could not appoint a receiver." (Order dated May 6, 2022, Notice of Appeal filed July 29, 2022).

The circuit court judge subsequently dismissed the circuit court action, concluding the circuit court lacked jurisdiction over the corporate issues (although he instructed the parties to litigate the corporate issues in family court). (Order dated June 17, 2022, Notice of Appeal filed July 29, 2022.). Both orders (as well as the order denying Emily's motion to reconsider) have been appealed to the South Carolina Court of Appeals, but no appellate case number has been assigned.³

As a member of an LLC established under South Carolina law, Emily has statutory rights available to her which enable her to seek a dissolution of a jointly owned LLC. The family court is a court of limited jurisdiction, and lacks jurisdiction over the LLC or its corporate affairs, all of which are governed by statute. The result of the circuit court's rulings is that Emily has no rights as a member of an LLC if she happens to be married to the other member and involved in domestic litigation.

The Court of Appeals has recently ruled that a judicial dissolution of a corporate entity, an accounting of assets of the business, and issues regarding appointment of a receiver are exclusively

³ The circuit court refused to deal with the corporate issues at all, even though the corporate entities are not parties to the family court litigation, there are multiple causes of action not related to the marital relationship and who are not parties to the family court action, and despite Emily's demand for a jury trial on issues for which she is entitled to have a jury trial.

within the jurisdiction of the circuit court. *Palmetto Wildlife Extractors LLC v. Ludy*, 435 S.C. 690, 869 S.E.2d 859 (Ct.App. 2022). The circuit court judge's ruling here, which requires Emily to litigate her corporate interests in family court, deprives her of her statutory rights as a member of an LLC because she is a married woman.

Apparently, the family courts have been routinely and repeatedly dealing with corporate issues for years, taking the position that if a member of a corporation is in marital litigation, only the family court can distribute those assets as part of equitable distribution of the marriage.⁴ Terence's family court counsel asserts the family courts treat corporate interests owned by parties to the marriage as a part of equitable distribution, ignoring the requirements of the statutes which govern the formation, operation and dissolution of limited liability companies, and allocating them like marital property and marital debt. *Id.*

However, the family court is a court of limited jurisdiction; that is without dispute. *Singh v. Singh*, 434 S.C. 223, 863 S.E.2d 330 (2021).

This appeal presents the novel and important issue of whether members of a corporate entity can seek relief regarding their interests in the corporate entity. Other jurisdictions have addressed this issue and ruled that family court lacks jurisdiction over corporate issues. See *Whittaker v. Whittaker*, 228 W.Va. 84, 87, 717 S.E.2d 868, 871 (2011) (recognizing that the family court does not have jurisdiction to order a limited liability company to transfer its assets.) *See also*, *Whaley v. Whaley*, 261 So. 3d 386, 394-95 (Ala. Civ. App. 2017) (citing *Whittaker*).

Because the issues presented by this appeal are significant legal issues that represent a widespread practice of the family courts intruding on exclusive circuit court jurisdiction over

⁴ Statement of attorney Ashby Jones in a hearing before Judge Walter McLeod on June 3, 2022 (transcript ordered, not yet received).

corporate affairs, Emily asserts this Court should certify this appeal for decision. Emily is willing to expedite the briefing process so these issues of critical importance can be decided, not just for her but for apparently many other litigants who are being forced to submit their corporate disputes to family courts as part of equitable distribution litigation.

For the reasons set forth above, Emily moves for an order certifying this appeal and asking this Court to issue an expedited briefing schedule so the important legal issues presented by this appeal can be timely addressed.

Respectfully submitted,

s/ Desa Ballard

Desa Ballard (S.C. Bar No. 498)

Harvey M. Watson III (S.C. Bar No. 74053)

Haley Hubbard (S.C. Bar No. 103195)

BALLARD & WATSON
226 State Street
West Columbia, SC 29169
Telephone 803.796.9299
Facsimile 803.796.1066
desab@desaballard.com
harvey@desaballard.com
haley@desaballard.com

ATTORNEYS FOR APPELLANT

August 1, 2022



STATE OF SOUTH CAROLINA)
 COUNTY OF LEXINGTON)
 Emily P. Smith and Emily P. Smith and Associates, LLC,)
 Plaintiffs,)
 vs.)
 Robert T. Smith; Southern Collection, LLC; Southern Collection Brokerage, LLC; Terrance Smith and Associates, LLC; Robert B. Smith, and Sherry C. Smith,)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 ELEVENTH JUDICIAL CIRCUIT
 Case No.:

**AFFIDAVIT OF
 CHRISTOPHER LEVENTIS**

PERSONALLY appeared before me Christopher L. Leventis, MAcc, CPA, CVA, CMA, CFE, who, being duly sworn, deposes and states:

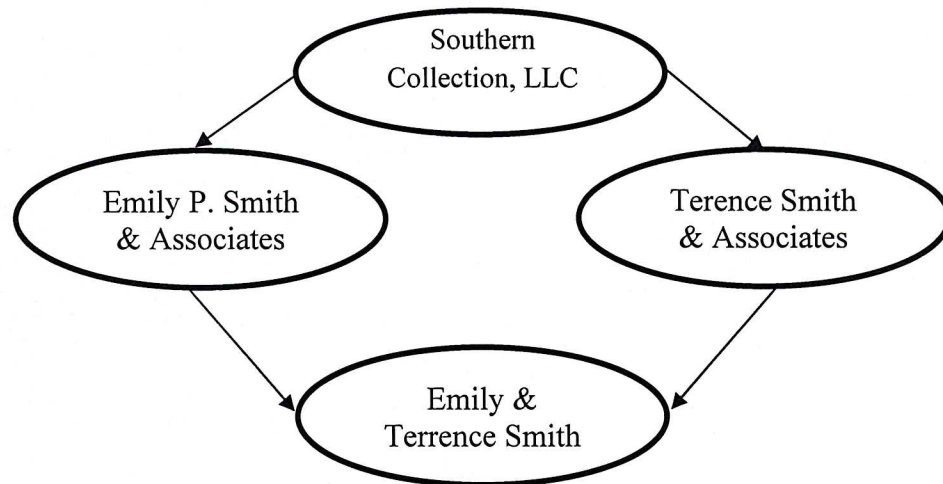
1. I am a citizen and resident of South Carolina and I am over the age of 18. This affidavit is sworn on my personal knowledge, unless otherwise stated, and I am competent to testify to the matters stated herein.
2. I am a Certified Public Accountant licensed by the state of South Carolina. I am the sole owner of Leventis Financial, LLC. My curriculum vitae is attached as **Exhibit 1**.
3. I was retained by Emily Smith to assist her and her attorney in the above referenced matter in which I understand Emily seeks to liquidate and dissolve her existing business relationship with Robert Terence Smith (hereinafter "Defendant Smith") known as Southern Collection LLC and recover funds due to her from Southern Collection LLC and third parties.
4. Fees for services rendered are based upon the time required at standard hourly billing rates plus out-of-pocket expenses. My fees are not contingent upon the outcome of this matter.

5. My hourly billing rate for this matter is \$250.00 and my staff billing rates range from \$115.00 to \$195.00 per hour.

Background: General Business

6. Emily and Defendant Smith are real estate agents. Their first business together, entitled Purpose Driven Real Estate, LLC, was formed on September 19, 2012. This entity was sold to their third partner in 2020.
7. Following the sale of Purpose Driven Real Estate, LLC, Emily and Defendant Smith formed Southern Collection, LLC (hereinafter “Southern Collection”) on May 25, 2020. Upon information and belief, they are equal co-owners of this business.
8. Southern Collection is a franchise of RE/MAX.
9. After discussions with Emily, my understanding is that Southern Collection makes revenue from the following sources:
 - I. Sales commissions (operating on both sell and buy side) – revenue resulting from transactions from either Emily or Defendant Smith
 - II. Brokerage fees (5% of commissions from Emily, Defendant Smith, and other agents affiliated with Southern Collection) – revenue to cover operating expenses and RE/MAX fees
 - III. “Desk fees” – flat, monthly fees from agents within the office including Emily, Defendant Smith, and other agents (payments range from \$195 to \$695 per agent per month)
 - IV. Administrative Fee (fee received from agents by Southern Collection ranging from \$199 to \$299)

10. Emily and Defendant Smith each have an S Corporation they individually own. Defendant Smith's is entitled Terence Smith & Associates, LLC, and Emily's is entitled Emily P Smith & Associates, LLC. Income and Expenses flow from Southern Collection to these S Corporations in equal apportionment.
11. Historically, Parties' share of revenue from Southern Collection has been approximately 50/50. Thus, whether a property is listed / sold by Emily or Defendant Smith, each historically receive 50% of the net commissions received (after being reduced by brokerage fees).
12. Historically, a greater portion of the business expenses were deducted on Defendant Smith's S Corporation return.
13. By their nature, S Corporation's are "flow through" entities, meaning their taxable income flows to the owners' individual tax return. Thus, the taxable income from both Emily and Defendant Smith's S Corporations are reported and taxed on their individual tax returns.
14. Below is a flow chart summarizing the above:



Background: Financial Accounts

15. Below is a summary of Parties' known business bank accounts to include bank, last four digits of the account number, owner, and a description of the purpose of the account as understood from discussions with Emily:

I. BB&T #7324 – Southern Collection commissions account

- i. Deposits include all commissions received from a transaction (including Emily, Defendant Smith, and other agents)
- ii. The following were historical disbursements from this account:

1. To Emily P Smith & Associates - portion of commissions for Emily's share
2. To Terence Smith & Associates – portion of commissions for Defendant Smith's share
3. To agents – portion of commissions for a particular agent's share when the agent is not Emily or Defendant Smith
4. To BB&T #7316 (operating account) – brokerage fee (5% of commissions)

iii. The following were not historical disbursements:

1. Distributions, withdrawals, or the like to Emily or Defendant Smith aside from commissions

II. BB&T #7316 – Southern Collection operating account

- i. The following were historical deposits:
 1. Brokerage fees
 2. Desk fees

3. Administrative fees
 - ii. The following were historical disbursements from this account:
 1. General office expenses including, but not limited to, internet, utilities, payroll, supplies, rent, insurance, and RE/MAX fees were historically paid from this account.
 - iii. After expenses were paid from this account from the monies previously explained, the remaining profit was to be distributed via profit sharing plan. The profit-sharing plan was never put in writing, but was verbally described as allotting the profit as follows:
 1. Emily: 35%
 2. Defendant Smith: 35%
 3. Team Leads: 30%
 - iv. After conversations with Emily and a review of an email from a team lead, it appears these distributions were not being made. Thus, as co-owners of the business, profits would be allotted as follows:
 1. Emily: 50%
 2. Defendant Smith: 50%

Initial Review: January 1, 2021, through September 30, 2021

16. I am actively reviewing business accounts and other related information as documents are being produced in this matter. The below findings are from an initial review of the documentation received from January 1, 2021, through September 30, 2021.
17. Net commissions from sales for transactions directly involving Emily or Defendant Smith (not other agents) due to Defendant Smith were \$309,397.66 and \$309,244.98 to Emily.

18. A review of the commissions account (BB&T #7324) yielded the following:
 - I. Checks to Defendant Smith - \$398,919.02
 - i. Resulting overpayment of \$89,521.36 when comparing commissions due to monies actually received for commissions.
 - II. Checks to Emily - \$267,974.94
 - i. Resulting shortage of (\$41,270.04) when comparing commissions due to monies actually received for commissions.
19. Checks written from the commissions account include details on the memo line (most frequently the address of the property the commissions check is written for).
20. Defendant Smith's surplus of \$89,521.36 for monies received as compared to monies owed for commissions was primarily driven by the following:
 - I. Check #1478 for \$35,000.00 – disbursement to Robert T. Smith
 - II. Check #7699313 for \$15,000.00 – Cash
21. See attached **Exhibit 2** for check #1478 and check #7699313
22. In addition to those larger items, Defendant Smith's surplus was also due to the following:
 - I. Overpayment of commissions as compared to the actual commissions due
 - i. For example, check #1387 for \$7,148.75 was for a property located at 219 Naples. The net commission that was supposed to be received by both Emily and Defendant Smith was \$3,063.50 each. Defendant Smith received \$4,085.25 over and above the amount due to him and Emily was **not provided** a check for her commissions of \$3,063.50.
 - ii. See **Exhibit 3** attached.

