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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
In the Court of Common Pleas

J. Cordell Mattox, Circuit Judge

Case No. 2021-CP-37-00560
Appellate Case No. 2021-001552

Dorothy Pierce,

Appellant,

v.

Jared Adam Pierce,

Respondent.

RESPONDENT'S RETURN TO APPELLANT'S MOTION TO SETTLE
AMENDED RECORD ON APPEAL

/s/ Richard Hunt McDuff
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Attorney for Respondent

COMES NOW the Respondent, Jared Adam Pierce, by and through his undersigned attorney and pursuant to Rule 240, South Carolina Appellate Court Rules, and hereby files his Return to the Appellant's Motion to Settle Amended Record on Appeal. In opposition thereto, the Respondent would show unto the following:

I. INTRODUCTION AND BACKGROUND

This appeal arises out of an August 18, 2021, Order of the Oconee County Probate Court finding the Last Will and Testament of Doyle Elton Piece invalid as a forgery and removing the Appellant as Personal Representative. The Order followed an evidentiary hearing/trial held on August 2, 2021. At the time of the Probate Court proceeding, the Appellant, who was represented by legal counsel, only introduced one (1) exhibit into evidence - a photograph of a Honda [*sic*] Sonata.

On August 23, 2021, the Appellant, *pro se*, filed a Motion for New Trial wherein she raised fifteen (15) grounds in support of the motion. (A true and correct copy is attached hereto as **Exhibit "A."**) Among other things, the Appellant claimed that a new trial was warranted so that an "expert" document examiner, known to her prior to the trial, could testify.¹ (See Motion for New Trial, Page 3.)²

On September 8, 2021, the Appellant, *pro se*, filed an Amended Motion for New Trial wherein she raised nine (9) arguments in support. (A true and correct copy is attached hereto as **Exhibit "B."**) In her Amended Motion, the Appellant again claimed that a new trial was warranted because her "expert" document examiner "was not able to attend Court due to insufficient time to prepare." (See Amended Motion for New Trial, Page 11.) At no time during the August 2, 2021,

¹ The "expert" report was prepared by Travis King of Phoenix, Oregon and is dated July 29, 2021.

² On that same day, she also filed her Notice of Intent to Appeal to Circuit Court.

trial did the Appellant ever seek a continuance, or seek to introduce or proffer the report of the “expert.”

On October 1, 2021, the Probate held a hearing on the Appellant’s motion for a new trial.

The Appellant appeared *pro se* and opened with the following statement:

“I asked for a new trial because the judgment of August 18, 2021, was a gross miscarriage of justice because it was procured through fraud, discrimination, prejudice, and racism . . .”

(See Transcript of October 1, 2021, Page 3, which is attached hereto **Exhibit “C.”**)

At the time of the hearing on the Motion for New Trial, the Appellant handed the Probate Judge the following six (6) unauthenticated documents she now claims should be included in the Record on Appeal: (a) a physician’s note regarding Tammy Youngblood dated September 28, 2021; (b) a handwriting report of Travis King dated July 29, 2021; (c) copies of text messages; (d) articles regarding forensic document examination; (e) a Comprehensive Report regarding Jared Adam Pierce; and, (f) the Voluntary Statements of Tammy Youngblood and Deana Walker dated February 8, 2021. The Appellant never sought to introduce these documents into evidence at the August 2, 2021, proceeding. At the time of the October 1, 2021, hearing, the Appellant neither sought to have the Probate Court reopen the record nor did she request that the documents be identified and admitted as supplemental evidence.³

On July 11, 2022, the Appellant made her first attempt at filing her Final Brief and Record on Appeal. On July 27, 2022, the Respondent filed a Motion to Require the Appellant to submit a corrected Record on Appeal and to the Appellant’s Final Brief. Instead of filing a Return to the

³ At the time of the October 1, 2021, hearing on the Motion for New Trial, the undersigned argued that the Probate Court was limited to what was introduced into evidence at the time of the August 2, 2021, trial. (See Transcript, Page 45.)

Respondent's Motion, on August 5, 2022, the Appellant filed an Amended Final Brief and Amended Record on Appeal.

On August 8, 2022, the Respondent filed a Motion to Strike Amended Record on Appeal, to Strike Amended Final Brief of Appellant, and to Extend Time for the Respondent to file his Final Brief. Once again, the Appellant filed no Return to the Respondent's motion, and, on November 7, 2022, this Court entered an Order granting the Respondent's motion and further ordered the Appellant to file a proper Record on Appeal and Final Brief within thirty (30) days.⁴

For the reasons set forth below, the Respondent requests that this Court deny the Appellant's motion.

II. THE SIX DOCUMENTS ARE NOT A PART OF THE RECORD ON APPEAL

Rule 210(c), SCACR, states, "[t]he Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267. The Record shall not, however, include matter which was not presented to the lower court or tribunal." The appellate court is bound by the record established at trial and the Record on Appeal shall not include any matter not presented to the lower court. *Argabright v. Argabright*, 398 S.C. 176, 181 n.3, 727 S.E. 2d 748, 751 n.3 (2012). On appeal, the Appellant cannot rely upon documents that were never introduced into evidence in the trial court. *Blackmon v. Hinson*, 311 S.C. 113, 114 427 S.E. 2d 706, 707 (Ct. App. 1993).

The six (6) unauthenticated hearsay documents sought to be used by the Appellant were neither proffered, introduced, nor admitted into evidence during the August 2, 2021, Probate Court trial. Merely handing documents to the Probate Court at the time of a hearing on a Motion for New Trial does not convert them into admissible evidence. The fact that the Appellant was *pro se*

⁴ The thirtieth day is December 7, 2022.

at the time does not excuse her from full compliance with the “substantive and procedural requirements of the law.” *State v. Burton*, 356 S.C. 259, 266 n.5 (2003).

Likewise, the Appellant fails to meet the requirements of the Rules of Evidence for the admissibility of the documents. As a threshold matter, the Appellant failed to properly authenticate the documents pursuant to Rule 901(a),⁵ SCRE. Even if she were able to properly authenticate the six (6) documents, she has not met the requirements for admissibility pursuant to the hearsay exclusionary rule. Rule 801(c), SCRE, defines “hearsay” as “a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matters asserted.” A “statement” may be either oral or written. *See* Rule 801(a), SCRE. Rule 802, SCRE, provides that “[h]earsay is not admissible except as provided by these rules or by other prescribed statute or by the Supreme Court of this State or by statute.”

