

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Letitia H. Verdin

Common Pleas Case Number: 2021-CP-23-0362

Appellate Case No. 2021-001504

RECEIVED

DEC 19 2022

SC Court of Appeals

JAYNE LAFORGE STOVALL,

Appellant,

v.

PAULETTE B. STOVALL AND
WILLIAM S. STOVALL OF WHOM
PAULETTE B. STOVALL IS THE
RESPONDENT,

Appellee

Reply to Appellant's Motion to Quash

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COMES NOW Respondent Paulette Stovall as a Co-Trustee of the Walter Stephen Stovall Trust (“Respondent”) and would respectfully show the Court as follows in reply to Appellant’s Motion to Quash.

STATEMENT OF THE CASE¹

On or about November 1, 2019, Appellant filed with the Greenville County Probate Court a Summons and Petition seeking, *inter alia*, removal of Respondent Paulette Stovall as a Co-Trustee of the Walter Stephen Stovall Trust. [App. 8 ¶¶ 41-42].

On July 7, 2021, the Greenville County Probate Court conducted a final merit hearing at which time Appellant was given an opportunity to present witnesses and evidence in support of the averments contained in her summons and petition. Appellant called two witnesses and did not enter a single piece of evidence into the record during the hearing. [App. 11-20]. In its July 28, 2021, Order, the Court found that Appellant failed to present any evidence to satisfy her burden of proof regarding Appellant’s claims 1-7. [App. 24]. The Court did find, however, that Respondent had presented sufficient evidence to satisfy her burden of proof related to her claims for Breach of Fiduciary Duty and Removal of Appellant as Co-Trustee. [App. 24-25].

On or about August 5, 2021, Appellant filed her Notice of Appeal with the Greenville County Court of Common Pleas. [App. 28]. On or about November 2, 2021, Appellee filed her Motion to Dismiss Appellant’s appeal and supporting Memorandum of Law. [App. 34 & 38]. Appellee argued three (3) independent bases in support of her Motion to Dismiss: (1) Appellant failed to file her Statement of Issues on Appeal with the clerk with proof of delivery on all parties within forty-five (45) days after receipt of the written order; (2) Appellant failed to file her Designation of

¹ Because the Record on Appeal has not yet been prepared, the documents relevant to this Motion are included in the concurrently filed Appendix, which is cited as “App. ____”.

Matter to be Included in the Record on Appeal with the clerk with proof of delivery; and (3) Appellant failed to serve a copy of her initial brief on all parties to the appeal and failed to file with the clerk of the circuit court one copy of the brief with proof of service, each of which constituted violations of S.C. Code §§62-1-307(b) (d), and (e); and by extension, R. (208)(b)(1)(B), SCACR and R. 209, SCACR. [Id]. On November 17, 2021, the Greenville County Court of Common Pleas dismissed Appellant's initial appeal citing Appellant's failure to adhere to a single procedural requirement promulgated under South Carolina Code §§62-1-307(b) (d), and (e). [App. 45]. A subsequent Motion to Reconsider was filed by Appellant which was ultimately denied by the circuit court on or about December 7, 2021. [App. 48 & 54].

The instant appeal was filed on or about December 15, 2021. [App. 57]. On December 23, 2021, this Court provided notice to Appellant regarding deficiencies in her notice of appeal, namely, failure to provide proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR [App. 59].

On January 7, 2022, this Court provided notice to Appellant regarding deficiencies in her notice of appeal, namely, that Appellant's proof of service was not in compliance with SCARC, which requires proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR. [App. 61].

On January 18, 2022, this Court provided notice to Appellant that her time for ordering the transcript had expired and provided that within ten (10) days Appellant must file a copy of the letter showing that you have timely ordered the transcript. [App 62].

On or about February 8, 2022, Appellant requested an extension to file transcript with this Court which was granted on or about March 10, 2022. [App. 68 & 69]. This Court's March 10, 2022, Order granted Appellant's request for an extension and required Appellant to "make

satisfactory arrangements, in writing with the court report for furnishing the transcript.” [Id].

On or about March 28, 2022, this Court dismissed Appellant’s appeal due to Appellant’s failure to make satisfactory arrangements in writing as required by the Court’s order dated March 10, 2022, and Rule 207. [App. 69].