II. Defendant Smith paying himself commissions more than once for the same property.

- i. For example, check #1156 for \$6,822.19 shows properties at 180 Middleton and 679 Pleasant View on the memo line.
- ii. Check #1160 for \$24,788.56 shows several properties on the memo line, to also include 180 Middleton and 679 Pleasant View.
- iii. See attached **Exhibit 4** for these checks.

III. Additional payments for “team bills”.

- i. The memo line on check #1177 shows \$7,195.86 for September team bills.
- ii. Historically, team bills were not paid by disbursing funds from the commissions account.
- iii. See **Exhibit 5** attached.

23. In addition to the above, check #1323 for \$12,246.98 from the commissions account was written to Robert T. Smith in November 2020. The memo line read “profit thru Sept 30”. It is currently unknown whether this was for commissions due to Defendant Smith or whether this payment was in excess of commissions due to Defendant Smith. Historically, the memo line stated the properties in which the checks were written for. See **Exhibit 6** attached.

24. Emily’s shortage is a result of not being paid commissions from approximately 13 sales in which she was the agent.

25. Emily only received checks with property addresses listed in the memo line. She did not receive any “disbursements”.

26. Defendant Smith has been historically in charge of this account.

27. As previously discussed, BB&T #7316 is the operating account for Southern Collection. This account is where brokerage fees, desk fees, and administrative fees are to be deposited. From January 1, 2021, through August 31, 2021, there were a total of \$155,362.29 in deposits. These funds were to be used to **cover company expenses** with the remaining profit to be disbursed. Defendant Smith has been historically in charge of this account.

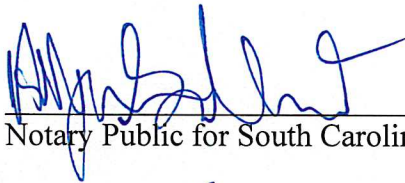
Other Concerns and Conclusion

28. On October 19, 2021, Defendant Smith formed a new entity entitled Southern Collection Brokerage, LLC. It is my belief that there are additional bank / credit card accounts that are currently unknown. See **Exhibit 7** attached.

29. As additional information is received through discovery, I reserve the right to amend this affidavit through writing or direct testimony.

SWORN TO before me this

27th day of April, 2022.



Notary Public for South Carolina

Allyson S. Hurst

Printed Name

My commission expires: 11-16-27



Christopher L. Leventis, MAcc, CPA, CVA,
CMA, CFE

Exhibit 1

Christopher L. Leventis

1913 Bull Street · 803.748.2644

Chris@leventisfinancial.com

PROFESSION

- Leventis Financial, LLC (Financial Litigation Support Services and Business Valuation Firm)

EDUCATION

Master of Accountancy, University of South Carolina, May 2016

- Audit track with a concentration in data analytics

Bachelor of Arts in Accounting, Furman University, May 2013

CERTIFICATIONS AND AWARDS

- Certified Public Accountant (CPA)
- Certified Management Accountant (CMA)
- Certified Valuation Analyst (CVA)
- Certified Fraud Examiner (CFE)
- NACVA and CTI 2019 *40 Under 40 Honoree*

WORK EXPERIENCE

August 2018 – Present

Owner; Leventis Financial, LLC

- Provides services in litigation support to include matrimonial, civil, and criminal law
- Litigation services include, but are not limited to, expert testimony, business valuation, marital estate valuation, lifestyle analysis, hidden income and hidden asset identification, financial statement fraud, wrongful death, lost earnings, and business interruption claims
- Provides services in Business Valuation for purposes including, but not limited to, litigation and ownership disputes, marital dissolution, estate and gift tax, mergers and acquisitions, financial reporting, and business planning

November 2019 – Present

Board Member & Treasurer; Palmetto Foundation for Prevention and Recovery

- Implements financial controls for the non-profit
- Oversees all donation receipts and expense disbursements
- Assists in fundraising efforts as well as growth strategy

May 2019 – Present

Board Member; Bob McNair Institute

- Help promote entrepreneurship and free enterprise to students and young entrepreneurs
- Assist young companies and ultimately enhance economic growth

June 2017 – April 2018

Consultant; Dixon Hughes Goodman

- Provided services to multiple Fortune 500 companies to include financial planning and analysis, process improvement, process automation, and redevelopment of statutory financial statement models

July 2016 – April 2017

Accountant; Burkett, Burkett, and Burkett, CPA

- Provided services in litigation support and business valuations
- Prepared corporate and individual tax returns
- Provided services in audit (primarily not-for-profit entities)
- Corporate bookkeeping (which includes entity Quickbooks management)

PROFESSIONAL ORGANIZATIONS

- American Academy of Matrimonial Lawyers – Forensics and Business Valuation Division
- American Institute of Certified Public Accountants (AICPA)
- South Carolina Association of Certified Public Accountants
- Institution of Management Accountants (IMA)
- National Association of Certified Valuation Analysts (NACVA)
- Association of Certified Fraud Examiners (ACFE)

SPEAKING ENGAGEMENTS, PUBLISHINGS, & VOLUNTEER WORK

- 2019 Hot Tips from the Coolest Domestic Law Practitioners – Speaker
- *The Value Examiner* by NACVA & CTI (September / October 2020 addition) – Practicing Solo segment feature
- Mentor for the Association of Certified Fraud Examiners

CASES WORKED OR IN PROGRESS

- Brannigan vs. Brannigan – Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Willis vs. Willis - Forensic accounting services related to marital dissolution. Aiken County Family Court, South Carolina, Second Judicial Circuit

- Bartley vs. Bartley - Forensic accounting services related to marital dissolution. Saluda County Family Court, South Carolina, Eleventh Judicial Circuit
- Davis vs. Davis - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Kay vs. Kay - Forensic accounting services related to alimony modification. York County Family Court, South Carolina, Sixteenth Judicial Circuit
- Smith vs. Smith - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Siddons vs. Siddons - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Barnhouse vs. Barnhouse - Forensic accounting services related to marital dissolution. York County Family Court, South Carolina, Sixteenth Judicial Circuit
- Daly vs. Daly - Forensic accounting services related to marital dissolution. Aiken County Family Court, South Carolina, Second Judicial Circuit
- Reid vs. Reid - Forensic accounting services related to marital dissolution. Lexington County Family Court, South Carolina, Eleventh Judicial Circuit
- Shelton vs. Shelton - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Brantley vs. Brantley - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Pool vs. Pool - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Tarnowska vs. Tarnowska - Forensic accounting services related to marital dissolution. Aiken County Family Court, South Carolina, Second Judicial Circuit
- Atkins vs. Atkins - Forensic accounting services related to marital dissolution. Calhoun County Family Court, South Carolina, First Judicial Circuit
- Jennings vs. Jennings - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Miller vs. Miller - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Hensley vs. Hensley - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Ross vs. Ross - Forensic accounting services related to marital dissolution. Sumter County Family Court, South Carolina, Third Judicial Circuit
- Hayfield vs. Hayfield - Forensic accounting services related to marital dissolution. Aiken County Family Court, South Carolina, Second Judicial Circuit
- Witherspoon vs. Witherspoon - Forensic accounting services related to marital dissolution. Clarendon County Family Court, South Carolina, Third Judicial Circuit
- Riley vs. Riley - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Koenig vs. Koenig - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Lemon vs. Lemon - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit

- Bittner vs. Chriswell – Forensic accounting services related to economic damages. South Carolina Court of Common Pleas, Charleston County, Ninth Judicial Circuit
- Lobash vs. Lobash - Forensic accounting services related to marital dissolution. Lexington County Family Court, South Carolina, Eleventh Judicial Circuit
- Liles vs. Liles - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Drolshagen vs. Drolshagen - Forensic accounting services related to marital dissolution. Charleston County Family Court, South Carolina, Ninth Judicial Circuit
- Melendez vs. Melendez - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Green vs. Green - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Powell vs. Powell - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Stoney vs. Stoney - Forensic accounting services related to marital dissolution. Charleston County Family Court, South Carolina, Ninth Judicial Circuit
- Healy vs. Healy - Forensic accounting services related to post-marital dissolution. Florence County Family Court, South Carolina, Twelfth Judicial Circuit
- Green vs. Green - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Bridwell vs. Bridwell - Forensic accounting services related to marital dissolution. Charleston County Family Court, South Carolina, Ninth Judicial Circuit
- Griffin vs. Griffin - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Delaney vs. Delaney - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Meisner vs. Meisner - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Danko vs. Danko - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Halfacre vs. Shi - Forensic accounting services related to marital dissolution. Georgetown County Family Court, South Carolina, Fifteenth Judicial Circuit
- Smyth vs. Smyth - Forensic accounting services related to marital dissolution. Charleston County Family Court, South Carolina, Ninth Judicial Circuit
- Simmons vs. Simmons - Forensic accounting services related to marital dissolution. Aiken County Family Court, South Carolina, Second Judicial Circuit
- Holmes vs. Holmes - Forensic accounting services related to post-marital dissolution. Florence County Family Court, South Carolina, Twelfth Judicial Circuit
- Lieske vs. Lieske - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Moss vs. Moss - Forensic accounting services related to marital dissolution. Charleston County Family Court, South Carolina, Ninth Judicial Circuit
- Waltz vs. Waltz - Forensic accounting services related to marital dissolution. Calhoun County Family Court, South Carolina, First Judicial Circuit

- Nord vs. Nord - Forensic accounting services related to marital dissolution. Lexington County Family Court, South Carolina, Eleventh Judicial Circuit
- Harling vs. Harling - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Vanderbleek vs. Vanderbleek - Forensic accounting services related to marital dissolution. York County Family Court, South Carolina, Sixteenth Judicial Circuit
- Kelly vs. Kelly - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Richardson vs. Richardson - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Sanders vs. Sanders - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Smith vs. Smith - Forensic accounting services related to marital dissolution. Lexington County Family Court, South Carolina, Eleventh Judicial Circuit
- Haltiwanger vs. Haltiwanger - Forensic accounting services related to marital dissolution. Aiken County Family Court, South Carolina, Second Judicial Circuit
- Pietro vs. Pietro - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Fravel vs. Fravel - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- West vs. West - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Cheatham vs. Cheatham - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Webb vs. Webb - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Ives vs. Ives - Forensic accounting services related to marital dissolution. Sumter County Family Court, South Carolina, Third Judicial Circuit
- Hulsey vs. Hulsey - Forensic accounting services related to marital dissolution. Charleston County Family Court, South Carolina, Ninth Judicial Circuit
- Howell vs. Howell - Forensic accounting services related to marital dissolution. Georgetown County Family Court, South Carolina, Fifteenth Judicial Circuit
- Crantford vs. Crantford - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Dickson vs. Dickson - Forensic accounting services related to alimony modification. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Downey vs. Downey - Forensic accounting services related to marital dissolution. Lexington County Family Court, South Carolina, Eleventh Judicial Circuit
- Shumpert vs. Shumpert - Forensic accounting services related to marital dissolution. Lexington County Family Court, South Carolina, Eleventh Judicial Circuit
- Snyder vs. Catalano - Forensic accounting services related to marital dissolution. Beaufort County Family Court, South Carolina, Fourteenth Judicial Circuit
- M&W Transport LLC vs. Concrete Supply Co, LLC – Forensic accounting services related to lost profits. Richland County