The hearsay exceptions are found in Rules 803 and 804, SCRE. The six (6) documents sought to be used by the Appellant as a part of the Record on Appeal are, beyond cavil, hearsay. Even assuming, *arguendo*, she could properly authenticate the documents, the Appellant has not identified any hearsay exception under which any of them might be admissible.⁶

III. CONCLUSION

The Respondent only briefly addresses the Appellant’s other claim that certain records designated by the Respondent pursuant Rule 209, SCACR, were not omitted from the Amended Record on Appeal. By way of example, the Appellant asserts that her Amended Motion for New Trial is found at page 43 of the Amended Record on Appeal; however, the Respondent designated the Appellant’s original Motion for New Trial dated August 23, 2021, but it is was omitted from the Amended Record on Appeal.

⁵ Authentication is a condition precedent to admissibility.

⁶ Pursuant to Rule 401, SCRE, there are also significant relevance issues with some of them.

When there is disagreement as to what the Record on Appeal should contain, “the duty and responsibility of settling the question rests on the trial judge.” *China v. Parrott*, 251 S.C. 329, 334, 162 S.E. 2d 276, 278 (1968). In this matter, there is no issue that the Record on Appeal does not include the six (6) documents claimed by the Appellant. Assuming, *arguendo*, that there was a reasonable disagreement as to what is contained in the Record on Appeal, the Appellant has not cited any authority to support her request to have this Court “settle” the record.

In addition, the issue of whether the documents are properly in the Record on Appeal has already been decided by this Court in granting the Respondent’s August 8, 2022, Motion to Strike to which the Appellant filed no Return. Her failure to file a Return “may be deemed a consent by [the Appellant] to the relief sought in the motion or petition.” Rule 240(e), SCACR.

For the reasons set forth herein, the Respondent respectfully requests this Court to enter an Order denying the Appellant’s Motion to Settle the Amended Record on Appeal. The Respondent further requests that the appeal be dismissed if the Appellant fails to timely comply with this Court’s Order of November 7, 2022.

Respectfully submitted,

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EXHIBIT “A”

THE STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

THE COUNTY OF OCONEE

IN THE MATTER OF:

CASE NO.:2020ES3700532

DOYLE ELTON PIERCE, DECEASED.

JARED ADAM PIERCE

(Petitioner)

VS.

DOROTHY PIERCE

(Defendant)

DEFENDANT'S MOTION FOR NEW TRIAL

COMES NOW, Defendant Dorothy Pierce (hereinafter "Defendant") and respectfully files this Motion for New Trial herein and in support thereof would show unto the Court that the Defendant is entitled to a new trial.

1. On August 18th, 2021, a judgment entitled "ORDER ON MOTION TO DETERMINE VALIDITY OF WILL" was signed by this Court in this case. The defendant moves the Court to set aside the judgment dated August 18th, 2021, and to grant her a new trial.
2. A new trial should be granted because, according to SC Code § 62-2-502 (2017) except as provided for writings within Section 62-2-512, every will shall be: In writing and signed by at least two individuals, each of whom witnessed either the signing or the testator's acknowledgment of the

signature or of the will. The Court erred in discrediting the eyewitnesses to testator's signatory on last will and testament of Doyle Elton Pierce dated July 7th, 2020, and yet the Will is compliant with the South Carolina law. In addition, neither the petitioner nor the petitioner's attorney discredited or provided any factual evidence to discredit the witnesses during the hearing on August 2nd, 2021. (*Dozier v. Smith*, 446 So. 2d 1107 (Fla. 2d DCA 1984))

3. A new trial should be granted because, the Defendant's expert document examiner, whose report dated July 29th, 2021, validated that, Doyle Elton Pierce authored the last Will and Testament dated July 7th, 2020, was not able to attend Court due to insufficient time to prepare. The defendant's expert witness testimony is crucial in validating the last Will and Testament of Doyle Elton Pierce. Justice will not be properly served unless the expert document examiner of the defendant testifies in Court.
4. A new trial should be granted based on newly discovered evidence. The copies of the signature exhibits presented in Court by the petitioner's document examiner, Mr. John Jamieson, were not availed to the Defendant in advance to prepare a rebuttal. Such documents could only have been discovered during or after the hearing. The defendant seeks to introduce an independent expert document examiner to testify regarding the petitioner's expert Witness testimony.
5. The third-party signature exhibit dated 2020 presented in Court by the petitioner's document examiner, Mr. John Jamieson was not signed by the deceased. The document in question also bears a wrong name of the Defendant written as, Dorothy Wells Pierce. The Defendant has never at any point in time used both Wells and Pierce at the same time, on the same document. The Court erred in admitting the signature sample as an exhibit despite the Defendant's attempts to squash it during the Court hearing.

The defendant was denied a fair and impartial hearing and judgment therefore a new trial should be granted because of the following reasons:

6. The Court erred in their judgement to remove the Defendant from the position of Personal Representative of the Estate of Doyle Elton Pierce even though the petitioner's handwriting expert Mr. John Jamieson could not make any conclusions as to whether the signature on the 10th page of last

will and testament of Doyle Elton pierce, dated July 7th, 2020, was that of the Defendant. Furthermore, the petitioner did not provide any factual evidence of wrongdoing on the Defendant's part. The Defendant maintains with absolute confidence and truth that, the will was signed by the deceased, Doyle Elton Pierce on July 7th, 2020, in the presence of two credible witnesses in compliance with the South Carolina law. SC Code § 62-2-502 (2017).