On June 9, 2022, following a Motion to Reinstate the Appeal because no transcript existed² related to the lower court’s dismissal of the circuit court appeal, this Court issued an Order reinstating the instant appeal. [App. 70].

On June 22, 2022, this Court provided notice to Appellant regarding deficiencies related to her initial brief, namely, that the initial brief needed to be corrected within ten (10) days else the appeal would be dismissed once again. The Court noted the following deficiencies:

- (1) Initial brief not accompanied by a designation of matter to be included on appeal
- (2) Table of contents and table of cases do not have page references
- (3) Improper pagination
- (4) Brief was not substantially in the format shown by Form 13 in Appendix C to part II of the SCACR.

[App. 71].

On or about June 28, 2022, Appellant submitted an amended brief. [App. 73].

In response to Appellant’s amended brief, Respondent filed a Motion to Dismiss or in the Alternative Strike, arguing that Appellant failed to adhere to Rules 208, 209, and 210. [App. 93].

On or about September 29, 2022 this Court ordered a denial of Respondent’s Motion to Dismiss and a grant of Respondent’s Motion to Strike and instructed Appellant, for the second time, to “file and serve a second amended initial brief that **omits references to any matter not**

² A full transcript exists and is currently in Respondent’s possession.

presented to the lower court...” [App. 82] (Emphasis Added).

On or about October 18, 2022 Appellant filed her second amended initial brief. [App. 83].

On or about November 15, 2022 Respondent filed a renewed Motion to Strike or in the Alternative to Dismiss. [App. NO]

On or about November 28, 2022 Appellant filed with this Court a “Motion to Quash Respondent’s Renewed Motion to Strike or in the Alternative to Dismiss Appellant’s Initial and Emended [*sic*] Brief.” In addition to this requested relief, Appellant ends her brief seeking “... summary judgment to be issued by this Court.” [App. 117]

On November 30, 2022 a deficiency notice was sent to Appellant requiring payment of the fifty dollar (\$50.00) motion fee. That fee was forwarded to the Court on December 5, 2022. [App. 120].

This reply followed.

ARGUMENT

I. Appellant has once again failed to adhere to the South Carolina Appellate Court Rules.

Throughout the course of these appellate proceedings Appellate has taken great liberties with the unambiguous form requirements of briefs, motions, and petitions. *See generally* [App. 45]; [App. 59]; [App. 61]; [App. 71]; [App. 82]. Appellant has done the same with the filing of her Motion to Quash which is subject to the plain language of Rule 240 of the South Carolina Appellate Court Rules. More specifically, Rule 240(c)(2) and (3) requires “a memorandum with citation of authorities in support of the motion,” and “where the Record on Appeal or Appendix has not been filed, or where the facts relied upon in support of the motion are not contained in the Record on Appeal or Appendix, the parties shall file affidavits and other documents in support of their positions.” R. 240(c)(2) and (3), SCACR.

Appellant's motion fails to conform in any meaningful way with Rule 240(c)(2) and (3) as Appellant cites to no authority in support of her motion nor does she submit an affidavit in support of the same. Rather, Appellant makes conclusory statements about factual allegations that were disputed during the merit hearing of this matter before the lower Court without pointing to any document in the record or points of authority to support such allegations. "An issue is deemed abandoned and will not be considered on appeal if the argument is raised in a brief but not supported by authority." *Bryson v. Bryson*, 378 S.C. 502, 510, 662 S.E.2d 611, 615 (Ct. App. 2008). "[S]hort, conclusory statements made without supporting authority are deemed abandoned on appeal and therefore not presented for review." *Glasscock, Inc. v. U.S. Fid. & Guar. Co.*, 348 S.C. 76, 81, 557 S.E.2d 689, 691 (Ct. App. 2001). When a party provides no legal authority regarding a particular argument, the argument is abandoned, and the court will not address the merits of the issue. *State v. Lindsey*, 394 S.C. 354, 363, 714 S.E.2d 554, 558 (Ct. App. 2011). *Palmer v. State*, 427 S.C. 36, 47, 829 S.E.2d 255, 261 (Ct. App. 2019).