- Amoruso vs. Miller – Forensic accounting services related to lost profits. Charleston County, South Carolina, Ninth Judicial Circuit
- Bittner vs. Chriswell – Forensic accounting services related to lost profits. Charleston County, South Carolina, Ninth Judicial Circuit
- Graybeal vs. Graybeal - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Coggins vs. Calvert - Forensic accounting services related to lost profits. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Guilhamelou vs. Escudero - Forensic accounting services related to lost profits. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Fenchel vs. Fenchel - Forensic accounting services related to marital dissolution. Lancaster County Family Court, South Carolina, Sixth Judicial Circuit
- Arnold vs. Arnold – Forensic accounting services related to guardianship and conservatorship matters. Richland County Probate Court, South Carolina, Fifth Judicial Circuit
- Kane vs. Kane - Forensic accounting services related to marital dissolution. Charleston County Family Court, South Carolina, Ninth Judicial Circuit
- Carimi vs. Carimi - Forensic accounting services related to marital dissolution. Charleston County Family Court, South Carolina, Ninth Judicial Circuit
- Paige’s Property Management vs. RAL Holdings, LLC – Forensic accounting services related to civil litigation. Lexington County, Circuit Court, Eleventh Judicial Circuit
- Gilbert vs. Gilbert – Forensic accounting services related to marital dissolution. Beaufort County Family Court, South Carolina, Fourteenth Judicial Circuit
- Smith vs. Smith - Forensic accounting services related to marital dissolution. Charleston County Family Court, South Carolina, Ninth Judicial Circuit
- Lelong v. Lelong – Forensic accounting services related to marital dissolution. Saluda County Family Court, South Carolina, Eleventh Judicial Circuit
- Keppery v. Keppery – Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Hewitt v. Hewitt – Forensic accounting services related to marital dissolution. Lexington County Family Court, South Carolina, Eleventh Judicial Circuit
- Prescott v. Prescott – Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Schneider vs. Schneider - Forensic accounting services related to marital dissolution. Charleston County Family Court, South Carolina, Ninth Judicial Circuit
- Borden vs. Borden - Forensic accounting services related to shareholder dispute. Richland County Court of Common Pleas, South Carolina, Fifth Judicial Circuit
- Shumpert vs. Shumpert - Forensic accounting services related to marital dissolution. Lexington County Family Court, South Carolina, Eleventh Judicial Circuit
- Murphy vs. Murphy - Forensic accounting services related to marital dissolution. Charleston County Family Court, South Carolina, Ninth Judicial Circuit
- Drew vs. Drew - Forensic accounting services related to marital dissolution. Richland County Family Court, South Carolina, Fifth Judicial Circuit
- Caldwell vs. Caldwell - Forensic accounting services related to marital dissolution. Greenville County Family Court, South Carolina, Thirteenth Judicial Circuit

- Lempesis vs. Leibowitz - Forensic accounting services related to marital dissolution. Charleston County Family Court, South Carolina, Ninth Judicial Circuit
- SeBlonka vs. Westbrook - Forensic accounting services related to marital dissolution. Charleston County Family Court, South Carolina, Ninth Judicial Circuit
- Gibson vs. Gibson - Forensic accounting services related to alimony modification. Richland County Family Court, South Carolina, Fifth Judicial Circuit

Exhibit 2

66-112 7699313
531

SOUTHERN COLLECTION
COMMISSIONS ACCT
112 JOHN PRESTON DR
LEXINGTON, SC, 29072-7714

Date ~~June 21, 2021~~

PAY CASH \$15,000.00
to the order of
FIFTEEN THOUSAND & 00/100

COUNTER CHECK

F0007430001 REV. 6/25/15

BB&T

PLEASE ENTER YOUR ACCOUNT NUMBER BELOW

* 1410004097324

USE FOR 10-DIGIT ACCOUNT NUMBER

Name Signature *[Signature]*
⑈ 7699313 ⑆ 053101121 ⑆

44

ENDORSE HERE

DO NOT SIGN / WRITE / STAMP BELOW THIS LINE
FOR FINANCIAL INSTITUTION USAGE ONLY

15,000.00

8096817 C30057 011 00031 9:31 06/21/21
TRANHQLD H0001410004097324

FEDERAL RESERVE BANK REGULATION CC

Exhibit 3

SOUTHERN COLLECTION LLC

130 STATE ST
WEST COLUMBIA, SC 29169

1387

67-160/532

DATE 2-11-21

PAY TO THE ORDER OF

Terence Smith + Associates LLC \$ 7148.75

Seven thousand one hundred forty eight and 75/100 DOLLARS



FOR commission Naples

W. Lee Street

⑈00001387⑈ ⑆053201607⑆ ⑆410004097324⑈

053201607

00001387

410004097324

SOUTHERN COLLECTION LLC

Security Features exceed industry standards and include:

- ImageMatch®: Matching account and check number on back (Patent No. 9,240,080)
- MobileMark®: Mobile Deposit check mark to indicate check has been deposited via mobile device
- The Security Weave® pattern on back designed to deter fraud
- Microprint (MP) lines printed on front and back
- The words "ORIGINAL DOCUMENT" across the back
- Photo Safe Deposit® icon visible on front and back

Do not cash if:

- Any of the features listed above are missing or appear altered
- Fugitive Ink on back looks pink or has disappeared
- Brown stains or colored spots appear on both front and back, and in Chemical Wash Detection Box



ENDORSE HERE

CHECK BOX FOR MOBILE REMOTE DEPOSIT
WRITE NAME OF FINANCIAL INSTITUTION ON LINE ABOVE

Exhibit 4

SOUTHERN COLLECTION LLC

130 STATE ST
WEST COLUMBIA, SC 29169

1156

67-160/532

DATE 8-27-21

PAY TO THE ORDER OF

Terence Smith + Associates LLC

\$ 6822.19

Six thousand eight hundred twenty two + 19/100

DOLLARS



BRANCH BANKING AND TRUST COMPANY
1-800-BANK-BBT BBT.com

FOR 180 Middleton + 679 Pleasant View

Dolce Street

⑈00001156⑈ ⑆053201607⑆ 1410004097324⑈

053201607

00001156

1410004097324

SOUTHERN COLLECTION

Security Features exceed industry standards and include:

- ImageMatch®: Matching account and check number on back (Patent No. 9,245,066)
- MobileMark®: Mobile Deposit® check mark to indicate check has been deposited via mobile device
- The Security Weave® pattern on back designed to deter fraud
- Microprint (MP) lines printed on front and back
- The words "ORIGINAL DOCUMENT" across the back
- Photo Safe Deposit® icon visible on front and back

Do not cash if:

- Any of the features listed above are missing or appear altered
- Fugitive Ink on back looks pink or has disappeared
- Brown stains or colored spots appear on both front and back, and in Chemical Wash Detection Box



CHECK BOX FOR MOBILE REMOTE DEPOSIT
SEE YOUR FINANCIAL INSTITUTION ONLINE ABOVE

ENDORSE HERE
X

SOUTHERN COLLECTION LLC
130 STATE ST
WEST COLUMBIA, SC 29169

1160
67-160/532

DATE 8.30.21

PAY
TO THE
ORDER OF

Terence Smith

\$ 24,788.58

Twenty four thousand seven hundred eighty eight and 58/100 DOLLARS



BRANCH BANKING AND TRUST COMPANY
1-800-BANK BBT BBT.com

244 Wallace
330 Spring Mist

FOR 1203 Fair, 601 Main, Carter rd
180 Middleton, 679 Pleasant View

Terence Smith

⑈00001160⑈ ⑆053201607⑆ 1410004097324⑈

08302021 005135000069560 053202208

Terence Smith

Exhibit 5



Front

Back

SOUTHERN COLLECTION LLC *Called + CR Verified w/ OBT on 12th St.* 1177
100 STATE ST
WEST COLUMBIA, SC 29169

DATE 9-28-21

PAY TO THE ORDER OF Terence Smith \$ 21,365.43

Twenty one thousand three hundred and sixty five and 43/100 DOLLARS

DEBIT ISSUED BY NATIONAL AUTOMATIC CLEARING HOUSE *Plus 795.83 Penalty & Fee*
FOR TS Power Pz (partial) Bills Sep Debit Smith

00001177 405320450701410004097324*

- NOT paid to TS « ASSOC.

Exhibit 6

Exhibit 7

Business Entities Online

File, Search, and Retrieve Documents Electronically

Southern Collection Brokerage, LLC

Corporate Information

Entity Type: Limited Liability Company

Status: Good Standing

Domestic/Foreign: Domestic

Incorporated State: South Carolina

Important Dates

Effective Date: 10/19/2021

Expiration Date: N/A

Term End Date: N/A

Dissolved Date: N/A

Registered Agent

Agent: Robert T. Smith

Address: 130 State St.

West Columbia, South Carolina 29169

Official Documents On File

Filing Type	Filing Date
Articles of Organization	10/19/2021

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF LEXINGTON)	ELEVENTH JUDICIAL CIRCUIT
)	
Emily P. Smith and Emily P. Smith and Associates, LLC,)	Case No.: 2022-CP-32-01419
)	
Plaintiffs,)	
vs.)	
)	
Robert T. Smith; Southern Collection, LLC;)	AFFIDAVIT OF EMILY P. SMITH
Southern Collection Brokerage, LLC;)	
Terence Smith and Associates, LLC; Robert)	
B. Smith, and Sherry C. Smith,)	
)	
<u>Defendants.</u>)	

Personally appeared before me, Emily P. Smith, who, being first duly sworn, deposes and states as follows:


1. My name is Emily P. Smith.
2. I am a resident of Lexington County, South Carolina, and I am over 18 years old.
3. I have personal knowledge of the truth of the facts contained herein.
4. I am a real estate agent licensed in the State of South Carolina.
5. On May 25, 2020, Defendant Robert T. "Terence" Smith (hereafter "Terence") and I formed Southern Collection LLC (hereafter "Southern Collection") for the purpose of operating a real estate business. We are co-owners of this business.
6. The standard pattern and practice of Southern Collection was to distribute fifty percent of net proceeds to me and fifty percent to Terence, regardless of whether a property was sold by me or Defendant Smith, or regardless of the other source of our team and/or brokerage agents' income to Southern Collection.
7. Southern Collection LLC had two business accounts through Truist Bank. Account #7324 was the account in which funds were deposited to and the account in which commissions

are paid. Account #7316 was the operating account. Historically, Terence managed and controlled both bank accounts.

8. Both I and Terence have individually owned S Corporations through which we receive income from Southern Collection. My S Corporation is Emily P. Smith and Associates, LLC (hereafter "Emily LLC"). Defendant Smith's S Corporation is Terence Smith and Associates, LLC.
9. On or about October 19, 2021, Terence formed Southern Brokerage LLC (hereafter "Brokerage LLC") of which he is the sole owner. Terence also opened a bank account for Brokerage LLC named Southern Collection Brokerage LLC d/b/a RE/MAX Southern Collection.
10. In October 2021, most of the activity in the Southern Collection commissions account stopped. Since that time, Terence has used the Brokerage LLC account to deposit commissions payable to Southern Collection.
11. Since Fall 2021, I have been unable to cash or deposit several of my paychecks for commissions I earned due to either the commissions account being closed or because of stop-pay orders being issued. The last time I was able to receive payment was April 2022. Before then, I had not received any payments since last Summer despite working full-time.
12. On September 28, 2021, I received a commission check in the amount of \$10,312.50 made payable to Re/Max Southern "Connection" instead of Southern Collection. Upon discovering the error, I contacted the closing attorney's office to reissue the check only to find out that Terence had instructed their office to stop payment on the check and reissue it made payable to Terence personally. **Exhibit A.**

13. Recently, I received a letter from Truist Bank dated March 31, 2022, advising that the operating account ending in #7316 would be closed due to an overdrawn balance. The same day, I also received a bank statement from Truist Bank indicating that Terence deposited money in the commissions account on March 24, 2022, to clear the negative balance. **Exhibit B.** I contacted Truist Bank to inquire about the accounts and I was told that Terence closed the commissions account after clearing the negative balance.
14. Terence has withheld and deprived me of in excess of \$100,000.00 worth of commissions I have earned by preventing me from cashing and depositing checks payable to Southern Collection, closing our business accounts, interfering with my real estate closings, and instructing closing attorneys to wire funds directly to him instead of the Southern Collections commissions account.

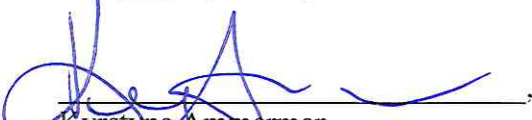
Further affiant sayeth not.



Emily P. Smith

May 5, 2022

SWORN to and Subscribed before me,
This 5th day of May, 2022



Kyrstine Ammerman
Notary Public for South Carolina.
My Commission expires: 3/7/2026

10512

ELECTRONICALLY FILED - 2022 May 05 11:32 AM - LEXINGTON - COMMON PLEAS - CASE#2022CP3201419

RATCHFORD & MAY, LLC REAL ESTATE
ATTORNEYS AT LAW - ESCROW ACCOUNT VIII
2026 ASSEMBLY STREET, SUITE 104
COLUMBIA, SC 29201
(803) 778-1711



67-220/532

9/28/2021

PAY TO THE ORDER OF Re/Max Southern Connection

\$ **10,312.50

Ten Thousand Three Hundred Twelve and 50/100*****

DOLLAR

VOID AFTER 180 DAYS

MEMO
commisson

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE. RED IMAGE DISAPPEARS WITH HEAT.