7. The Court erred in overruling objections to questions addressed to the Defendant, Dorothy Pierce, which were irrelevant to the matter before Court. The petitioner's attorney continuously directed their questioning placing the Defendant in immoral position and allowing the leading questions to influence the judge.
8. The Court erred in impeaching the Defendant's witnesses based on body language. The defense vividly finds inconsistencies with the Court's narration of the events that transpired during the hearing on August 2nd, 2021, In addition to the irregularities in the Court's narration of the Defendant's testimony.
9. The Court unfairly impeached an eyewitness to the last will and testimony of Doyle Elton Pierce dated, July 7th, 2020, Tammy Youngblood, based on the account of prior "brain surgery" or "bad nerve" and yet, accepted the testimony of the petitioner, Jared Adam Pierce who has had SEVERE BRAIN INJURY and has been on treatment for brain damage and memory loss for years. The defendant seeks a new trial to provide new evidence that could have only been discovered after the hearing of August 2nd, 2021.
10. The Court erred in discrediting the testimonies of the eyewitnesses on the account that they could not identify the exact name of the Church where the will was signed. SC Code § 62-2-502 (2017), states that, every will shall be in writing and signed by at least two individuals each of whom witnessed either the signing or the testator's acknowledgment of the signature or of the will. The code does not limit the witnesses to specific location of the signing ceremony, neither does it provide guidance on the same. Nevertheless, the defendant seeks a new trial to provide evidence that would have only been deemed important during or after the trial to validate the witness testimonies.
11. The Court erred in admitting and solely relying on the testimony of the

petitioner's expert witness, Mr. John Jamieson whose report comprised of outdated and forged signature samples.

12. Furthermore, the Court ignored important facts as per the testimony of the expert witness, Mr. John Jamieson that could not make any conclusions as to whether the initials on pages one through nine of the last will and testament of Doyle Elton pierce, dated July 7th, 2020, was that of the deceased or not.

13. The verdict went against the weight of evidence.

14. The defendant was not informed by the petitioner's counsel in advance, that she would testify as a witness during the hearing on August 2nd, 2021, she seeks to submit additional evidence that will collaborate her testimony to the Court.

15. The Court Judgment failed to provide guidance on intestacy law provided the will is set aside. South Carolina Code 62-2-102-Share of the spouse states that, if there are surviving issue, one-half of the intestate estate shall be inherited by the surviving spouse.

The defendant has attached to this Motion an Affidavit in support of this Motion for New Trial.

Justice will not be served unless a new trial is granted. The defendant prays that the Court set aside the judgment signed on August 18th, 2021, and grant a new trial.

Respectfully signed and dated this August 23rd, 2021



DOROTHY PIERCE

(Defendant)

“EXHIBIT B”

THE STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

THE COUNTY OF OCONEE

CASE NO.:2020ES3700532

IN THE MATTER OF:

DOYLE ELTON PIERCE,

DECEASED

AMENDED MOTION FOR NEW

TRIAL; & MEMORANDUM OF

JARED ADAM PIERCE

LAW IN SUPPORT OF AMENDED

(Petitioner)

MOTION FOR NEW TRIAL

vs.

DOROTHY PIERCE

(Defendant)

COMES NOW, Defendant Dorothy Pierce (hereinafter "Defendant") and respectfully files this **Amended Motion for New Trial; & Memorandum of Law In Support Of Amended Motion For New Trial** herein and in support thereof would show unto the Court that the Defendant is entitled to a New Trial.

This motion, made pursuant to Rule 59 of the South Carolina Rules of Civil Procedure, will be based on the accompanying Memorandum of Points and Authorities, the attached Affidavit in Support, and any exhibits thereof, and on such oral and documentary evidence as may be presented at the hearing of the motion scheduled for October 1st, 2021, at 10:00am.

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
AMENDED MOTION FOR A NEW TRIAL**

INTRODUCTION

This case concerns the validity of a will made by the Deceased, Doyle Elton Pierce. Accordingly, on August 18, 2021, a judgment in favor of the Plaintiff entitled "ORDER ON MOTION TO DETERMINE VALIDITY OF WILL" was signed by this Court in this case. The Defendant subsequently filed a Motion for a New Trial on August 23, 2021. The Defendant seeks to file the instant Amended Motion for a New Trial in lieu of the already filed Motion for New Trial. The Defendant herein moves this Honorable Court to set aside its judgment dated August 18, 2021, and to grant her a new trial.

FACTUAL BACKGROUND

Towards the end of the year 2017, the Defendant was looking for a house to rent within Upstate, South Carolina. Since the Defendant had a small manufacturing business, she had a second requirement: She wanted a house with a spare storage space for her manufacturing business. Craigslist was the only reliable platform to find houses for rent within the upstate community. She therefore searched several listings on the platform and the Deceased, Doyle Elton Pierce, had listed for rent, a room in his 3-bedroom brick house in a small city of Seneca, Oconee County, SC. After a conversation with the Deceased, he had both a room for rent and approximately 5,000

SF warehouse that the Defendant could lease for her business after cleaning up.

The Defendant met the Deceased in Greenville, SC. and they drove to Seneca to see the house. Upon arriving at the Deceased 's home, the Defendant discovered that the Deceased had the dirtiest and the most disorganized house and compound Defendant had ever set her eyes on her entire life. The Deceased was a Hoarder, he kept piles of everything, from old children's bicycles, rusted household items, immovable economy tractors, to old barns filed with junks, very old and rat-infested motor vehicles, among others. The house looked like it had never been cleaned up for a decade. The Deceased told Defendant that if she wanted to leave, he would understand. On the contrary, Defendant told him that she would still rent the room if the Deceased allowed her to clean up his entire house. He was excited. It took Defendant over fifteen days to clean the house including arranging Defendant's new room.

During the clean-up, the Deceased helped the Defendant whenever he could. There were so many items to move to the dumpster. Sometimes the Deceased was running the skid steer while the Defendant loaded the trash on foot.

Two weeks later, the Deceased told the Defendant that he would have looked a thousand years and never found a woman like her. He asked Defendant to marry him, but he had not asked her out on a date yet. Defendant told him to start from the beginning by asking her out on a date. The two joked and laughed about it.

Subsequently, they went on series of “cleaning dates” and fell head over heels for each other. The Defendant also discovered that the Deceased had earlier posted another ad on craigslist looking for a young woman to bear him children. He was abandoned by his own children and family, he said. The two got married on February 14th, 2018, presided by Honorable Judge, Kenneth E. Johns, Jr. and were inseparable till the passing of the Deceased on September 14th, 2020.

The Defendant wondered why the Deceased wanted a child at the age of 72, but the answer came in handy a few weeks later when the couple decided to visit the Deceased ’s eldest son, Jared Adam Pierce, the plaintiff. It was about 2:45pm in the afternoon when the Deceased knocked at his son’s door. The Plaintiff opened the door slightly and immediately asked his father “What? What do you want? The Deceased turned red and mumbled, “...I came to visit you, are you not going to let me in? “Hell no, go the F..k away.” Replied the Plaintiff. The Deceased left in shame. For a long time, the Deceased never said much about the incident and never wanted to hear about the Plaintiff. It took several months before he would want to talk to his son again.