CONCLUSION

For the foregoing reasons, Appellant's opposition to Respondent's Motion to Strike or in the Alternative Dismiss is substantively and procedurally flawed.

Signature on following page

Dated this 15th day of December 2022.

PAULETTE B. STOVALL

s/Devon M. Puriefoy

Devon M. Puriefoy

SC Bar No. 102097

Counsel for Respondent Paulette B. Stovall

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PAULETTE B. STOVALL AND
WILLIAM S. STOVALL OF WHOM
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RESPONDENT,

Appellee

Appendix to Reply to Appellant's Motion to Quash

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STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE PROBATE COURT

Case No. 2018-ES-23-02556

IN RE: PROBATE AND TRUST ESTATES
OF WALTER STEPHEN STOVALL

Jayne L. Stovall, individually and as Co-)
Trustee of the Walter Stephen Stovall)
Trust Agreement dated December 28,)
2012 and the Walter Stephen Stovall IRA)
Trust dated July 2, 2013,)

Petitioner,)

v.)

Paulette B. Stovall, individually and as)
Co-Trustee of the Walter Stephen Stovall)
Trust Agreement dated December 28,)
2012 and the Walter Stephen Stovall IRA)
Trust dated July 2, 2013; William Steven)
Stovall; and Lisa Stovall Rodriquez,)

Respondents.)

FILED

NOV 01 2019

**GREENVILLE COUNTY
PROBATE COURT**

SUMMONS

YOU ARE HEREBY SUMMONED and required to answer the Petition in this action, of which a copy is herewith served upon you, and to serve a copy of your Answer to the said petition on the subscriber at his/her office located at 201 Concord Rd., Suite A, Anderson, South Carolina 29621 within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to answer the Petition within the time aforesaid, the Petitioner in this action will apply to the Court for a default judgment for the relief demanded in the Petition.

[SIGNATURE PAGE TO FOLLOW]

Respectfully Submitted,

By: 
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Attorney for Petitioner

October 31, 2019
Anderson, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE PROBATE COURT

Case No. 2018-ES-23-02556

IN RE: PROBATE AND TRUST ESTATES
OF WALTER STEPHEN STOVALL

FILED

NOV 01 2019

**GREENVILLE COUNTY
PROBATE COURT**

Jayne L. Stovall, individually and as Co-
Trustee of the Walter Stephen Stovall
Trust Agreement dated December 28,
2012 and the Walter Stephen Stovall IRA
Trust dated July 2, 2013,

Petitioner,

v.

Paulette B. Stovall, individually and as
Co-Trustee of the Walter Stephen Stovall
Trust Agreement dated December 28,
2012 and the Walter Stephen Stovall IRA
Trust dated July 2, 2013; William Steven
Stovall; and Lisa Stovall Rodriquez,

Respondents.

PETITION

Petitioner would respectfully show unto the Court as follows:

PARTIES AND JURISDICTION

1. Decedent Walter Stephen Stovall ("Decedent") died on November 4, 2018. At the time of his death, Decedent was a resident of Greenville County, South Carolina. An estate was opened in the Greenville County Probate Court under Case No. 2018-ES-23-02556.

2. Decedent was survived by his wife, Respondent Paulette B. Stovall (hereinafter referred to as "Respondent"). At the time of Decedent's death, Respondent was a resident of Greenville County, South Carolina. Upon information and belief, Respondent is still a resident of Greenville County.

3. In addition to his wife, Decedent was survived by his three children: William Steven Stovall, Lisa Stovall Rodriquez and Jayne L. Stovall.

4. Petitioner Jayne L. Stovall (hereinafter "Petitioner") is a resident of Dallas, Texas.

5. Respondents William Steven Stovall and Lisa Stovall Rodriquez are named as party respondents as they have or may have an interest in the probate and/or trust estates of Decedent. No affirmative relief is sought against these respondents.

6. Jurisdiction and venue are proper in this court.

FACTUAL BACKGROUND

7. This action concerns the preparation, execution and administration of certain testamentary instruments purportedly created by Decedent during the years 2012 and 2013.

