

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

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OCT 17 2022

SC Court of Appeals

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

JAYNE LaFORGE STOVALL, APPELLANT

V.

PAULETTE B. STOVALL and
WILLIAM S. STOVALL, DEFENDANTS
Of WHOM PAULETE B. STOVALL IS THE RESPONDENT

EMENDED INITIAL BRIEF

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

APPELLATE CASE NO. 2021-001504

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FOR
EMENDED INITIAL BRIEF

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APPELLATE CASE NO. 2021-001504
AUTHORITIES

1. SCPC Article 7, part 10, Sections 62-710-01 through 62-710-09.
2. SCPC 62-2-607 Order Restraining PR pertaining to Trustee, PR or Executor de son tort: wrongfully interfering with distribution of a deceased person's estate, or de son tort.
3. S. Carolina Code of Laws, Section 16910 (a) (1) Perjury under oath.
4. Canon 3 – A, sections 1,2,3, and 4 , Code of Conduct in its entirety of the United States Rules for Judicial Conduct

POINTS

5. Medical Report from W. Travis Wilson, M.D., dated August 16, 2010, Neurology Centers of the Carolinas, PA, confirming 8 prescription medications and 4 OTC's.
6. Medical Report from Roger C. Peace Outpatient Occupational Therapy dated 7-1-2011 describing patient's condition,
7. Photograph of note and card dated 12/2008 written by decedent, envelope addressed by Respondent.
8. Order in the Greenville Family Court dated April 26, 1973 by Judge James Roper containing William's testimony. See attached transcript section marked as #16.
9. Social Services Admission Report to the Woodlands dated 9/26/18, pages 7 and 10 of 11.
10. Daniel Casillas pictures and description of real estate still held by the Trusts in 2021 but never disclosed by Respondent.

11. Correspondence from George W. Lohr to and from Truluck firm 11/12/21 regarding “time-share” Involved in Respondent’s handling of estate matters. Written via E-Mail to Truluck firm on day of hearing, inquiring as to status of hearing.
12. Arrest record for domestic violence dated 4/4/05.
13. Brief and letter to Judge Jennings supposedly filed in Probate Court with copies to Truluck firm.
14. Listing of only financial information obtained in discovery.
15. Payoff of Lisa’s mortgage of \$50,000 to be forgiven as part of her inheritance.
16. CID #29024 Ascensus notification dated November 18, 2019 – year after death stating the account would be penalized \$17, 554,08 for failure to withdraw the RMD for 2018 and stating that 100% of the assets are available, and enclosing affidavit to cash in, sent to Respondent. Never relayed to Appellant.
17. CID#29024 Ascensus notification dated July 20, 2020, again advising that 100% was available, requesting Appellant’s signature, sent directly to Appellant from Ascensus.
18. Unidentified Pentagon account, amount and ID number not identified, but defendant and children shown as beneficiaries, signed on 6/25/13.
19. E-Mail from Defendant William Stovall to Appellant dated 9/14/18 outlining current medical information.
20. Letter dated 12/11/18 from David L. McMurray to Appellant with notification and information regarding Trust agreements.
21. Statement read by Appellant as testimony in final hearing as her testimony.

CASE REFERENCES

1. S. Carolina case #2019-CP-23-02960

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Emended Brief of Appellant for Case No. 2021-001504

STATEMENT OF ISSUES ON APPEAL:

1. Errors in and question of validity of Trust documents.
2. Mishandling of Trusts by Paulette Stovall.
3. Failure of Paulette Stovall, Respondent, to furnish a full accounting of Trust assets and expenses.
4. Removal of Appellant, as co-Trustee of the Trusts.
5. Appointment of Defendant William Stovall as co-Trustee of Trusts.
6. Inappropriate judicial conduct by Judge Jennings in May 19th and July 7th hearings.
7. Erroneous listing of Lisa Stovall Rodriguez as having no interest in Trust and sale of property belonging to her.

STATEMENT OF HISTORY OF PROCEEDINGS:

Will and Trust copies obtained from David McMurray by my attorney, Justin Hamerick in December of 2018. Justin tried to obtain a settlement, but was not able to do so. Did not litigate cases and referred me to another firm. Retained Nathan Farmer in October of 2019 who made errors in procedure and withdrew. Retained Chace Campbell in December of 2020 who was unable to obtain discovery information over a two-year period, over-billed, refused to adjust, and withdrew. Reported him to Bar Association on August 20, 2021, and received acknowledgement from them but no action to date.

Probate Court hearings were conducted by Judge Jennings. Jennings asked if I wanted him to recuse himself because of his firm's association with Respondent's firm. I did not. He then made inappropriate comments to me during the first May 19th 2021 hearing which have been outlined in my initial brief. Judge Jennings had the Declaration of Matter right in front of him, but obviously had not looked at it. No Order was issued from this hearing. Zoom tape should confirm but has obviously been heavily redacted or erased. The second hearing was on July 7, 2021 and was also improperly conducted. See Authorities #21 and 13.