Accordingly, when the Deceased forgave his son, the Plaintiff asked his father for a piece of land so he and his wife could buy a trailer and move in since they still rented their current house after losing their previous home to the plaintiff’s gambling habits and liabilities. The Deceased, the Plaintiff, Plaintiff’s wife Sandy Phillips Pierce and Defendant went down to Cedar Hill Farm, where the Plaintiff picked the most

expensive and best river front plot of land. He asked Deceased to subdivide the land and make the deed in his name, but the Deceased refused fearing that the plaintiff would sell the land again once the deed was in his name. The Plaintiff could not build a house on his father's land without a deed in his name since her never trusted his father enough. Doyle Elton Pierce willed the land and a trailer to Plaintiff on his last will and testament dated, July 7th, 2020.

The Deceased's second "son", Greg Alan Pierce never talked to his "father" for over 10 years. The Deceased on the other hand, never wanted anything to do with his "son". To Doyle Elton Pierce, his "son", Greg Alan Pierce was Dead. Greg Pierce showed up in April 2020 when the Easter storm hit Seneca and destroyed almost everything the Deceased had worked for his entire life, three months before the Deceased passed away.

Within two weeks of helping with cleanup after the storm, Greg Pierce asked the Deceased for land and a favor to pay for a new trailer since he did not have any credit to buy a trailer or a home. His credit was so bad that he could not get any mortgage or loan. He offered to pay the Deceased cash as his "father" paid the mortgage company. The Deceased and Greg Pierce rode on a 4-Wheeler to Cedar Hill Farm where Greg picked a river front plot of land adjacent to his brother Jared Adam Pierce.

Greg, however, also wanted his “father” to deed him the title to the land, but Doyle Elton Pierce refused claiming Greg Pierce only showed up when he needed something and vanished when he got it or didn’t get his way. Though the Deceased refused to deed his second “son” the land, he allowed him to build on it or use it. He however, refused to secure a mortgage on his “son’s” behalf but gave him an old trailer on 745 Mourning Dove Lane, where Greg’s daughter Samantha Leigh still lives in up to the time of this filing. The Deceased willed the land and the Trailer to his son on his last will and testament dated July 7, 2020.

The Deceased’s daughter, Donna Carol Moore was always “daddy’s baby”. Their relation was thorny though, because of her daughter’s personal choices. The two did not talk to each other for a few years when Donna Moore chose to support her only daughter who is a lesbian, against her father’s counsel. Such act was considered unholy by the Deceased.

The Deceased asked her daughter who is a CNA/Nurse, if he could buy her a house near the estate so she could take care of him since his health was not good, Donna More was NOT INTERESTED in ever living in Seneca again.

The Deceased also felt like Donna Moore had already received her inheritance since he funded the tests conducted by the doctors on her autistic child which according to the Deceased, cost him more than \$25,000.

In his last will and testament, he bequeathed \$10,000.00 to his daughter Donna Carol Moore.

For the last three years of the Deceased 's life, the Defendant was both light and hope to him. When everyone abandoned him, the Defendant accepted, respected, and loved him unconditionally irrespective of the fact that the Defendant made more money than the Deceased. The Defendant was the only one available when the Deceased needed someone. When he was sick, Defendant was always by his side. When he needed to go to the hospital for his appointments, it was the Defendant who accompanied him. When his blood sugar dropped in the middle of the night, Defendant was the one that got up and made him something sweet to drink. When his sons humiliated him, it was Defendant who comforted him. When he was lonely, it was Defendant who gave him company. When he was happy, it was Defendant that he shared his joy with. When the Defendant got pregnant with the Deceased's dream child but had a miscarriage at 8 weeks, the Deceased was there for her.

On July 7th, 2020, the Deceased executed the last Will and Testament in compliance with SC Code § 62-2-502 (2017). Notably, the will was in writing and was signed by at least two individuals, each of whom witnessed either the signing or the testator's acknowledgment of the signature or of the will. Three months later, the decedent died at Prisma hospital, Oconee County on September 14th, 2020, at the age

of 74 years, 3 month, & 29 days.

On or about September 23rd, 2020, the Defendant was legally appointment Personal Representative of the Estate of Doyle Elton Pierce. It should be noted that the Deceased depended on the income from Social Security Administration and The VA Pension which stopped as soon as his death was reported. Since the Defendant's appointment as Personal Representative, the Defendant has executed all the tasks of the Estate of Doyle Elton Pierce with own income including but not limited to the following:

- a) Paid and continues to pay all the Estate Taxes, Mortgage, Insurance on four motor vehicles, Legal fees, Utility Bills and many more.
- b) The defendant has also Secured the Estate with surveillance cameras for protection of the property.
- c) Built beautiful monument for the Deceased's Grave

The Plaintiff contested the will and testament of the Deceased dated July 7, 2020, with the Probate Court. He relied on handwriting expert who used signature exhibits as old as 1971-2008, which are all against the basic rules and guidelines of modern document examination that require that the signature samples must be within the proximity of two years.

On or about November 05th, 2020, the Plaintiff's Attorney Rick McDuff

reported an incident case to Oconee County Sheriff Department on the account of counterfeiting/forgery. The sheriff department investigated the Defendant thoroughly and closed the investigation, after finding NO WRONGDOING on the part of the Defendant.

On or about August 2, 2021, the Probate Court ruled to set aside the will.

Up to the time of this filing, loving Doyle Elton Pierce and being the Shoulder, he leaned on, and the reason he smiled during the three years of their lives together, is the main reason the Defendant seeks a New Trial to validate his last Will and Testament dated July 7th, 2020.

ARGUMENTS

1. THE LAST WILL AND TESTAMENT WAS PREPARED AND EXECUTED IN FULL ACCORDANCE WITH SC. Code § 62-2-502.

"A will is an expression of a testator's intent to dispose of the testator's property after death." *In re Estate of Pallister*, 363 S.C. 437, 448, 611 S.E.2d 250, 256 (2005). SC. Code § 62-2-502 provides the requirements for a valid will. Accordingly, a valid will should meet the following requirements:

... every will shall be:

- (1) in writing.
- (2) signed by the testator or signed in the testator's name by some other individual in the testator's presence and by the testator's direction; and
- (3) signed by at least two individuals each of whom witnessed either

the signing or the testator's acknowledgment of the signature or of the will.