8. On or about December 28, 2012, the Decedent purportedly executed his Last Will and Testament along with the Walter Stephen Stovall Trust Agreement. Despite attempts made, Petitioner has been unable to obtain a copy of this version of such trust.

9. On or about July 2, 2013, the Decedent purportedly amended the Walter Stephen Stovall Trust Agreement.

10. Additionally, on or about July 2, 2013, the Decedent purportedly created the Walter Stephen Stovall IRA Trust dated July 2, 2013.

11. Petitioner and all individual respondents are beneficiaries under the foregoing trusts.

12. Petitioner is informed and believes that Decedent was suffering from various medical conditions which inhibited his ability to understand the will and trusts which he purportedly signed. As such, Petitioner is informed and believes that Decedent lacked the requisite mental capacity to execute the Will and the trusts in 2012 and 2013.

13. Petitioner is further informed and believes that, due to his condition, Decedent was susceptible to undue influence and that Respondent unduly influenced the Decedent to sign the Will and trusts.

14. Petitioner would further show that Respondent limited Decedent's contact with his family and, at times, refused to allow Decedent to obtain the care which was necessary for his failing physical and mental conditions.

15. Petitioner would further allege and show that Respondent refused to allow Petitioner to be involved with Decedent's care and refused to allow medical personnel to communicate with Petitioner.

16. Upon information and belief, shortly prior to Decedent's death, Respondent foreclosed upon and sold real property belonging to Lisa Stovall Rodriquez. Upon further information and belief, this property was encumbered by debt which was to be forgiven pursuant to the terms of Decedent's trusts. The proceeds from the sale have yet to be accounted for.

17. Following Decedent's death, Respondent has failed or otherwise refused to communicate with Petitioner regarding Decedent's probate and non-probate assets, including trust assets.

18. Further, Respondent attempted via threats to have Petitioner resign as co-trustee of the aforementioned trusts.

19. Petitioner would allege and show that, as a co-trustee and beneficiary of the trusts, she is entitled to receive information regarding the trust and its assets, and Respondent's refusal to provide such information is a breach of her fiduciary duties.

20. Petitioner would allege and show that, following a demand from Petitioner, Respondent provided some information relating to trust assets, but Petitioner is informed and believes that such information is incomplete.

FOR A FIRST CAUSE OF ACTION
(Lack of Capacity)

21. Petitioner incorporates by reference all prior and subsequent allegations consistent herewith.

22. Petitioner would allege and show that the Decedent lacked the requisite mental capacity to execute a will, a trust, and other documents related to the transfer of assets at the time they were purportedly executed.

23. Petitioner requests that the Will, the trusts and other documents related to the transfer of Decedent's assets be set aside on the grounds that Decedent lacked the requisite mental capacity to execute these documents.

24. In the alternative, Petitioner seeks actual damages against Respondent in an amount equal to the diminished value of her inheritance.

FOR SECOND CAUSE OF ACTION
(Undue Influence)

25. Petitioner incorporates by reference all prior and subsequent allegations consistent herewith.

26. Petitioner would allege and show that the Will, the trusts and other documents relating to the transfer of Decedent's assets should be set aside and declared void and of no effect because of the undue influence which Respondent exerted upon Decedent.

27. Petitioner also seeks the return of all of Decedent's money and property which she received as a result of the undue influence exerted upon Decedent, including but not limited to distributions from trusts and proceeds from life insurance policies and retirement accounts.

28. In the alternative, Petitioner seeks actual damages against Respondent in an amount equal to the diminished value of her inheritance.

29. Petitioner seeks punitive damages against Respondent as a result of her wrongful conduct.

FOR A THIRD CAUSE OF ACTION
(Constructive Trust)

30. Petitioner incorporates by reference all prior and subsequent allegations consistent herewith.

31. Upon information and belief, Respondent has obtained assets which equitably do not belong to her.

32. The Decedent's probate or trust estate is beneficially entitled to these assets.

33. Respondent cannot in good conscience retain or withhold these assets which were obtained through undue influence, fraud or conversion.

34. Petitioner would allege and show that Respondent is holding such property in a constructive trust for the benefit of the rightful beneficiaries of Decedent's Estate.