The first Appeal I filed was to the Greenville Court of Common Pleas in 2021. That Appeal was to again try to obtain the financial information and reports to which I was and am still entitled, and to object to my brother, William Stovall replacing me as Co-Trustee. That hearing was scheduled three different times with three different judges. It was first scheduled on October 12th with Gary Morgan. It was then re-scheduled for November 12th with Judge Keesler, and then scheduled to be heard by Judge Verdin instead on November 12. Judge Verdin basically said the matters should have been properly handled by the Probate Court, but did not remand the case back to the Probate Court.

Of note, the orders which were written for the hearings were drawn up by Respondent's counsel and signed by the judges. No court reporters were present at any of the hearings and were only recorded on Zoom.

FACTS:

Original Wills and Trust documents were never provided by Respondent though they did exist. New documents were obviously altered old ones.

My father's medical records were never provided by Respondent for the time period up to and during the time the revised Will and Trusts were drawn in 2012 and 2013. These would clearly show the physical and mental condition of my father, which was tragic and horrible. They would have also confirmed the fact that these conditions began to escalate back in the 1970's and 1980's, and did not just appear in 2016. I was only able to obtain three pertinent medical records which were inadvertently included in a bulk transmission of information from Respondent's attorneys' offices to the court in their original Declaration of Matter. See A&P #5 & #6 and #12. Note that #12 shows that the history of domestic abuse continued. A & P #7 shows my father's inability to write in 2008, and card is addressed by Respondent Paulette Stovall, the enclosed check also signed by her.

Respondent Paulette Stovall has failed to comply with any and all of the requirements outlined in S. Carolina Trust Code, specifically Part 8, Sections 62-7-801 through 816 as Trustee of the two Trusts.

Defendant William Stovall has committed perjury under oath to the court regarding his father's medical history and mental faculties. William had been told by our father on several occasions that he was Executor of my father's estate. William made two trips with his wife Mary to Greenville to assist with getting my father into proper care and doing paperwork involved just weeks before my father died. After those trips, William found out he was not Executor and he was extremely upset. William told me he had incurred over \$4,000.00 worth of expenses for the trips and for some medical equipment he had purchased for the room which had been secured for my father at the Woodlands, thinking that he would be reimbursed by the Estate. He and wife, Mary Stovall then proceeded to threaten me in order to get me to resign as Trustee so he could become Trustee.. See A&P #3

CONCLUSION:

My father was not able to understand or read the revised documents he was obviously coerced into signing in 2012 and 2013.

Respondent Paulette Stovall handled all financial matters for my father before his death and to date which would be documented by a forensic audit. I believe that Respondent and her attorneys have not agreed to an audit because it would show improper handling of Trust Assets by Respondent Paulette Stovall. There are obvious red flags, as follows:

1. Numerous bank accounts, but no amounts. A & P ##14
2. Missing assets or those having been sold. A&P #10 and#11
3. Transactions involving trusts or estate with attorneys or associates; specifically the forced sale of Lisa's house through Sol Ballas our former Dallas attorney who drew the initial documents for the initial Trust provision, as well as the sale of the property in 2018_See_A&P_#15
4. Failure to provide reports, accountings, or updates.
5. Reports lacking in substance or detail.

Defendant William Stovall is now 69 years old, I am 61 years old, my sister, Lisa Stovall Rodriquez is 63 years old . Lisa does have an interest in the Trusts, is permanently disabled, on SSI, with no other income or resources. Respondent Paulette Stovall is 77 years old and not responsibly administering the Trusts. Defendant William Stovall, should not be allowed involvement in the Trusts other than as a beneficiary.

Because of the ages of all parties involved, the existing circumstances, and the fact that a good portion of trust assets consist of unsold real estate valued at approximately a million dollars, I believe it would be appropriate for the Trusts to be turned over to the Trust Department of a local Greenville bank for a forensic audit, assessment and administration. I respectfully ask that an Order to this affect be issued.

I would also ask that I be reimbursed for my attorneys' Fees from my father's estate in the amount of \$16,000.25, which includes \$1,130.25 to Hamrick, \$1,680.00 to Farmer, and \$13,800.00 to Campbell which were incurred by me as co-Trustee and a beneficiary of the two trusts. I have itemized receipts for this amount.

CERTIFICATE OF SERVICE

I, Jayne LaForge Stovall, certify that on this date, October 11, 2022, a copy of my Emended Initial Brief was served on Respondent Paulette Stovall and Defendant William Stovall for whom Paulette Stovall is also Respondent via the U. S. Postal Service mail, as follows:

Devon M. Puriefoy, Attorney
Truluck Thomason, LLC
3 Boyce Avenue
Greenville, S. Carolina 29601

William Stovall
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SC Court of Appeals

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