11

L 235 11

RATCHFORD & MAY, LLC REAL ESTATE
ATTORNEYS AT LAW - ESCROW ACCOUNT VIII
Re/Max Southern Connection
Register, Elezabeth & Jarrett

9/28/2021

10512

10,312.50

ESCROW 8 commisson

10,312.50

RATCHFORD & MAY, LLC REAL ESTATE
ATTORNEYS AT LAW - ESCROW ACCOUNT VIII
Re/Max Southern Connection
Register, Elezabeth & Jarrett

9/28/2021

10512

10,312.50

ESCROW 8 commisson

10,312.50



10513

RATCHFORD & MAY, LLC REAL ESTATE
ATTORNEYS AT LAW - ESCROW ACCOUNT VIII
2026 ASSEMBLY STREET, SUITE 104
COLUMBIA, SC 29201
(803) 779-1711



67-220/532

9/28/2021

PAY TO THE ORDER OF Re/Max Southern Connection

\$ **299.00

Two Hundred Ninety-Nine Only*****

DOLLARS

VOID AFTER 180 DAYS

MEMO transaction fee



THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE - RED IMAGE DISAPPEARS WITH HEAT.

|| ■ [REDACTED] L 235 || ■

RATCHFORD & MAY, LLC REAL ESTATE
ATTORNEYS AT LAW - ESCROW ACCOUNT VIII
Re/Max Southern Connection
Register, Elezabeth & Jarrett

9/28/2021

10513

299.00

ESCROW 8 transaction fee

299.00

RATCHFORD & MAY, LLC REAL ESTATE
ATTORNEYS AT LAW - ESCROW ACCOUNT VIII
Re/Max Southern Connection
Register, Elezabeth & Jarrett

9/28/2021

10513

299.00

ESCROW 8 transaction fee

299.00

ELECTRONICALLY FILED - 2022 May 05 11:32 AM - LEXINGTON - COMMON PLEAS - CASE#2022CP3201419



542-01-01-00 25201 0 C 001 30 50 004
SOUTHERN COLLECTION
COMMISSIONS ACCT
112 JOHN PRESTON DR
LEXINGTON SC 29072-7714

Your account statement

For 03/31/2022

Contact us



Truist.com



(844) 4TRUIST or
(844) 487-8478

■ BUSINESS VALUE 200 CHECKING [REDACTED] 7324

Account summary

Your previous balance as of 02/28/2022	\$-12.20
Checks	- 0.00
Other withdrawals, debits and service charges	- 44.95
Deposits, credits and interest	+ 57.15
Your new balance as of 03/31/2022	= \$0.00

Other withdrawals, debits and service charges

DATE	DESCRIPTION	AMOUNT
03/21	SERVICE CHARGES - PRIOR PERIOD	44.95
Total other withdrawals, debits and service charges		= \$44.95

Deposits, credits and interest

DATE	DESCRIPTION	AMOUNT
03/24	COUNTER DEPOSIT	57.15
Total deposits, credits and interest		= \$57.15

ELECTRONICALLY FILED - 2022 May 05 11:32 AM - LEXINGTON - COMMON PLEAS CASE#2022CP3201419





12/21/21

SOUTHERN COLLECTION
112 JOHN PRESTON DR
LEXINGTON, SC 29072-7714

Re: Acct # [REDACTED] 7316P
Overdrawn Balance: \$442.70

Your deposit account remains overdrawn and will close within the next (20) days if a deposit is not made to cover the outstanding balance. Please remember, according to the Bank Services Agreement, Truist Bank reserves the right to setoff against any of your other Truist Bank deposit accounts without prior notice to you to repay this or any debt or obligation owed to us.

Any account closed due to an overdraft may be reported to ChexSystems, a deposit account verification network. This may be your final opportunity to prevent this reporting to ChexSystems, so please visit a Truist financial center and make a deposit to cover the overdrawn balance. If you are unable to fully cover this overdraft prior to the account closing, please contact our DDA Overdraft Department at 888-259-8462 as soon as possible.

Reminder: Truist Bank collects a \$30 fee when charging off an account.

Thank you for your cooperation and prompt attention to this important matter. If you have already paid this overdrawn balance, we thank you and appreciate your business.

We are attempting to collect on your account and any information obtained will be used for that purpose.

If you are entitled to the protections of the United States Bankruptcy Code (11 U.S.C. 362: 524) regarding the subject matter of this letter, the following applies to you: THIS COMMUNICATION IS NOT AN ATTEMPT TO COLLECT, ASSESS OR RECOVER A CLAIM IN VIOLATION OF THE BANKRUPTCY CODE AND IS FOR INFORMATIONAL PURPOSES ONLY.



STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)
 Emily P. Smith, et al,)
)
 Plaintiff,)
)
 v.)
)
 Robert T. Smith, et al,)
)
 Defendant.)
 _____)

IN THE CIRCUIT COURT FOR THE
 ELEVENTH JUDICIAL CIRCUIT
 C.A. NO.: 2022-CP-32-01419

AFFIDAVIT OF
 SHEILA MCNAIR ROBINSON

Personally appeared before me, Sheila McNair Robinson, who, after being duly sworn, deposes and states as follows:

I am the attorney for Emily P. Smith in a Family Court action currently pending in Lexington County Family Court (*Emily P. Smith vs. Robert T. Smith 2021-DR-32-1578*). The following Orders have been issued by the Family Court during the pendency of this case:

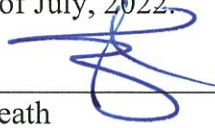
1. Temporary Order filed on September 9, 2021. (Exhibit A)
2. Order Appointing Guardian *ad Litem* filed on September 9, 2021. (Exhibit B)
3. Supplemental Temporary Order filed on September 24, 2021. (Exhibit C)
4. Order Denying Emergency/Expedited Hearing filed on November 5, 2021. (Exhibit D)
5. Second Supplemental Temporary Order filed on January 25, 2022. (Exhibit E)
6. Consent Confidentiality and Protective Order filed on February 10, 2022. (Exhibit F)
7. Order Withdrawing Motion to Compel filed on April 13, 2022. (Exhibit G)
8. Order Denying Emergency Hearing filed on May 3, 2022. (Exhibit H)
9. Consent Order Extending 365 Day Dismissal filed on June 30, 2022. (Exhibit I)

Southern Collection, LLC is not a party to the Family Court Action, and the corporate issues have not been addressed by any of these attached Orders.

Further Affiant Sayeth Not.


Sheila McNair Robinson

Sworn to and Subscribed before me
This 26 day of July, 2022.



Elizabeth F. Sineath
Notary Public for South Carolina
My Commission Expires: 1/5/2027

STATE OF SOUTH CAROLINA) IN THE FAMILY COURT FOR THE
COUNTY OF LEXINGTON) ELEVENTH JUDICIAL CIRCUIT
2021 SEP -9 PM 2:35) C.A. NO.: 2021-DR-32-1578

EMILY P. SMITH,

LISA M. BAKER
CLERK OF COURT
LEXINGTON, SC

PLAINTIFF,

v.

ROBERT TERENCE SMITH,

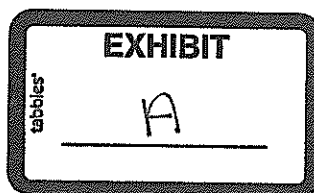
DEFENDANT.

TEMPORARY ORDER

Date of Hearing: August 26, 2021
Presiding Judge: W. Greg Seigler
Plaintiff's Attorney: Sheila McNair Robinson
Defendant's Attorney: Ashby Lawton Jones
Court Reporter: Sanya Kaiser

This matter came before the Court on August 26, 2021 at 4:30 p.m. The hearing was held via WebEx Virtual Courtroom pursuant to the authority of the South Carolina Supreme Court Order issued on April 30, 2020. The action was commenced by the filing of a Notice of Motion and Motion for Emergency/Expedited Temporary Relief, Summons and Complaint on August 18, 2021. The Honorable Robert E. Newton issued an Order on August 18, 2021 granting the Motion for an expedited hearing. The Defendant was personally served with the pleadings and Order for Expedited Hearing on August 19, 2021, as evidenced by the Affidavit of Service filed with the Court. The time for filing a responsive pleading has not yet passed.

Present at the hearing were the Plaintiff and her attorney, Sheila McNair Robinson. Also present were the Defendant with his attorney, Ashby Lawton Jones. The Court heard oral arguments of counsel and then recessed the hearing to take the matter under advisement. After careful consideration of the affidavit packages submitted by both parties and all information



presented at the hearing, this Court makes the following findings of fact and conclusions of law:

1. Both parties are citizens and residents of Lexington County, South Carolina, having been so in excess of one (1) year prior to the commencement of this action.
2. The Plaintiff and Defendant last resided together as wife and husband in Lexington County, South Carolina.
3. The Plaintiff and Defendant are presently wife and husband, having been married to each other on November 3, 2012. Of this marriage, two (2) children have been born, namely: O. G. S., born in 2014; and O. P. S., born in 2016. No other children have been born of these parties, and no child is expected.
4. This Court finds that the two (2) minor children have resided in South Carolina since birth. South Carolina is therefore the home state of the children pursuant to the Uniform Child Custody Jurisdiction Enforcement Act codified at S.C. Code §63-15-300 et. seq.
5. This Court finds that this Court has subject matter and personal jurisdiction of this action and of these parties. Venue is proper in Lexington County, South Carolina.
6. This Court finds that the Plaintiff has filed this action in which she is seeking a divorce from the Defendant on the basis of habitual drunkenness. The Plaintiff is further seeking an Order requiring the Defendant to vacate the marital home, for an Order granting her exclusive use and possession of the marital home, for sole custody of the children, for supervised visitation between the Defendant and the minor children, for child support, and other ancillary relief. In his affidavit, the Defendant denied the habitual drunkenness allegations and made an oral motion to dismiss the case for lack of jurisdiction since the parties are still residing together. Alternatively, the Defendant requested that the parties have shared custody of the children under a nesting arrangement in the marital home.

2²

SA M. COWDER
CLERK OF COURT
LEXINGTON SC

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FILED

7. This Court finds that South Carolina case law is clear that “habitual drunkenness is the fixed habit of frequently getting drunk; it does not necessarily imply continual drunkenness. Based on this definition, one need not be an alcoholic to be guilty of habitual drunkenness. It is sufficient if the use or abuse of alcohol causes the breakdown of normal marital relations.” *Lee v. Lee*, 316 S.E. 2d 435, 437 (Ct. App. 1984), cited in *Curry v. Curry*, 741 S.E. 2d 558 (S.C. App. 2013). Moreover, our Supreme Court has long held that a party may receive temporary relief upon a *prima facie* showing of habitual drunkenness. *Fisher vs. Fisher*, 278 S.E. 2d 780 (1980). This Court finds that to make a *prima facie* showing, the Plaintiff must establish that the Defendant’s use of alcohol caused the breakdown of the marriage and that it occurred at or near the time of the filing for divorce. *Bodkin vs. Bodkin*, 694 S.E.2d 230 (Ct. App. 2010) (citing *Epperly vs. Epperly*, 440 S.E. 2d 884 (1994)). This Court finds, based upon a review of the affidavit packages, especially the Private Investigative Report of Stillinger Investigations, that the Plaintiff has met her burden of proof in establishing a *prima facie* showing of the Defendant’s habitual drunkenness.

8. This Court finds that the Plaintiff is granted exclusive use and possession of the marital home located at 112 John Preston Drive, Lexington, South Carolina. She shall be responsible for all costs associated with this home. The Defendant shall immediately vacate the home, taking with him his clothes, shoes and toiletries.

9. This Court finds that both parties are restrained from selling, mortgaging, destroying, or otherwise disposing of any marital property without prior written consent of both parties or prior Order of the Court. This Court further finds that neither party shall incur any debt in the name of the other party or increase any marital debt during the pendency of this litigation.