FOR A FOURTH CAUSE OF ACTION
(Accounting)

35. Petitioner incorporates by reference all prior and subsequent allegations consistent herewith.

36. Petitioner respectfully requests that Respondent account for all probate and non-probate assets of Decedent which is or was in her possession and/or control.

FOR A FIFTH CAUSE OF ACTION
(Appointment of Personal Representative)

37. Petitioner incorporates by reference all prior and subsequent allegations consistent herewith.

38. Petitioner would allege and show that, in the event that this Court deems that there are assets in Decedent's probate estate, a personal representative would need to be appointed.

39. Petitioner requests that Respondent not be allowed to serve in such capacity.

40. Petitioner requests that she or such other person as this court deems just and proper be appointed to serve as Personal Representative of Decedent's Estate.

FOR A SIXTH CAUSE OF ACTION
(Removal of Respondent as Co-Trustee)

41. Petitioner incorporates by reference all prior and subsequent allegations consistent herewith.

42. For reasons set forth herein, and in accordance with S.C. Code Ann. § 62-7-706, Petitioner requests that Respondent be removed as co-trustee of the trusts referenced herein on the grounds that Respondent refuses to cooperate with the other co-trustee and Respondent has committed a serious breach of trust.

FOR A SEVENTH CAUSE OF ACTION
(Breach of Fiduciary Duty)

43. Petitioner incorporates by reference all prior and subsequent allegations consistent herewith.

44. Petitioner would allege and Respondent has breached fiduciary duties owed to Petitioner, Lisa Stovall Rodriguez and other beneficiaries of the probate and trust estates.

45. Petitioner seeks actual and punitive damages against Respondent resulting from Respondent's breach of her fiduciary duties.

FOR AN EIGHTH CAUSE OF ACTION
(Attorney's Fees)

46. Petitioner incorporates by reference all prior and subsequent allegations consistent herewith.

47. In addition to the damages set forth herein, Petitioner seeks attorney's fees pursuant to S.C. Code Ann. § 62-1-111.

WHEREFORE, having fully replied to the allegations of the Petition, Petitioner prays for relief as follows:

1. That Decedent's Will and trusts be set aside.
2. That Respondent be removed as a co-trustee of the trusts.
3. That, to the extent a personal representative is necessary, that she be appointed to serve as personal representative;
4. For Respondent to account for probate and non-probate assets, including trust assets;
5. For a constructive trust as requested herein;
6. For actual and punitive damages against Respondent;
7. For interest, costs and reasonable attorney's fees; and
8. For such other and further relief that the court deems just and proper.

[SIGNATURE PAGE TO FOLLOW]

Respectfully Submitted,

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October 31, 2019
Anderson, SC

1 Well, yeah, I think all the money and the transactions
2 someone really needs to look into that.

3 THE COURT:

4 All right. Thank you. All right.

5 MS. RODRIGUEZ:

6 Yes, sir.

7 THE COURT:

8 The law favors cases to be decided on their merits.
9 And although it appears that Discovery Responses by
10 Jayne Stovall were very limited all it takes is a
11 scintilla of evidence to demonstrate an issue of
12 genuine fact or genuine issue of material fact. The
13 affidavit and other documents filed by the moving party
14 were not filed two days prior to today's hearing and
15 under Rule 6(d). I will not consider them and so the
16 Motion for Summary Judgment is denied and we will move
17 forward with the hearing on the merits of this case.
18 So, Ms. Jayne Stovall, we are now beginning the hearing
19 on your Petition and any amended Pleadings filed herein
20 as well as the counterclaims or counter Petition of the
21 Respondent Paulette Stovall. So, Ms. Stovall, you may
22 call your first witness.