Pursuant to SC. Code § 62-2-506(a), a will or any part thereof is revoked: (1) by executing a subsequent will that revokes the previous will or part expressly or by inconsistency; or (2) by being burned, torn, canceled, obliterated, or destroyed, with the intent and for the purpose of revoking it by the testator or by another person in the testator's presence and by the testator's direction.

Besides, revocation by an act or by a subsequent instrument must be accompanied by an intention to revoke, and, without the intention, revocation does not take place. *Johnson v. Brailsford*, 11 S.C.L. 272 (1820) (mutilated will requires evidence that testator intended to destroy it).

In the instant action, the Court significantly erred in invalidating the last will and testament of the Decedent dated July 7th, 2020, even though the Will was executed in compliance with the South Carolina Code Laws. Notably, the said Will was in writing; was duly witnessed by two witnesses; each of the said witnesses appended their signatures thereon; and the Decedent appended his signature and/or initials.

Besides, the petitioner did not provide any verbal or factual evidence to show that the Decedent revoked the will. There is also no evidence that shows that the Decedent had intentions to revoke the will, as required by the law. Accordingly, the Decedent's will was duly executed.

2. DEFENDANT IS ENTITLED TO A NEW TRIAL TO PROVIDE ADDITIONAL TESTIMONY.

According to S.C. R. Civ. P. 59, a Court's previous judgment may be opened to provide additional testimony. S.C. R. Civ. P. 59(a)(2) provides in that regard that:

(a) Grounds. A new trial may be granted to all or any of the parties and on all or part of the issues ... (2) in an action tried without a jury, for any of the reasons for which rehearings have heretofore been granted in the courts of the State. On a motion for a new trial in an action tried without a jury, the court may open the judgment if one has been entered, **take additional testimony, amend findings of fact and conclusions of law, or make new findings and conclusions, and direct the entry of a new judgment.** (Emphasis added).

"Post-trial motions are ... utilized to raise issues that could not have been raised at trial." Jean H. Toal, Amelia W. Walker & Margaret E. Baker, *Appellate Practice in South Carolina* 189 (3d ed. 2016).

The Defendant's expert document examiner, whose report dated, July 29th, 2021, validated that, the Decedent authored the last Will and Testament dated, July 7th, 2020, was not able to attend Court due to insufficient time to prepare. The Defendant's expert witness testimony is crucial in validating the last Will and Testament of the Decedent. Justice will not be properly served unless the expert document examiner of the Defendant testifies in Court.

3. THE PLAINTIFF DID NOT MEET THE BURDEN OF PROOF REQUIRED TO SUCCESSFULLY CHALLENGE A WILL.

According to S.C. Code Ann. § 62-3-407, contestants of a will have the burden of establishing undue influence, fraud, duress, mistake, revocation, or lack of testamentary intent or capacity. *See In re Estate of Cumbee*, 333 S.C. 664, 671, 511 S.E.2d 390, 393 (Ct.App.1999).

The Supreme Court of South Carolina went ahead to state in *Calhoun v. Calhoun*, 277 S.C. 527, 530, 290 S.E.2d 415, 417 (1982) that:

When the formal execution of a will is admitted or proved, a **prima facie case in favor of the will is made out**, and the burden is then on the contestants to prove undue influence, incapacity, or other basis of invalidation. The contestants continue to bear the burden of proof throughout the will contest. (Emphasis added).

The contestants of a will must do so by clear and convincing evidence. *Russell v. Wachovia Bank, N.A.*, 353 S.C. 208, 217, 578 S.E.2d 329, 333 (2003). A will that is prepared and duly executed according to the required procedure must be given due regard as a valid will unless controverted by sufficient evidence. The Court in *Kaufman v. Kaufman*, 49 S.C. 159, 27 S.E. 16, 61 Am. St. Rep. 808; *Mordecai v. Canty*, 86 S.C. [470] 476, 68 S.E. 1049 held in that regard that:

It is true that ordinarily the proof of a paper writing, signed and witnessed according to the statute, and purporting to be a will, entitles it to be regarded as such. And it will be then presumed, as matter of fact, that the testator knew the contents of the paper. The contestant must show the contrary.

In the instant action, the Court erred in admitting the fraudulent third-party signature exhibit dated 2020, presented in court by the petitioner's document examiner, Mr. John Jamieson as evidence. The document was not signed by the Decedent, in addition to that, it bears a wrong name of the Defendant written as, Dorothy Wells Pierce. The Defendant has never at any point in time used both Wells and Pierce at the same time, on the same document. Despite several attempts made by the Defendant to quash it, the court wrongly admitted the evidence that would have made a significant difference to the outcome of the trial. It follows; therefore, the Plaintiff has failed to provide a sufficient burden of proof to challenge the Decedent's will. A new trial should be granted to correct the legal error.

4. FAILURE TO GRANT DEFENDANT SUFFICIENT TIME TO REBUT PLAINTIFF'S EVIDENCE AMOUNTS TO A VIOLATION OF DEFENDANT'S DUE PROCESS RIGHTS.

"Procedural due process requires (1) adequate notice; (2) adequate opportunity for a hearing; (3) the right to introduce evidence; and (4) the right to confront and cross-examine witnesses." *Moore v. Moore*, 376 S.C. 467, 657 S.E.2d. 743 (2008). See also *Clear Channel Outdoor v. City of Myrtle Beach*, 372 S.C. 230, 235, 642 S.E.2d 565, 567 (2007).

"In order to prove a denial of substantive due process, a party must show that he was arbitrarily and capriciously deprived of a cognizable property interest footed

in state law." *Sloan v. S.C. Bd. of Physical Therapy Examr'*, 370 S.C. 452, 483, 636 S.E.2d 598, 614 (2006); see *Mathews e. Eldridge*, 424 U.S. 319, 332, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976) (recognizing that before due process *473 guarantees are implicated, there must be a deprivation by the government of constitutionally protected interest).

"Due process is flexible and calls for such procedural protections as the particular situation demands." *Morrissey v. Brewer*, 408 U.S. 471, 481, 92 S. Ct. 2593, 2600, 33 L. Ed. 2d 484, 494 (1972). The requirements in a particular case depend on the importance of the interest involved and the circumstances under which the deprivation may occur. *S.C. Dept. of Soc. Servs. v. Beeks*, 325 S.C. 243, 246, 481 S.E.2d 703, 705 (1997).