10. The Plaintiff shall have temporary sole custody of the two minor children. This Court finds that the Lexington County Department of Social Services issued a Safety Plan on

3
23

2021 Sep -9 PM 2:35
LISA M. COMER
CLERK OF COURT
LEXINGTON SC

August 12, 2021 which requires the Defendant's visitation to be supervised (sight and sound) by the Plaintiff's parents, Ron and Teddie Bishop. This Court finds that the Defendant shall continue to have supervised visitation with the Plaintiff's parents serving as the sight and sound supervisors pending the expedited investigation of the Guardian *ad Litem*, as set forth in full herein below. The Defendant shall be allowed to exercise said visitation at the marital home if he so desires. The Defendant shall also have reasonable telephonic and video contact with the children, and the Plaintiff shall ensure the children are available and are encouraged to speak with the Defendant during these calls.

11. The Defendant shall pay child support to the Plaintiff in the amount of \$2,000 per month commencing September 1, 2021 and continuing on the first of each month thereafter. The Defendant shall pay this child support directly to the Plaintiff. In the event that the Defendant is ever more than five (5) days late in making any one child support payment, the Plaintiff may file an affidavit with the Office of the Clerk of Court requiring all future child support payments to be paid through the State Disbursement Unit, together with the applicable surcharge.

12. The Plaintiff shall maintain medical insurance coverage on the minor children. All noncovered medical, dental, counseling, orthodontic, vision and other health-related expenses for the children shall be divided equally between the parties. The Plaintiff shall provide a bill/invoice to the Defendant within ten (10) days of incurrence, and the Defendant shall pay his one-half within ten (10) days of the date the bill/invoice is provided or pursuant to other payment arrangements acceptable with the medical provider.

13. The parenting guidelines and restrictions attached to this Order shall be in full force and effect for both parties. Neither parent shall administer corporal punishment to either minor child.

24

LEBA M. COLLIER
CLERK OF COURT
DIXON, SC

2021 SEP -9 PM 2:35

14. Michelle Gorski is appointed as the Guardian *ad Litem* for the two (2) minor children. A separate Order of appointment is being issued simultaneously with this Temporary Order. Ms. Gorski is to complete an expedited investigation within forty-five (45) days of the date of this Order. At the conclusion of the expedited investigation a supplemental temporary hearing shall be scheduled. The parties shall equally divide the retainer payable to Ms. Gorski as set forth more fully in the detailed order of appointment.

15. The parties agree that either Lisa Kinon or Kevin Barth shall serve as the mediator in this case.

16. This Court finds that the Defendant shall reimburse the Plaintiff the sum of \$6,779.33 in private investigative fees, with this sum being paid directly to the Plaintiff within thirty (30) days of the date of this Order.

16. All other issues shall be held in abeyance pending further Order of the Court.

IT IS THEREFORE ORDERED that the Plaintiff has established a showing of a *prima facie* showing of the Defendant's habitual drunkenness;

IT IS FURTHER ORDERED that the Plaintiff shall have exclusive use and possession of the marital home as set forth in full hereinabove;

IT IS FURTHER ORDERED that the Defendant shall immediately vacate the marital home as set forth herein above;

IT IS FURTHER ORDERED that the Plaintiff shall have sole temporary custody of the minor children, with the Defendant having supervised visitation as set forth more fully herein above;

IT IS FURTHER ORDERED that the Defendant shall pay child support to the Plaintiff in the amount of \$2,000 per month as set forth more fully hereinabove;

LISA M. COMER
CLERK OF COURT
LEXINGTON SC

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IT IS FURTHER ORDERED that the attached parenting guidelines and restrictions shall apply to both parties, and neither shall administer corporal punishment to either minor child;

IT IS FURTHER ORDERED that the Plaintiff shall maintain medical insurance coverage on the minor children, with all noncovered health-related expenses being divided equally between the parties as set forth more fully hereinabove;

IT IS FURTHER ORDERED that Michelle Gorski is appointed as Guardian *ad Litem* for the minor children and she shall conduct an expedited investigation within forty-five (45) days of the date of this Order;

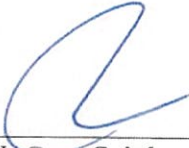
IT IS FURTHER ORDERED that another temporary hearing shall be scheduled at the conclusion of the expedited investigation of the Guardian *ad Litem*;

IT IS FURTHER ORDERED that either Lisa Kinon or Kevin Barth shall serve as the mediator in this case;

IT IS FURTHER ORDERED that the Defendant shall reimburse the Plaintiff the sum of \$6,779.33 in private investigative fees, with this sum being paid directly to the Plaintiff within thirty (30) days of the date of this Order;

IT IS FURTHER ORDERED that all other issues shall be held in abeyance pending further Order of the Court.

IT IS SO ORDERED.


W. Greg Seigler
Presiding Judge of the
Family Court for the
Eleventh Judicial Circuit

LISA M. COMER
CLERK OF COURT
LEXINGTON SC

2021 SEP -9 PM 2:35

Lexington, South Carolina

September 8, 2021

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

IN THE FAMILY COURT FOR THE
ELEVENTH JUDICIAL CIRCUIT
C.A. NO.: 2021-DR-32-1578

EMILY P. SMITH,)
PLAINTIFF,)

v.)

ROBERT TERENCE SMITH,)
DEFENDANT.)

**ORDER APPOINTING
GUARDIAN *AD LITEM***

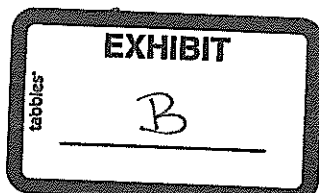
Date of Hearing: August 26, 2021
Presiding Judge: W. Greg Seigler
Plaintiff's Attorney: Sheila McNair Robinson
Defendant's Attorney: Ashby Lawton Jones
Court Reporter: Sanya Kaiser

This matter came before the Court on August 26, 2021 at 4:30 p.m. for an expedited temporary hearing. Based upon the findings in the Temporary Order, which is being issued simultaneously with this Order, it appears that it is necessary that a Guardian *ad Litem* be appointed to appear and represent the minor children, O.G.S. and O.P.S., both of whom are more fully described on the filed Confidential Reference List of Redacted Identifiers and which the Guardian *ad Litem* is entitled to a copy. This is an action that involves custody and visitation of the parties' minor children which requires the appointment of a Guardian *ad Litem*.

IT IS THEREFORE ORDERED that Michelle S. Gorski is appointed to serve as the Guardian *ad Litem* to protect the interests of the minor children, O.G.S., born in 2014; and O.P.S., born in 2016.

IT IS FURTHER ORDERED that the Guardian *ad Litem* shall:

1. Be allowed private access to the children by the caretakers of the children, whether caretakers are individual, authorized agencies or health care providers;



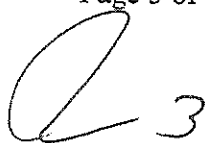
2. Upon proof of appointment as Guardian *ad Litem* and upon request, the Guardian *ad Litem* shall have access to information in the possession of medical and dental authorities, psychologists, social workers, counselors, schools, law enforcement personnel, and any private or public service providers about the children for whom they are Guardian *ad Litem*;

3. Be given notice of all hearings and proceedings involving this case, or any other hearings or meetings when the children's best interests might be affected, or any meetings or hearings the Guardian *ad Litem* may request; and

4. Perform the functions listed in S.C. Code Ann. § 63-3-830, et seq., including but not limited to the following:

- a. Representing the best interests of the minor children;
- b. Conducting an independent, balanced, and impartial investigation to determine the facts relevant to the situation of the children and the family. The investigation must include, but shall not be limited to:
 - (1) Obtaining and reviewing relevant documents; provided, however, that the Guardian *ad Litem* must not be compensated for reviewing documents solely to financial matters not relevant to the suitability of the parents as to custody, visitation, or child support;
 - (2) Meeting with and observing the children on at least one occasion;
 - (3) Visiting the home settings if deemed appropriate;
 - (4) Interviewing parents, caregivers, school officials, law enforcement officers, and others with knowledge relevant to the case;
 - (5) Obtaining the criminal history of each party when determined necessary; and
 - (6) Considering the wishes of the children, if appropriate.

- c. Advocating for the children's best interest by making specific and clear suggestions, when necessary, for evaluation, services and treatment for the children and the children's family.
- d. Attending all court hearings relating to custody and visitation issues, except when attendance is excused by the Court or the absence is stipulated by both parties. The Guardian *ad Litem* is not required to attend a hearing solely to a financial matter if the matter is not relevant to the suitability of the parties as to custody, visitation, or child support. The Guardian *ad Litem* must provide accurate, current information directly to the Court, and that information must be relevant to matter pending before the Court.
- e. Maintaining a complete file, including notes.
- f. Presenting to the Court and all parties clear and comprehensive written reports including, but not limited to, a final written report regarding the children's best interest. The final report may contain conclusions based upon the facts contained in the report. The final report must be submitted to the Court and all parties no later than twenty (20) days prior to the merits hearing, unless that time period is modified by the Court, but in no event later than ten (10) days prior to the merits hearing. The ten (10) day requirement for the submission of the final report may only be waived by mutual consent of both parties. The final written report must not include a recommendation concerning which party should be awarded custody, nor may the Guardian *ad Litem* make a recommendation as to the issue of custody at the merits hearing unless requested by the Court for reasons specifically set forth on the record. The Guardian *ad Litem* is subject to cross-examination on the facts and conclusions contained in the final written report. The final written report must include the names, addresses, and telephone numbers of those interviewed during the investigation.
- g. Perform such other duties as directed by the Court.



LISA M. CUMER
CLERK OF COURT
LEXINGTON SC

2021 SEP -9 PM 2:34

h. Investigate the locations where the parties interact with the minor children, including the parties' homes and work places.

2021 SEP -9 PM 2: 35

i. Conduct random alcohol and drug tests at the Guardian *ad Litem's* discretion.

LISA M. DUNN
CLERK OF COURT
LEXINGTON SC

IT IS FURTHER ORDERED that this appointment shall continue to be in effect until formal discharge by the Court.

IT IS FURTHER ORDERED that upon receipt of this Order, the Guardian *ad Litem* shall make all filings and disclosures to the Court and the parties pursuant to S.C. Code Ann § 63-3-820 (D) and § 63-3-860 (Supp. 2002).

IT IS FURTHER ORDERED that the parties shall execute all releases necessary for the Guardian *ad Litem* to obtain records to investigate this case, or obtain and provide such records at the request of the Guardian *ad Litem*.

IT IS FURTHER ORDERED that the Guardian *ad Litem* is to be given access to the children's and parties' financial, medical, psychological, and intellectual testing records. The Guardian *ad Litem* is entitled to obtain copies of all relevant documents.

IT IS FURTHER ORDERED that the Guardian *ad Litem* is authorized is authorized to have access to records prepared or related to any medical and psychiatric treatment of the children's and parties' medical and psychological treatment with any appropriate medical or health care professionals. This access is authorized by this Order, as provided by 45 CFR 164.512(e)(I)(i), the Health Insurance Portability and Accountability Act (HIPAA), which authorizes covered entities to disclose protected health information in the course of any judicial or administrative proceeding when responding to an Order of the Court.

IT IS FURTHER ORDERED that the Guardian *ad Litem* is specifically authorized by this Order to utilize the information obtained pursuant to this Order to prepare and/or include in any

A handwritten signature or set of initials, possibly 'Q4', written in black ink.

report or testimony concerning the Guardian *ad Litem*'s investigation required by this Order.

IT IS FURTHER ORDERED that the Guardian *ad Litem* shall not retain an attorney without prior approval of the Court, after notice to all parties and a hearing.

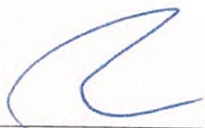
IT IS FURTHER ORDERED that the parties shall deposit with the Guardian *ad Litem* the sum of \$2,000.00 as a retainer within ten (10) days of the filing date of this Order, with each to pay \$1,000.00 directly to the Guardian. The Guardian *ad Litem* may charge a reasonable fee not to exceed \$5,000.00 for performing the tasks assigned herein. The Guardian *ad Litem* shall submit itemized periodic bills to the parties and their attorneys on a monthly basis, including hours, expenses, costs and fees. The Guardian *ad Litem*'s hourly rate is \$85.00. If the Guardian *ad Litem* determines that it is necessary to exceed the fee authorized above, the Guardian *ad Litem* must provide notice to both parties and obtain the judge's written authorization or the consent of both parties to charge more than \$5,000.00.