23 MS. JAYNE STOVALL:

24 My sister Lisa Rodriguez.

25 THE COURT:

1 All right. Lisa Rodriguez, could you raise your right
2 hand please.

3 *****

4 LISA RODRIGUEZ, being duly sworn to tell the truth, the
5 whole truth, and nothing but the truth of her own knowledge
6 concerning the matter herein, testified as follows:

7 *****

8 THE COURT:

9 All right. Go ahead, Ms. Stovall. Jayne Stovall, you
10 may begin your questions.

11 EXAMINATION BY MS. JAYNE STOVALL:

12 Q. Lisa, can you tell me what you remember about -- about
13 dad in his -- in his final years?

14 A. Yes. My dad had a mental problems since the day I was
15 born and he was violent with my mother. He was violent
16 to his kids. Later in his years he tried to run a car
17 into a side of a mountain and kill all of us. He was
18 not stable. I remember one evening that I flew there
19 that my dad actually took his medicine and we talked
20 till midnight that night. I know for a fact because
21 I've seen it. Dad would go get his psychological
22 medicine from the shrink and he had closets of
23 medicine. Bottles. And he was proud of them. And I
24 got curious with dad one time and I said, "Dad, why do
25 you even bother buy them if you're not going to take

1 them?" And he looked at me and answered that. He
2 said, "They make me feel funny." Well, that night he
3 took something. It's the first night him and I really
4 got along. There's mental stuff big time. Abuse in
5 the family since we were kids. We had a sick, sick
6 upbringing. Everybody knows about all our upbringing.
7 And it concerns me because, you know, my dad said to
8 me, he said -- he said, "Honey, what in the world could
9 I give you to make up to help you and to make you
10 happy?" He pulled (inaudible) his shoulder. I said,
11 "Dad, I would like if at all possible for my house to
12 get paid off," because I'm was on disability. And dad
13 ended up doing it. I had 40,000 invested. My dad gave
14 me 45 grand. That house was paid. My mom gave me
15 26,000 to redo it. And it's sad to this day because on
16 the Wills that my dad did I was supposed to get my
17 house for free. Okay. And I've been (inaudible).
18 Hold on. I'm sorry. We had an emergency. And I had
19 gotten in trouble and dad did put a lien on the house.
20 He said, "Honey, it will protect you." I thought
21 something was fishy. But I said, you know, "That was a
22 gift to me." Thirty-years in my house. Raised my son,
23 raised my grandson. Every stick of furniture. I came
24 out with one suitcase, a little suitcase of clothes for
25 30 years, because Paulette right after my dad had died

1 called in that lien. And I know in my dad's heart,
2 even if it isn't in the Will, my dad wanted me to have
3 my house. And I have been in hotels staying and I've
4 been in people's houses. And it breaks my heart really
5 that Paulette and my brother would want to hurt me like
6 that because they know down in their hearts they've
7 hurt me so, so bad. And I worked --

8 MR. PURIEFOY:

9 Your Honor. Your Honor, I hate to interrupt, but I
10 believe I'm going to have to make an objection for
11 relevance. Ms. Rodriguez has not filed any cross
12 claims in this case and it sounds as though --

13 THE COURT:

14 Sustained. Your objection is sustained. Let's move on
15 to what's relevant to the Causes of Action asserted by
16 Ms. Jayne Stovall. And, Ms. Jayne Stovall, please ask
17 questions related -- related to your case. Go ahead,
18 Ms. Jayne Stovall.

19 EXAMINATION RESUMED BY MS. JAYNE STOVALL:

20 Q. Yes. I did -- they -- the last night I saw my dad --

21 THE COURT:

22 No, right now you're asking questions of Ms. Lisa
23 Rodriguez.

24 MS. JAYNE STOVALL:

25 Okay. Pardon me, Your Honor.

1 Q. Okay. Lisa, what else do you remember in conversations
2 you had with dad (inaudible) to visit?

3 MR. PURIEFOY:

4 Your Honor, I have to object again. That's not a point
5 in question that tends to prove or disapprove any
6 element of any claim that the Petitioner has brought.

7 THE COURT:

8 So it is objection of irrelevance?

9 MR. PURIEFOY:

10 Yes, Your Honor.

11 THE COURT:

12 And, Ms. Stovall, what's the purpose of your question?

13 MS. JAYNE STOVALL:

14 Just as to know what she -- she remembers about my dad.

15 THE COURT:

16 About what? What specifically?

17 MS. JAYNE STOVALL:

18 I'm asking my sister, Lisa, what she -- and
19 specifically what she remembers about (inaudible) her
20 house and dad. I remember the house and then for years
21 Paulette took Lisa as a dependant on her income tax
22 form when she wasn't living there.