In the instant action, copies of the signature exhibits presented in court by the Petitioner's document examiner, Mr. John Jamieson were not availed to the Defendant in advance to prepare a rebuttal. Such documents could only have been discovered during the hearing. The outcome of the judgment would have been different if the Defendant had the copies of signature exhibits used in the Petitioner's handwriting report prior to the hearing of August 2nd, 2021. The Court's failure to grant Defendant time to rebut the Plaintiff's evidence amounts to a violation of Defendant's due process rights.

5. DEFENDANT IS NOT LIABLE FOR FRAUD AND/OR FORGERY.

"Fraud on the court" . . . requires a showing that one has acted with an intent to deceive or defraud the court." *Chewning v. Ford Motor Co.*, 354 S.C. 72, 78, 579 S.E.2d 605, 608 (2003) (quoting *United States v. Buck*, 281 F.3d 1336, 1342 (10th Cir. 2002)); *id.* at 78-79, 579 S.E.2d at 608-09.

The Court erred in its judgment to find the Defendant guilty of a crime of forgery without factual evidence and due process of the law. The Plaintiff did not present any evidence that showed that the Defendant had intent to deceive or defraud. Besides, the Defendant could possibly have no motive to defraud the Petitioner. Notably, the will gave Defendant the residue of the Estate while the other beneficiaries contesting the will had eight acres of river front land, which is the most expensive part of the Decedent's real estate.

Therefore, the Defendant will face irreparable harm should the lower court presume jurisdiction contrary to the following evidence/facts before Court. The Defendant further points out that:

- a) The petitioner's handwriting expert Mr. John Jamieson could not make any conclusions as to whether the signature on the 10th page of last will and testament of Doyle Elton Pierce, dated July 7th, 2020, was that of the Defendant.
- b) On November 5th, 2020, the Petitioner's Attorney Rick McDuff reported an incident case to Oconee County Sheriff Department on the account of

counterfeiting/forgery. The sheriff department investigated the Defendant thoroughly and closed the investigation, after finding NO WRONGDOING on the part of the Defendant.

c) Furthermore, on or about January 22nd, 2021, the Plaintiff and his attorney further contacted some customers of the Defendant's company exhorting them to file complaints against the Defendant both in Court and with the police in a bid to make the Petitioner's probate case stronger. Two clients of the Defendant's company filed cases of breach of trust with the sheriff department. After investigations, the Sheriff again closed their cases upon finding NO ILLEGAL BEHAVIOR on the part of the Defendant. A new trial should be granted so that the Defendant can produce additional evidence that could have only been deemed important after the judgment. Justice will be denied if a new trial is not granted to enable the Defendant to clear her name.

(d) On or about April 5th, 2021, The Plaintiff reported the Defendant to the Sheriff Department on the account of Vandalism of the Deceased's Grave. Upon arriving at the site of the incident, the deputy sheriff determined that a crime was not committed and advised the Plaintiff to thank the Defendant for building a beautiful monument for the Deceased.

**6. THE COURT ERRED WHEN IT ONLY CONSIDERED
PETITIONER'S EVIDENCE AND TESTIMONIES.**

When the formal execution of a will is admitted or proved, a prima facie case in favor of the will is made out, and the burden is then on the contestants to prove undue influence, incapacity, or other basis of invalidation. The contestants continue to bear the burden of proof throughout the will contest. In determining whether the contestants sustained such burden, the evidence must be viewed in the light most favorable to the contestants. *Calhoun v. Calhoun*, 277 S.C. 527, 530, 290 S.E.2d 415, 417 (1982).

"Parties have the ultimate burden of persuasion as to matters with respect to which they have the initial burden of proof. "); *Id.*, 277 S.C. at 530, 290 S.E.2d at 417.

"An abuse of discretion may be found if the conclusions reached by the court are without reasonable factual support." *Runyon v. Wright*, 322 S.C. 15, 19, 471 S.E.2d 160, 162 (1996).

In the instant action, the Court erred in admitting and solely relying on the testimony of the Petitioner's expert witness, Mr. John Jamieson whose report comprised of outdated and forged signature samples and yet, unfairly Impeached Defendant's witnesses.

The Court also unfairly discredited the testimonies of the eyewitnesses on the account that, they could not identify the exact name of the Church where the will was signed. Notably, SC Code § 62-2-502 does not limit the witnesses to specific location

of the signing ceremony, neither does it provide guidance on the same. The witnesses were using GPS to reach the Decedent's house and they are not natives of the local area of Six Miles, SC. hence it's only natural that they would not remember the exact location. Nevertheless, the Defendant seeks a new trial to provide evidence that would have only been deemed important during or after the trial to validate the witness testimonies.

The Court also overruled objections to questions addressed to the Defendant, Dorothy Pierce, which were irrelevant to the matter before court. The Petitioner's attorney continuously directed their questioning placing the Defendant in immoral position and allowing the leading questions to influence the judge. The Defendant was therefore denied a fair and impartial trial.

Further, the Court unfairly impeached the Defendant's witnesses based on body language. The Defendant finds significant inconsistencies with Court's narration on the events that transpired during the Court hearing on August 2nd, 2021. In the absence of a body language expert to confirm the courts findings, a new trial should be granted.

The Court also unfairly rejected the testimony of an eyewitness to the last will and testimony of Doyle Elton Pierce dated, July 7th, 2020, Tammy Youngblood, on the account of prior brain surgery or bad nerve and yet admitted the testimony of the petitioner, Jared Adam Pierce who has had SEVERE BRAIN INJURY and has been on treatment for brain damage and memory loss for years.

Furthermore, the court ignored important facts as per the testimony of the expert witness, Mr. John Jamieson that could not make any conclusions as to whether the initials on pages one through nine of the last will and testament of the Decedent, dated July 7th, 2020, was that of the Deceased or not.

Also, there was irregularity in the court's narration of the Defendant's testimony during the hearing.

Lastly, the Defendant was not informed by the Petitioner in advance that she would testify as a witness during the hearing on August 2, 2021.

Accordingly, the verdict went against the requirements for evidence.