IT IS FURTHER ORDERED that the Plaintiff shall pay 50% of the initial retainer and subsequent fees, and the Defendant shall pay 50% of the initial retainer and subsequent fees. These payments shall without prejudice to either party to request a reallocation of the fees by the Court at a subsequent hearing. The parties shall remain current with the periodic bills to be submitted by the Guardian *ad Litem*. The Guardian *ad Litem* shall bill the parties monthly and the parties shall pay the monthly billings within fifteen (15) days of receipt of their bill.

IT IS SO ORDERED.

Lexington, South Carolina

September 8, 2021


W. Greg Seigler
Presiding Judge, Family Court
Eleventh Judicial Circuit

LISA M. COMER
CLERK OF COURT
LEXINGTON SC

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FILED

STATE OF SOUTH CAROLINA)
 COUNTY OF LEXINGTON)
 EMILY P. SMITH,)
 PLAINTIFF,)
 v.)
 ROBERT TERENCE SMITH,)
 DEFENDANT.)

2021 SEP 24 PM 3:56
 LISA M. CARTER
 CLERK OF COURT
 LEXINGTON, SC

IN THE FAMILY COURT FOR THE
 ELEVENTH JUDICIAL CIRCUIT
 C.A. NO.: 2021-DR-32-1578

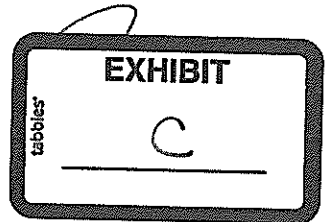
**SUPPLEMENTAL
 TEMPORARY ORDER**

Date of Hearing: August 26, 2021
 Presiding Judge: W. Greg Seigler
 Plaintiff's Attorney: Sheila McNair Robinson
 Defendant's Attorney: Ashby Lawton Jones
 Court Reporter: Sanya Kaiser

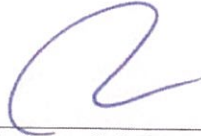
This matter came before the Court on August 26, 2021 at 4:30 p.m. A Temporary Order was signed on September 8, 2021 and filed with the Clerk of Court on September 9, 2021. The parenting guidelines and restrictions referenced in the Temporary Order were not attached. This Supplemental Temporary Order is being issued to include a copy of the parenting guidelines and restrictions, which are attached hereto.

The Temporary Order filed on September 9, 2021 remains in full force and effect, and this Supplemental Temporary Order merely includes the parenting guidelines and restrictions which were inadvertently not attached to the Temporary Order.

The attached parenting guidelines and restrictions are in effect and shall apply to both parties.



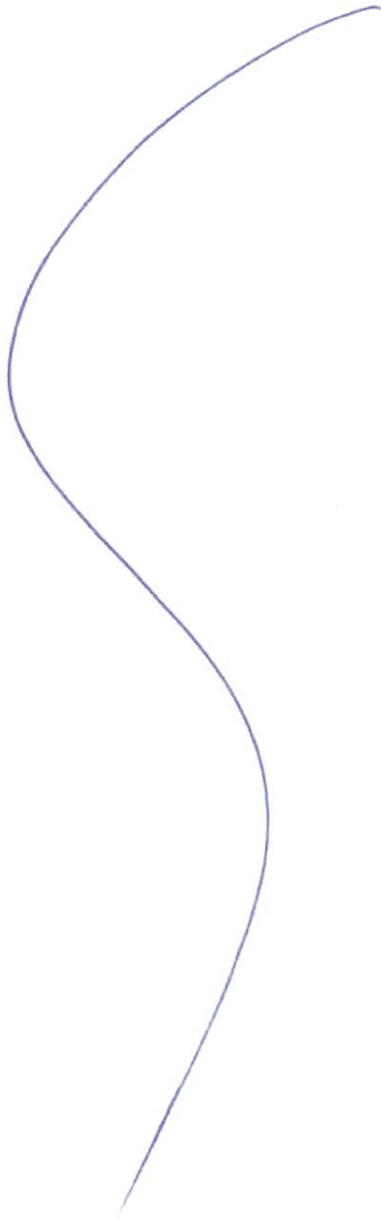
IT IS SO ORDERED.



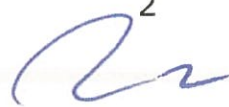
W. Greg Seigler
Presiding Judge of the
Family Court for the
Eleventh Judicial Circuit

Lexington, South Carolina

September 24, 2021



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LISA M. GOMER
CLERK OF COURT
LEXINGTON SC

²


JUDGE MORRIS'

CO-PARENTING PLAN AND RESTRICTIONS ON PARENTS CONDUCT

Both parents have vital roles in the raising of their child and each should be intimately involved in his day to day lives. In order to facilitate each parent's involvement the following will apply:

I OTHER PARENTAL GUIDELINES, RIGHTS, & INSTRUCTIONS:

A. **Contact Information:** Both parents will keep the other advised as to their permanent address, e-mail address, home, cell, and work phone numbers if applicable. Also, whenever a party is traveling out of the area of their permanent residence on an overnight basis with the child, they shall keep the other parent advised of their itinerary and contact information.

B. **Telephone/E-mail Contact:** Both parents shall have reasonable and at all times private telephone and e-mail contact with the child. E-mail is limited to age appropriate use and ability to use a computer but does not require the purchase of a computer by either parent.

C. **Important Events:** Both parties shall timely notify the other party of any reasonably important event occurring while the child is in their care, such as, but not limited to, extracurricular activities, baptisms, sporting events, dance recitals, school plays, etc. Both parents may attend all such events if it is appropriate for parents to attend. When in doubt, the other parent shall be given notice.

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JUDGE MORRIS
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LISA B. COLLIER
CLERK OF COURT
LEXINGTON SC

D. **Access to Records:** Both parents shall have full and complete access to all medical providers, school records, school personnel, coaches, counselors and other professionals involved in the child's lives and shall be allowed to discuss their child's circumstances and needs with these people. Each party shall inform the other party of the identity of such people and how to contact such people. Each parent shall permit and encourage communication with teachers, administrators, health care professionals, counselors, therapists or any other individual involved with the child.

E. **Medical Emergencies:** In the event of a medical emergency experienced by a child, the parent who has the child may make appropriate decisions to protect the health and welfare of the child, this is not to undermine the custodial parent's legal authority to make appropriate decisions. The visiting parent shall make reasonable efforts to contact the custodial parent but shall have the authority to act and shall not delay in protecting the child from imminent danger. The visiting parent may sign such forms as are required by the various providers in order to address the emergency. The visiting parent shall notify the custodial parent as soon as possible as to the nature and the extent of the emergency.

F. **Failure to Pay Child Support/Denial of Visitation:** The failure to pay child support does not alter this visitation and the denial

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LISA M. ...
CLERK OF COURT
LEXINGTON SC

of this visitation does not alter one's duty to pay child support.
(Remedies such as sanctions for Contempt may apply.)

G. **Pick Up and Return of Child:** Unless otherwise specified, the visiting parent shall pick up and return the child to and from the custodial parent's residence for all periods of visitation. The custodial parent may not thwart/deny visitation by moving away and if the custodian moves greater than fifteen (15) miles from the location where the child lived when the order establishing visitation is signed, the custodial parent shall have the child at the old location until an order or written agreement is obtained altering this location. (This is not a ruling as to the right or prohibition of one's right to move or relocate.)

H. **Notice of Relocation:** If either party moves more than fifteen (15) miles from the place where they were living at the time of the signing of an order establishing visitation, they must give at least ninety (90) days notice of such move.

I. **Consultation Regarding Major Issues:** Both parents shall consult on major issues concerning the child such as education, health, extracurricular activities and the like. The parties shall endeavor to reach agreements on these issues and shall attempt to present a united front to the child. In the event the parents are unable to reach an agreement as to issues concerning the child then the

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LISA M. ...
CLERK OF COURT
LEXINGTON, VA

custodial parent shall make the decision for the benefit of the child. In the event the parties do not reach a mutual agreement and the custodial parent must make the decision, the other parent shall not undermine the custodial parent's decision or convey to the child his or her disagreement with the custodial parent's decision in the presence of the child. The other parent shall not attempt to usurp the custodial parent's role in the event of a disagreement or countermand the custodial parent's instructions given to those individuals involved with the care, education, or supervision of the child.

J. **Clothing**: The custodial parent shall provide all clean clothing necessary for the child while the visiting parent is exercising visitation. The visiting parent shall return all of the clothing to the custodial parent at the conclusion of visitation.

K. **Illness**: Each parent shall notify the other of any serious illness relating to the child while under their care. A serious illness is defined as one which requires the child to be absent from school or deviate from his normal schedule for more than one day. If the child requires more than one visit to a health care provider for whatever malady, the party who has the child shall notify the other of the nature of the malady and the treatment.

L. **Reference to the names of "Mother" and "Father"**: The parties are directed that names such as Mom, Mommy, Mother or Dad,

Daddy, or Father or the like are specifically reserved for the mother and father. Neither shall permit the use of such names by the minor child for persons other than the mother or the father,

II. RESTRICTIONS:

A. **Confrontations:** There shall be no form of physical or verbal confrontation between the parents in front of their child. Any communications between the parties concerning issues involving the child shall be between the parents. Third parties will not be used unless by mutual agreement of the parties. The parties will make themselves available for communications with each other as needed. When these discussions do occur they shall be polite and confined to those discussions that are reasonably necessary for the benefit of the child or as mutually agreed upon by the parties.

B. **Discussions:** The parties shall not discuss issues relating to the child in their presence unless by mutual agreement. When discussions do take place in the presence of the child the parties shall treat each other with the dignity and respect that they are entitled to as parents of the child. The parties shall not discuss the issues of the litigation in the presence of the child or where the child may reasonably overhear such conversations.

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C. **Alcohol:** The parties shall not excessively consume or be under the influence of alcohol or use any illegal drug or abuse any prescription drug while the child is under their care.

D. **Profanity:** The parties shall not use profanity against the other or towards the child, or make any derogatory comments about or towards the other party, or allowing anyone else to do so in front of their child.

E. **Boyfriend/Girlfriend:** Until a divorce is granted neither party shall permit the child to be in the presence with anyone with whom they have a romantic interest.

F. **School:** Both parents are required to see that the child/children properly attend school

G. **Not Scheduling Events to Conflict With Visitation:** Neither party shall schedule (or allow others to schedule) elective matters with the child on or during the other party's visitation unless absolutely necessary.

H. **"X" and "R" Rated Movies:** In no case shall the child be exposed to any x-rated or pornographic material. The parents may use discretion as to the child sixteen (16) years or over as to "R" rated movies; but if either parent objects, the child shall not be exposed to any "R" rated movies,

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USA CLERK OF COURT
LEXINGTON SC

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

) IN THE FAMILY COURT FOR THE
) ELEVENTH JUDICIAL CIRCUIT
) Case No.: 2021-DR-32-1578

Emily P. Smith,
Plaintiff,

v.

Robert Terence Smith,
Defendant.

~~ORDER FOR~~ Denying
EMERGENCY/EXPEDITED HEARING *[Signature]*

After a review of the Motion and Affidavit of Defendant, Robert Smith, I find it appropriate that an Emergency/Expedited Hearing be granted:

THEREFORE, IT IS ORDERED that an Emergency/Expedited Hearing in this matter be granted and is scheduled on the _____ day of _____ 2021 at _____ o'clock _____ M. and the five (5) day notice requirement is hereby waived.

AND IT IS FURTHER ORDERED that a copy of the Motion and Order for Emergency/Expedited Hearing shall be served upon the Plaintiff.

AND IT IS FURTHER ORDERED that any person not less than 18 years of age, who is not an attorney in or party to this action, is designated to serve this Order along with the other above-mentioned documents in this matter.

AND IT IS SO ORDERED.

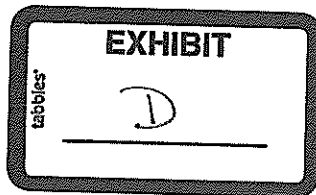
Lexington, South Carolina

[Signature]

Presiding Judge, Eleventh Judicial Circuit

November 5 2021

Hour of Issuance: _____



STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

Emily P. Smith,)

Plaintiff,)

v.)

Robert Terence Smith,)

Defendant.)