23 THE COURT:

24 I don't see how that's relevant to your Pleadings or
25 your claims asserted, so please remember what your --

1 your case is about and let's ask questions that are
2 relevant to your case.

3 MS. JAYNE STOVALL:

4 All right.

5 THE COURT:

6 Go ahead. Do you have any more questions for this
7 witness?

8 MS. JAYNE STOVALL:

9 No. No, Your Honor, I don't.

10 THE COURT:

11 All right. Thank you. Mr. Puriefoy, do you have any
12 questions for this witness?

13 EXAMINATION BY MR. PURIEFOY:

14 Q. Ms. Rodriguez, you're not in possession of any medical
15 documents that demonstrate that your father was
16 incapacitated in July of 2013; correct?

17 A. I don't have medical documents on my dad's health. We
18 all lived in hell.

19 MR. PURIEFOY:

20 Thank you, Your Honor.

21 A. We all lived in hell and my dad unfortunately was nuts.

22 Q. So, Ms. Rodriguez, directing you back to my original
23 question you're not in possession of any medical
24 records that demonstrate that your father suffered from
25 dementia or any lack of capacity in July of 2013;

1 correct?

2 A. I do not have any papers, but, yeah, my dad had
3 problems. That's all I can say.

4 MR. PURIEFOY:

5 Your Honor, no further questions.

6 THE COURT:

7 All right. Ms. Stovall, do you have any other
8 witnesses you would like to call?

9 MS. JAYNE STOVALL:

10 My mother, Joan Martin, is right here.

11 THE COURT:

12 I'm sorry. What is her name?

13 MS. JAYNE STOVALL:

14 My mother, Joan Martin, is right here.

15 THE COURT:

16 All right. Could you point the camera toward her,
17 please?

18 MS. JAYNE STOVALL:

19 All right. Sit -- sit here.

20 THE COURT:

21 All right, Ms. Martin, could you raise your right hand?

22 *****

23 JOAN MARTIN, being duly sworn to tell the truth, the whole
24 truth, and nothing but the truth of her own knowledge
25 concerning the matter herein, testified as follows:

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THE COURT:

And could you please state your full name, please?

THE WITNESS:

Joan (inaudible) Martin.

THE COURT:

All right. And, Ms Jayne Stovall --

THE WITNESS:

(Inaudible.)

THE COURT:

Hold on one moment. Ms. Jayne Stovall, could you spell
your mother's name?

MS. JAYNE STOVALL:

Yes. J-o-a-n.

THE COURT:

Okay.

MS. JAYNE STOVALL:

Martin. M-a-r-t-i-n.

THE COURT:

All right. You may begin your questions. Ms. Jayne
Stovall, do you have any questions for this witness.

MS. JAYNE STOVALL:

Yes.

EXAMINATION BY MS. JAYNE STOVALL:

A. (Inaudible.) There are court records and (inaudible)

1 in Family Court (inaudible) by Judge (inaudible)
2 everything that's going on. (Inaudible) the truth
3 about what happened to her father's estate and she has
4 asked over and over for a special administrator to find
5 the money.

6 THE COURT:

7 All right. Any other questions?

8 A. And her brother has committed perjury to The Court and
9 has (inaudible) and has lied and we can prove it.

10 THE COURT:

11 All right. Thank you --

12 A. And has threatened --

13 Q. And has threatened me to resign as Co-Trustee --

14 THE COURT:

15 No. Jayne Stovall, do you have any other questions for
16 this witness?

17 MS. JAYNE STOVALL:

18 -- (inaudible) my father died.

19 THE COURT:

20 No, you're not both testifying. Jayne Stovall, do you
21 have any more questions for this witness?

22 MS. JAYNE STOVALL:

23 No, I do not, Your Honor.

24 THE COURT:

25 All right. She needs to remain seated.

1 MS. JAYNE STOVALL:

2 Okay.

3 MR. PURIEFOY:

4 I don't have any questions, Your Honor.

5 THE COURT:

6 All right. Mr. William Stovall, any questions for that
7 witness?

8 MR. STOVALL:

9 No.

10 THE COURT:

11 And I should have given you the opportunity, Mr.
12 William Stovall, did you have any questions for Lisa
13 Rodriguez?