7. THE COURT FAILED TO PROVIDE GUIDANCE ON THE PROCEDURE UNDER INTESTACY LAW IN THE EVENT IT FOUND THE WILL INVALID.

According to S.C. Code § 62-2-102, one half of the property in the estate is inherited by the surviving spouse. It follows; absent a will, and in the event the Decedent left a spouse, the spouse is entitled to half of the Decedent's property.

In the instant case, when the Court held in favor of the Petitioner that the Last Will was invalid, the Court ought to have divided the Decedent's estate according to the said law by giving the Defendant half of the property.

8. DEFENDANT'S COUNSEL IN THE TRIAL CASE FAILED TO DULY PERFORM HIS DUTIES EFFECTIVELY.

In order to establish a claim for ineffective assistance of counsel, a Defendant must prove that: counsel's performance was deficient; and the deficient performance prejudiced the applicant's case. *See Edwards v. State*, 392 S.C. 449, 455, 710 S.E.2d 60, 64 (2011).

In the instant action, the Defendant is confident that her Counsel was compromised by the Plaintiff's Counsel because the two attorneys were seen together in a closed-door discussion for several minutes prior to the hearing. According to the Defendant, her Counsel's attitude changed after coming out of that meeting.

The Counsel intentionally and maliciously failed to introduce sufficient evidence in his possession that could corroborate the testimonies of the witnesses. Such documents were crucial in validating the last Will and Testament of the Deceased. Had the Counsel presented all the evidence in his possession, the outcome of the judgement would have been different.

The Defendant's Counsel failed to properly apply the correct strategy to counter the evidence adduced by the Petitioner. He offered no cross examination and left the Defendant vulnerable and defenseless during the hearing.

The Counsel also failed prepare Defendant's witness(es) for hearing. For instance, the Defendant's expert document examiner, whose report validated that the

Decedent authored the last Will and Testament dated, July 7th, 2020, was not able to attend Court due to insufficient time to prepare. The Defendant's attorney was out of town several days prior to the hearing and could not be reached by the Defendant. Several emails sent by the Defendant on days leading to the hearing were not replied by the Counsel. He, therefore, failed to follow-up with the Defendant's expert witness and have him ready to testify during the hearing.

In that regard, the Defendant lost the case due to the attorney's ineptitude and/or failure to perform his duties diligently.

9. THE PETITIONER'S COMMUNICATION WITH THE JUDGE VIOLATED DEFENDANT'S DUE PROCESS RIGHTS.

A fundamental requirement of due process is the opportunity to be heard. *Armstrong v. Manzo*, 380 U.S. 545, 85 S.Ct. 1187, 14 L.Ed.2d 62 (1965). "It is an opportunity which must be granted at a meaningful time and in a meaningful manner." *Id.* at 552, 85 S.Ct. at 1191, 14 L.Ed.2d at 66.

The law considers the partiality of a Judge in a case as a very sensitive matter. It follows; for example, a judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned, including but not limited to, instances where he has a personal bias or prejudice against a party. *Murphy v. Murphy*, ___ S.C. ___, 461 S.E.2d 39 (1995).

It is the movant's responsibility to provide some evidence of the existence of the judge's impartiality. *Lyvers v. Lyvers*, 280 S.C. 361, 367, 312 S.E.2d 590, 594 (Ct.App.1984) (citation omitted).

In the instant case, Defendant has several Email evidence detailing that the plaintiff's attorney persistently emailed the judge about the forgery case he reported to Oconee Sheriff Department tainting the Defendant's reputation on false allegations and speculations. Even after the Sheriff Department closed the investigations, exonerating the Defendant on several false charges, the Plaintiff did not inform the judge that the cases were closed.

It is also worth noting that in the Emails, the Petitioner/Counsel was tainting Defendant's name by informing the Judge how bad Defendant is. For example, the Petitioner **falsely** stated thus: *"She is having the utilities disconnected ... for nonpayment, and is in default under the payment terms of the lease on that property... We have employee witnesses to testify that she has not paid them wages and are pursuing action with the Department of Labor."*

In another communication the petitioner wrote *"Judge John's, Sheriff Crenshaw has confirmed through the Department of Homeland Security that the PR, Dorothy Pierce, has fled the country and is in Uganda - not in Florida as she apparently told her attorney."*

In a similar Communication the petitioner wrote: *Judge Johns: At the request*

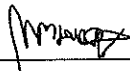
of Sheriff Crenshaw, SLED performed an examination of Mr. Pierce's Last Will and Testament dated July 7, 2020. Upon examination, the SLED Questioned Documents Examiner, Jack Jamieson, determined that signature on the Will is not that of the Decedent. The SLED File Number is L21-897. Sheriff Crenshaw can be contacted to confirm, and Mr. Jamieson's direct phone number is

It is apparent that such communication sought to influence the Judge's decision to rule in favor of the Petitioner, in violation of the Defendant's due process rights. For that reason, the Defendant contends that the contents in the email communications by the petitioner's attorney to the Judge corrupted the Judge's view of the case. Accordingly, Defendant seeks a New Trial for that reason to provide evidence that would clear her name and reputation.

CONCLUSION

Based upon the foregoing arguments, and each of them, it is clear that Justice will not be properly served unless a new trial is granted. Accordingly, the Defendant prays that the Court set aside the judgment signed on August 18th, 2021, and in the interest of justice, grant a new trial.

Respectfully Submitted, This September 8th, 2021.



Dorothy Pierce, Defendant, pro se.

THE STATE OF SOUTH CAROLINA
THE COUNTY OF OCONEE

IN THE PROBATE COURT

CASE NO.:2020ES3700532

IN THE MATTER OF:
DOYLE ELTON PIERCE,
DECEASED

JARED ADAM PIERCE
(Petitioner)

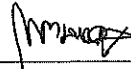
vs.

DOROTHY PIERCE
(Defendant)

CERTIFICATE OF SERVICE

I hereby certify under the penalty of perjury under the state of South Carolina that, on September 8th, 2021, a copy of the foregoing certificate of notice was filed in this court. I further certify that on this date of September 8th, 2021, a copy of Amended Motion For New Trial; & Memorandum Of Law In Support Of Amended Motion For New Trial was mailed by first-class U.S. Mail, postage prepaid, and properly addressed to the following: **Richard H. McDuff, Esq. Merrell, Jahn & McDuff, P.A.119-B Professional Park Drive, Seneca, South Carolina 29678.**

Respectfully signed and dated this September 8th, 2021.