IN THE FAMILY COURT FOR THE
ELEVENTH JUDICIAL CIRCUIT
Case No.: 2021-DR-32-1578

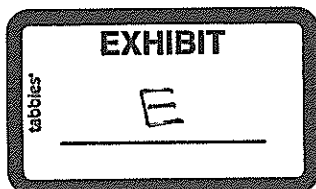
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LISA B. GORSKI
CLERK OF COURT
LEXINGTON, SC

**SECOND SUPPLEMENTAL
TEMPORARY ORDER**

Date of Hearing:	December 2, 2021
Presiding Judge:	The Honorable Robert E. Newton
Plaintiff's Attorney:	Sheila McNair Robinson, Esquire
Defendant's Attorney:	Ashby Lawton Jones, Esquire
Guardian <i>ad Litem</i> :	Michelle S. Gorski
Court Reporter:	Carole Shealy

This matter was before the Court on December 2, 2021 on Defendant's Motion for Emergency/Expedited Relief filed on November 5, 2021. Present and appearing at the appointed time and place were the Plaintiff and her attorney, Sheila McNair Robinson, Esquire. The Defendant and his attorney, Ashby Lawton Jones, Esquire and the Guardian *ad Litem*, Michelle S. Gorski, Esquire were also present.

The record reflects this action was commenced by the filing of a Notice of Motion and Motion for Emergency/Expedited Relief on behalf of the Defendant on November 5, 2021. The request for an emergency or expedited hearing was denied and the matter was set in the ordinary course. Defendant requested an Order granting him reasonable unsupervised visitation and attorney's fees. Plaintiff filed a Return to Defendant's Motion on December 1, 2021, wherein Plaintiff requests that if the Court lifts the



supervision requirement the Court impose specific restrictions. In addition, Plaintiff requests the Court Order an accounting regarding certain financial matters and requests an award of fees, as well. Both parties submitted Affidavits and supporting documents and the Court has considered those materials as well as the arguments of Counsel. In addition, the Guardian ad Litem submitted her Initial Report which the Court has considered. All Motions before the Court were properly served.

These parties have been operating under a Temporary Order issued by the Honorable W. Greg Seigler on September 9, 2021, from a hearing on August 26, 2021. That Order granted Plaintiff sole custody and required the Defendant to have visitation consistent with a DSS Safety Plan that was then in effect that required all of Defendant's visitation to be supervised by Plaintiff's parents. A Supplemental Temporary Order was issued on September 24, 2021, which included parenting restrictions and guidelines omitted from the prior Order.

It is contradicted that shortly after the Temporary Order was issued, Plaintiff's parents became unavailable to provide supervision and the South Carolina Department of Social Services closed its case and terminated the prior Safety Plan. In addition, the prior Order did not set out a specific schedule of visitation and the parties have been unable to agree on a regular schedule. As a result, Defendant has had very limited contact with the children since the last Order. The facts surrounding those issues are highly contested as are allegations regarding respective motives of the parties. However, at the hearing the issue of supervision was no longer contested. The issue in

contest was the amount of visitation and any restrictions, as well as the fees and financial issues.

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RESTRICTIONS

Based upon a review of all information submitted, the Court finds it appropriate to lift the supervision requirement and set a specific scheduled parenting time for the Defendant.

I. VISITATION SCHEDULE:

A. REGULAR VISITATION: Father will have visitation commencing on Friday, December 17, 2021, from after school until 6:00 P.M. on Sunday, December 19, 2021. Father will then have the children from 3:00 P.M. on Christmas Day until 6:00 P.M. on New Year's Day. Thereafter, Father will have the children every other weekend from Friday afterschool until the children return to school on Monday morning, and in the off weeks, Father will have the children from after school on Wednesday until they are returned to school on Thursday morning. This schedule will commence with Wednesday, January 5, 2022.

B. HOLIDAY VISITATION:

1. **Christmas Visitation:** The mother shall have one (1) week prior to Christmas in the even years, with such visitation to continue until 3:00 p.m. on December 26th. The father shall have from 3:00 p.m. on December 26th, with such visitation to end at 6:00 p.m. on the last day of visitation. In the odd years, this visitation shall reverse and the father will have the week prior to Christmas and the mother will have the week following Christmas until the children return to school.
2. **Thanksgiving Visitation:** The father shall have Thanksgiving visitation in the even numbered years and the mother shall have visitation in the odd numbered years. Thanksgiving shall commence at 6:00 p.m. on the last day the children are in school or would be in school if they were attending the school



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LISA J. ...
CLERK OF COURT
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in the district where they are living and shall end at 6:00 p.m. on the following Sunday.

Easter Break and Spring Vacation: In the odd years, the father shall have Easter weekend with such visitation commencing the Friday before Easter at 6:00 p.m. and ending at 6:00 p.m. on Easter Sunday in the even years. The mother will have the child/children for the Easter weekend in the even years. The parent who has the Easter weekend shall also have that portion of the Easter break that adjoins the weekend with the exchange of the children to occur at 6:00 p.m. on the Wednesday of the Spring Break.

4. **Mother's Day and Father's Day:** The children shall be with the mother on Mother's Day and with the father on Father's Day from Saturday at 6:00 p.m. until Sunday at 6:00 p.m.
5. **Monday/Friday Holidays or School In Service Days:** As to any other holiday or school in service day which occurs on a Monday or a Friday and which is recognized by the school district in which the children resides, the parent having the children for that weekend may keep the child for these days. Such visitation will start at 6:00 p.m. the day before the holiday or in service day and end at 6:00 p.m. the day of the holiday or in service day depending on whether it occurs on a Friday or Monday.
6. **Religious Holidays:** If the children are being raised in a particular faith which has a major religious holiday not otherwise included in the above time frames, the parents shall alternate visitation with the children from 6:00 p.m. the day prior to the event until 6:00 p.m. the day after the event. However, if the child is required to travel and the holiday starts, for example at sundown, the child may be picked up as soon as school is out as might be reasonably necessary to allow for the child to arrive at the parent's home prior to the required time of commencement of the holiday.
7. **Summer Visitation:** The visiting parent shall have two (2) full weeks during the summer. The weeks shall not be consecutive. He/she shall select these weeks in writing on or before April 15 in each odd numbered year. The custodial parent shall also have two (2) full weeks during the summer with no interruptions in visitation in the odd numbered years and he/she shall give notice by May 1 of the weeks he/she selects. In the even years, the right to have first choice as to selection of weeks shall reverse and the custodial parent will select His/her weeks by April 15 with the visiting parent to select his/her weeks by May 1 of each year. These weeks shall include the party's normal every other weekend visitation period and run from Sunday at 6:00 p.m. to Sunday at 6:00 p.m. unless otherwise agreed. In other words, a week

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STATE OF TEXAS
CLERK OF COURTS
TRAVIS COUNTY

will not be seven days plus the parties' normal weekend. The visiting parent's failure to select weeks by the deadlines set forth above does mean he/she forfeits visitation, but such visitation will be set by the custodial parent.

8. **Birthdays Visitation:** On each parent's birthday, the children shall be with the parent for a minimum of four (4) hours except for school days when the children shall be with that parent from 5:30 p.m. until 8:00 p.m. (This does not require the parent to take time off from work.) The party not having the child on a child's birthday shall have four (4) hours visitation on a non-school day and two (2) hours visitation on a school day, independent of any activity planned by the party who has care of the child on that day. This visitation shall be at a reasonable time and shall not conflict with any activity the party who has the child on that day may have planned. All the children shall be together on any of their brother's/sister's birthdays and parent's birthdays.
9. **Fourth of July, Labor Day and Memorial Day:** The mother shall have Labor Day and Memorial Day in the odd numbered years. The father shall have the Fourth of July in the odd numbered years. For Memorial Day and Labor Day such visitation shall commence at 6:00 p.m. on the day prior to the holiday and will continue until 6:00 p.m. on the day of the holiday. On the Fourth of July, such visitation shall commence at 6:00 p.m. the day before the holiday and will continue until 9:30 p.m. on the day of the holiday. In the even years this visitation will reverse and the father will have Memorial Day and Labor Day and the mother will have the Fourth of July weekend.
10. **Halloween:** If the children are participating in Halloween activities, the mother will have visitation with the children from 5:00 p.m. until the children return to school or 9:00 a.m. in the odd numbered years and the father will have the children in even numbered years.
11. **Variation from Schedule:** The parties shall have the right to vary visitation as can be mutually agreed upon. In the event the parties vary from the schedule for any period of time, either party can require both to return to the use of the schedule by giving notice in writing to the other.

2. All parenting guidelines and restrictions previously ordered will remain in full force and effect except that Defendant shall be restrained from consuming any alcohol for twelve (12) hours prior to exercising his time with the children and is absolutely restrained from the consumption of any alcohol during his parenting time.

The Guardian ad Litem is authorized to request drug and alcohol testing at any time and the party must comply within twenty-four (24) hours of the written request.

3. The parties shall enroll in and utilize Our Family Wizard for all non-emergency communications regarding the children.

4. The parties are reminded and admonished by the Court regarding the restraints on disparagement or discussion regarding the litigation with the children or in their presence.

5. Neither party shall allow the children to be in the presence of Father's emancipated daughter without direct supervision.

6. The Court denies Plaintiff's request for a Court ordered accounting.

7. All remaining issues are held in abeyance including request for temporary fees incident to this motion.

IT IS SO ORDERED.

Lexington, South Carolina
July 21, 2022.


The Honorable Robert E. Newton

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CLERK OF COURT
LEXINGTON, SC

ORIGINAL

STATE OF SOUTH CAROLINA)

IN THE FAMILY COURT FOR THE)

COUNTY OF LEXINGTON)

ELEVENTH JUDICIAL CIRCUIT)

Case No.: 2021-DR-32-1578)

Emily P. Smith,)

Plaintiff,)

v.)

Robert Terence Smith,)

Defendant.)

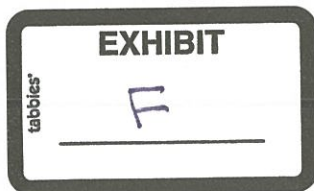
**CONSENT CONFIDENTIALITY AND
PROTECTIVE ORDER**

WHEREAS, the parties are engaged in the above-captioned domestic litigation;

WHEREAS, at the request of Dr. Roni Caw, it was requested and the parties agreed that Dr. Marc Harari would perform a "Forensic Mental Health Evaluation specifically designed to evaluate and assess [the parties'] general mental health as it pertains to their parental capacity" and these are intended to be utilized to facilitate marital therapy services and not intended for forensic purposes such as Family Court;

WHEREAS, this report contains sensitive information about the parties, their children, and this litigation and the disclosure of which serves no public purpose and with the relevance limited to the litigation between the parties;

WHEREAS, neither party is objecting to the release of the report to the parties, their counsel, and/or any expert witness which may be called or required in the trial of this matter, except to the extent that it remain confidential and that is absolutely not be shared with the minor children in this case;



WHEREAS, each party agrees that the confidentiality of the report is required to be maintained;

WHEREAS, in order to protect the confidentiality of this report, the parties have agreed that neither party, their counsel or any respective experts shall reveal the information obtained other than confined in the course of this litigation;

Based upon consent of the parties through counsel, and for good cause shown, I find that a Confidentiality Order should be issued.

Accordingly, and by reason of the foregoing,

IT IS ORDERED THAT the following procedure shall be in effect in order to keep the records confidential:

- a. One copy of the report of Dr. Marc Harari shall be provided to each party's counsel.
- b. Counsel shall safeguard the report, but not make any copies unless for a purpose permitted below. The parties may review the report at their counsel's offices, but shall not be permitted to have physical or digital copies other than the copy already in his/her possession. No additional copies shall be made or disseminated.
- c. The contents shall not be disclosed or disseminated verbally or in writing by the parties, including on social media.
- d. If any documents are used at a deposition or in court, the document must be made an Exhibit Under Seal so that the public cannot access it.

- e. Copies may be provided to any custody evaluator, or other experts as needed, which shall be returned to the providing counsel or the Guardian *ad Litem* at the end of litigation.

IT IS FURTHER ORDERED THAT the parties, counsel, and any experts shall have access to this information but shall not share, disseminate, expose, disclose or in any manner share this information with individuals not directly involved in this matter, especially the minor children of the parties.