Dorothy Pierce, Defendant, pro se.

EXHIBIT “C”

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THE COURT: All right. We're here in the matter of --
today is Friday, October 1, 2021. We're here in
the matter of Doyle E. Pierce, case number
2020-ES-37-00532. The movant is Dorothy Pierce,
pro se litigant. Respondent is Jared A. Pierce.
He is represented by Mr. Richard McDuff. The
issue at hand is a motion for a new trial.
Ms. Pierce?

MS. PIERCE: Thank you very much, Your Honor, for
giving me this opportunity. Just by you wanting
to hear me out is very, very important.
I asked for a new trial because the judgment of
August 18, 2020, was a gross miscarriage of
justice because it was procured through fraud,
discrimination, prejudice, and racism, and I am
going to show this Court that I am actually
entitled to a new trial.
First of all, we know very well that the last
will of Doyle Elton Pierce, dated July 7, 2020,
was prepared and executed in full compliance with
the law, South Carolina court of laws 62-2-502,
and the law is very clear. It demands that for
any will to be valid, 1, it has to be in writing.
Fact, Doyle Elton's will was in writing. Number

1 THE COURT: Right.

2 MS. PIERCE: So that means there was supposed to be
3 some provision that would direct and guide on
4 that. So I would actually ask this Court that in
5 the event that this will is going to be
6 invalidated, provide guidance on how the estate
7 is going to be distributed so that I can make
8 appropriate decisions.

9 Your Honor, I would actually ask you for two
10 things. You can either vacate the judgment and
11 then validate my husband's last will and
12 testament based on arguments I submitted today
13 and the evidence or you can actually grant me a
14 new trial. And I believe in you. I know that
15 the last time you just didn't have enough. Thank
16 you very much.

17 THE COURT: Thank you.

18 Mr. McDuff?

19 MR. McDUFF: Yes, Your Honor.

20 We're here today on a very specific, narrow
21 issue. It's whether or not, under rule 59 of the
22 South Carolina Rules of Civil Procedure, Ms.
23 Pierce is entitled to a new trial on the
24 determination that the Last Will and Testament of
25 Doyle Elton Pierce was deemed to be not genuine

1 and, therefore, invalid.

2 You know, I -- and this issue came up at the
3 trial of this matter. It's no secret Ms. Pierce
4 is a black woman from Uganda, and these fine
5 people back here are of the same -- we're
6 different color skin, but we're the same human
7 race. I'm saddened by the fact that the --
8 everybody in this room, including this Court, is
9 being accused of making a decision in this matter
10 based upon the color of somebody's skin. I
11 thought we had gotten past that in this day and
12 age and in this culture and in this community,
13 but apparently, we haven't, and I'm tremendously
14 saddened by that. This matter has nothing to do
15 with the color of the skin of Ms. Pierce.

16 This matter has to do with whether or not there
17 was evidence presented at the time of the trial
18 of this matter on August 2nd of 2021 to establish
19 the valid execution of the Last Will and
20 Testament of Doyle Pierce.

21 Now, Ms. Pierce, who has been named -- had been
22 named as personal representative, had every
23 opportunity to present whatever evidence was
24 available to her at the time of trial. She was
25 represented by legal counsel. The purpose of a

1 rule 59 motion -- and the Courts have uniformly
2 said -- the South Carolina Supreme Court said the
3 Rules of Civil Procedure apply equally and rule
4 59 applies equally to a probate proceeding as it
5 does to a proceeding in any other court.

6 So rule 59A, ostensibly, that's the rule under
7 which Ms. Pierce seeks her relief, is one that
8 authorizes in a matter tried before a jury, for
9 the Court to grant a new trial, but it's not a
10 do-over. The granting of a motion for a new
11 trial does not grant a second bite at the apple.
12 What the Court is constrained to examine in this
13 case is evidence that was put before it at the
14 time of trial. All the things that Ms. Pierce
15 has brought up are extraneous to that and would
16 constitute -- I'm assuming what her argument is,
17 I've got additional evidence I want to place
18 before the Court that wasn't placed before the
19 Court at the time of the trial. In order to do
20 that, the rules are very clear.

21 Let me back up for a minute. The purpose of a
22 motion for new trial is to do several things.
23 Number 1, it's allows -- if the Court believes,
24 before it gets to the appellate stage, that it
25 misapplied the law to the facts as it is

1 determined or there was some newly discovered
2 evidence that would change -- could have changed
3 the outcome or would change the outcome of the
4 case that was unknown to the party seeking relief
5 at the time of trial.

6 Now, by Ms. Pierce's own admission, if you look
7 at the report of this Travis King from Phoenix,
8 Oregon, it looks like, dated July 29, 2021, it
9 was clear that as of the date of this opinion --
10 or we'll get to that in a second -- that Ms.
11 Pierce had engaged a handwriting examiner prior
12 to the date of the trial on August 2nd, had
13 received a report of opinion. Yet, at no time
14 did they ever seek to offer any opinion of Mr.
15 King, nor did they seek a continuance of the
16 trial. If you fail to offer evidence or seek a
17 continuance of the trial or fail to present
18 evidence, you have waived that. The case law is
19 clear under rule 59 that if you don't preserve it
20 at the time of the trial, don't offer it, don't
21 seek to get a continuance at the time of the
22 trial, you waived it. It's not preserved for
23 review.

24 A motion for rule 59 for a new trial is not to
25 reopen the case unless they can say there was

RECEIVED

Dec 05 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
In the Court of Common Pleas

J. Cordell Mattox, Circuit Judge

Case No. 2021-CP-37-00560
Appellate Case No. 2021-001552

Dorothy Pierce,

Appellant,

v.

Jared Adam Pierce,

Respondent.

PROOF OF SERVICE

I certify that I have served the Motion to Strike Amended Record on Appeal, Motion to Strike Amended Final Brief of Appellant, and Motion to Extend Time on Appellant, Dorothy Pierce, by depositing a copy of it in the United States Mail, postage prepaid, on December 6, 2022, addressed to her attorney of record, Robert L. Gailliard, 6650 Rivers Avenue, North Charleston, South Carolina 29406.

/s/ Richard Hunt McDuff

Richard Hunt McDuff, Esq.

SC Bar No. 76242

MJM Law, LLC d/b/a Merrell Jahn & McDuff

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Seneca, South Carolina 29678

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Attorney for Respondent