IT IS FURTHER ORDERED THAT that the report of Dr. Marc Harari referenced above, and the information contained therein, will not be published or disseminated by anyone other than the parties to this litigation or the court, and only within the confines of this case, should the case proceed to a hearing or trial, and that neither party will object to sealing this portion of the record should any confidential information be entered as evidence.

IT IS FURTHER ORDERED THAT at the conclusion of this litigation, both parties, their experts and their attorneys shall continue to be subject to the confidentiality provisions of this Order, and that the report shall not be shared with the minor children.

AND IT IS SO ORDERED this 10th day of February, 20 22 at
Lexington, South Carolina.

FILED
CLERK OF COURT
LEWIS AND CLARK COUNTY
SOUTH CAROLINA
FEB 10 2022


AND, IT IS SO ORDERED.


2022 FEB 10 PM 1:12

PRESIDING JUDGE
FAMILY COURT - ELEVENTH CIRCUIT

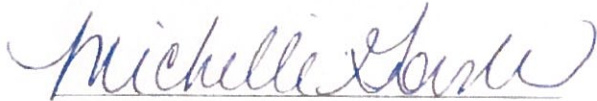
Lexington, South Carolina

February 10, 2022

WE CONSENT:


ASHBY LAWTON JONES
ATTORNEY FOR DEFENDANT


SHEILA M. ROBINSON
ATTORNEY FOR PLAINTIFF


MICHELLE GORSKI
GUARDIAN AD LITEM

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

IN THE FAMILY COURT FOR THE
ELEVENTH JUDICIAL CIRCUIT
Case No.: 2021-DR-32-1578

Emily P. Smith,

Plaintiff,

v.

Robert Terence Smith,

Defendant.

Denying
ORDER FOR EMERGENCY HEARING

2022 MAR -3 PM 4:49
JISAM, COMER
CLERK OF COURT
LEXINGTON SC

FILED

After a review of the Motion and Verification of Defendant, Robert Smith, I find it appropriate that an Emergency Hearing be granted.

THEREFORE, IT IS ORDERED that an Emergency Hearing in this matter be granted and is scheduled on the _____ day of _____ 2022 at _____ o'clock _____ M. and the five (5) day notice requirement is hereby waived.

AND IT IS FURTHER ORDERED that a copy of the Motion and Order for Emergency Hearing shall be served upon Plaintiff.

AND IT IS FURTHER ORDERED that any person not less than 18 years of age, who is not an attorney in or party to this action, is designated to serve this Order along with the other above-mentioned documents in this matter.

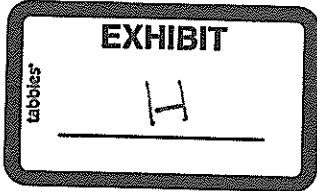
This order is without prejudice to raising jurisdictional or family and acting
AND IT IS SO ORDERED. *changes in the circuit and acting*
as the
denial
HSC is procedural
not substantive

Lexington, South Carolina

Presiding Judge, Eleventh Judicial Circuit

May 3, 2022

Hour of Issuance: 4:43 PM



SCANNED

FILED

STATE OF SOUTH CAROLINA)

2022 JUN 30 AM 8:57

IN THE FAMILY COURT OF THE
ELEVENTH JUDICIAL CIRCUIT

COUNTY OF LEXINGTON)

C.A. NO.: 2021-DR-32-1578

EMILY P. SMITH,)

LISA K. COMER
CLERK OF COURT
LEXINGTON, SC

PLAINTIFF,)

VS.)

**CONSENT ORDER
EXTENDING 365 DAY DISMISSAL**

ROBERT TERENCE SMITH,)

DEFENDANT.)

Presiding Judge:
Plaintiff's Attorney:
Defendant's Attorney:

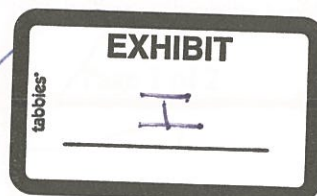
W. Greg Seigler
Sheila McNair Robinson
Ashby Lawton Jones

This matter was to come before the Court pursuant to a Notice of Motion and Motion to Extend 365 Day Deadline filed by the Plaintiff. Prior to the scheduling of the case for a hearing, counsel informed the Court the parties were able to reach an agreement and wished to submit a consent Order in lieu of a court appearance.

This Court finds the Plaintiff moved to have the 365 Day Administrative deadline extended to give the parties sufficient time to attend mediation in an effort to resolve the issues. This Court finds mediation was previously scheduled to be held on July 20, 2022. Mediation is now scheduled to take place on September 15, 2022 with The Honorable Lisa Kinon serving as the mediator.

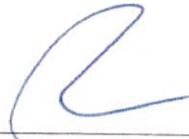
This Court finds that counsel for the Defendant has no objection to the Motion and consents to the relief requested.

This Court therefore grants the motion and extends the 365 day administrative deadline until October 1, 2022. If no hearing request is submitted by that date, the Court finds the case may be subject to being administratively dismissed.



IT IS THEREFORE ORDERED the 365 Day Administrative deadline is extended until
October 1, 2022.

IT IS SO ORDERED.

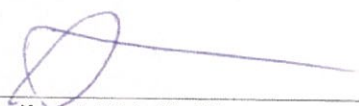


W. Greg Seigler
Presiding Judge of the
Family Court for the
Eleventh Judicial Circuit

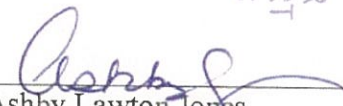
June 29, 2022

Lexington, South Carolina

WE CONSENT:



Sheila McNair Robinson
Attorney for Plaintiff

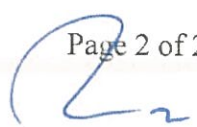


Ashby Lawton Jones
Attorney for Defendant

LISA H. COMBER
CLERK OF COURT
ELEVENTH JUDICIAL CIRCUIT

2022 JUN 30 AM 8:57

FILED



CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE

Filing ID: 220427-1415219

Filing Date: 04/27/2022

Apr 27 2022
REFERENCE ID: 1028011

**STATE OF SOUTH CAROLINA
SECRETARY OF STATE**

**MEMBERS STATEMENT
OF DISSOCIATION
FROM A LIMITED LIABILITY COMPANY**


SECRETARY OF STATE OF SOUTH CAROLINA

The following member of the listed limited liability company hereby files this Statement of dissociation in accordance with Section 33-44-704 of the 1976 S.C. Code of Laws, as amended.

1. Name of the limited liability company from which a member has dissociated:

Southern Collection, LLC

2. Name of member who has dissociated from the limited liability company:

Emily P. Smith

(Name)

112 John Preston Drive

(Street Address)

Lexington, South Carolina 29072

(City, State, Zip Code)

3. Unless otherwise specified, this statement is effective when endorsed for filing by the Secretary of State. Specify any delayed effective date and time: _____

(Date)

4. This statement is being filed by:



a. The dissociating member:

Signed as Filer: Desa Ballard

(Signature)

04/27/2022

(Date)



b. The limited liability company:

(Signature)

(Date)

(Print Name)

(Capacity)

CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE

Apr 27 2022
REFERENCE ID: 1028011

STATE OF SOUTH CAROLINA
SECRETARY OF STATE


SECRETARY OF STATE OF SOUTH CAROLINA

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Lexington, SC 29072

(City, State, Zip Code)

3. Unless otherwise specified, this statement is effective when endorsed for filing by the Secretary of State. Specify any delayed effective date and time: _____
(Date)

4. This statement is being filed by:

a. The dissociating member:


(Signature)

(Date)

b. The limited liability company:

(Signature)

(Date)

(Print Name)

(Capacity)

CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE

Business Name: Southern Collection, LLC

Apr 27 2022

REFERENCE ID: 1028011


SECRETARY OF STATE OF SOUTH CAROLINA

Signature Page for a Secretary of State Business Filing

be completed, scanned, and attached to any business filing where one of the following is true.

- The filing party signs the digital form on behalf of official signee.
- An attorney's signature is required. (Articles of Incorporation for Corporation and Benefit Corporation)

Official Signatures

(Officer, Incorporator, Director, Agent, Partner, etc)

Required for forms where the signee is not present upon online submission and a filing party is providing a digital signing on their behalf. If the provided space is not enough, please attach multiple pages.

Desa Ballard
Name

4-27-2022
Date

Desa Ballard
Signature

Attorney
Title / Position

Emily P. Smith
Name

4-27-2022
Date

Emily P. Smith
Signature

owner
Title / Position

Name

Date

Signature

Title / Position

Name

Date

Signature

Title / Position

Name

Date

Signature

Title / Position

Scan and Upload this document to the Business Filing System during the filing process.
File must be PDF format.

RECEIVED

Aug 01 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL PENDING AT THE COURT OF APPEALS
Appellate Case Number Not Yet Assigned

FROM LEXINGTON COUNTY
WALTON J. MCLEOD, CIRCUIT COURT JUDGE
Case No. 2022-CP-32-01419

Emily P. Smith and Emily P. Smith and Associates, LLC, Appellants,

v.


Robert T. Smith; Southern Collection, LLC;
Southern Collection Brokerage, LLC;
Terrance Smith and Associates, LLC; Robert B. Smith,
And Sherry C. Smith, Respondents.

PROOF OF SERVICE

I, Beth Cogan, an employee with Ballard & Watson, do hereby certify that on August 1, 2022, I served a copy of the **Motion to Certify Appeal**, in the above-captioned case on the following individuals by electronic mail using their email address listed in the Attorney Information System, addressed as follows:

Mark B. Goddard, Esquire
John B. Kelchner, Esquire
Turner Padget Graham & Laney, P.A.
mgoddard@turnerpadget.com
jkelchner@turnerpadget.com

Ashby L. Jones, Esquire
Alyssa R. Iglesias, Esquire
Kindard & Jones, LLC
ashby@kindardandjones.com
alyssa@kinardandjones.com


Beth Cogan, Paralegal

August 1, 2022

Beth Cogan

From: Beth Cogan
Sent: Monday, August 1, 2022 11:50 AM
To: Mark B. Goddard; Kelchner, John B; Ashby Jones; Alyssa Iglesias; Betty Perdue
Cc: Sheila Robinson; Desa Ballard; Haley Hubbard; Liz Sineath
Subject: (Emily Smith v. Robert T. Smith) Ltr to Supreme Court encl Motion to Certify Appeal
Attachments: 2022 08 01 Ltr to Supreme Court encl Motion to Ceritfy Appeal.pdf; 2022 08 01 Motion to Certify Appeal.pdf; 2022 08 01 POS Motion to Certify Appeal.pdf

Good morning,

The attached Motion to Certify is being filed today with the Supreme Court and Court of Appeals.

Kindest Regards,

-Beth

Beth Cogan, Paralegal
Ballard & Watson, Attorneys at Law
226 State Street
West Columbia, South Carolina 29169
803.796.9299
803.796.1066 Facsimile
beth@desaballard.com
www.desaballard.com



Ballard & Watson
Attorneys at Law
PERSISTENT. UNWAVERING.

Desa Ballard
Harvey M. Watson III

Post Office Box 6338 | West Columbia, SC 29171
226 State Street | West Columbia, SC 29169
ph 803.796.9299 | fx 803.796.1066 | desaballard.com

August 1, 2022

Via Email (supctfilings@sccourts.org)
The Honorable Patricia Howard
Supreme Court Clerk of Court
Post Office Box 11330
Columbia, South Carolina 29211

RECEIVED
Aug 01 2022
SC Court of Appeals

Re: *Emily P. Smith, et al. v. Robert T. Smith, et al.*
Appellate Case No.: number not yet assigned

Dear Ms. Howard:

Please find enclosed a Motion to Certify Appeal. Pursuant to paragraph (c) of the Supreme Court's administrative order dated August 25, 2021 ("Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules") a check for the filing fee is being forwarded via US mail.

By copy of this letter and as evidenced by the Proof of Service, these filings have been served upon counsel for the Respondents. Thank you for your time in this matter. If you have any questions, please do not hesitate to contact our office.

With warm personal regards, I am,

Sincerely yours,

Desa Ballard
desab@desaballard.com

Enclosures

cc: Via Electronic Mail
SC Court of Appeals
Mark Goodard, Esquire
John Kelchner, Esquire
Ashby Jones, Esquire
Alyssa Iglesias, Esquire
Sheila Robinson, Esquire
Emily Smith