14 MR. STOVALL:

15 No.

16 THE COURT:

17 All right. All right. Jayne Stovall, do you have any
18 other witnesses?

19 MS. JAYNE STOVALL:

20 No, sir, I do not.

21 THE COURT:

22 And do you wish to testify?

23 MS. JAYNE STOVALL:

24 No.

25 THE COURT:

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN RE: PROBATE AND TRUST ESTATES
OF WALTER STEPHEN STOVALL

Jayne L. Stovall, individually and as Co-
Trustee of the Walter Stephen Stovall
Trust Agreement dated December 28,
2012 and the Walter Steven Stovall IRA
Trust dated July 2, 2013,

Petitioner,

vs.

Paulette B. Stovall, individually and as
Co-Trustee of the Walter Stephen Stovall
Trust Agreement dated December 28,
2012 and the Walter Stephen Stovall IRA
Trust dated July 2, 2013; William Steven
Stovall; and Lisa Stovall Rodriquez,

Respondents.

IN THE PROBATE COURT

Case No. 2018-ES-23-02556

FILED

JUL 28 2021

**GREENVILLE COUNTY
PROBATE COURT**

FINAL ORDER

DATE OF HEARING: July 7, 2021

PRESIDING JUDGE: The Honorable Clayton L. Jennings

GUARDIAN AD LITEM: N/A

APPEARANCES: Jayne L. Stovall, Petitioner *Pro Se*
Devon Puriefoy for Respondent Paulette Stovall
Teresa Horton for Respondent William Steven Stovall
Lisa Stovall Rodriquez, Respondent *Pro Se*

This matter came before the Court on Respondent's Motion for Summary Judgment and if necessary, a Final Hearing pursuant to Petitioner Jayne Stovall's (hereinafter "Petitioner") Summons and Petition, and Respondent Paulette Stovall's (hereinafter "Respondent Stovall") Counter Petition.

Judge's Initials: ¹ cy

APP 021

Present at the hearing were Petitioner as a *Pro Se* litigant; Respondent Stovall, represented by her attorney, Devon Puriefoy, Esq.; Jayne Stovall, *Pro Se*; William Steven Stovall, represented by attorney Teresa Horton, but appearing *Pro Se* for purposes of the Final Hearing; and Lisa Stovall, *Pro Se* (collectively referred to as the "Parties").

Having considered the pleadings, evidence, and testimony of the Parties this Court makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Decedent Walter Stephen Stovall ("Decedent") died on November 4, 2018. At the time of his death, Decedent was a resident of Greenville County, South Carolina. An estate was opened in the Greenville County Probate Court under Case No. 2018-ES-23-02556.
2. Petitioner is a resident of Dallas, Texas and consented to the jurisdiction of this Court through the filing of the instant action in the Greenville County Probate Court.
3. At the time of Decedent's death, Respondent Paulette B. Stovall was a resident of Greenville County, South Carolina.
4. Lisa Rodriguez ("Ms. Rodriguez") is named as a respondent, yet she has no interest in the probate or trust estates of Decedent.
5. William Steven Stovall is a resident of Liberty Lake, Washington and consented to the jurisdiction of this Court.
6. I find that all Parties were properly served and given or waived notice of the hearing.
7. I find that Ms. Teresa Horton, attorney for William Stovall, was not served with the Notice of Hearing. However, the Court notified Ms. Horton by telephone at the commencement of the Final Hearing at which time Ms. Horton stated that she represented Mr. Stovall in this action but felt comfortable with Mr. Stovall proceeding *pro se* for

2
Judge's Initials: cy

- purposes of this hearing *only*. The Court accepted her clarification and moved forward with the hearing without the participation of Ms. Horton.
8. I find the Respondent Stovall and Decedent were married for 43 years with Respondent Stovall serving as Decedent's primary caregiver in Decedent's final years.
 9. On December 28, 2012, Decedent executed a Last Will and Testament (the "Will") along with the Walter Stephen Stovall Trust Agreement (the "Living Trust"), with Respondent Stovall named personal representative by the Will, and co-trustee, along with Petitioner, of the Living Trust.
 10. On July 2, 2013, Decedent amended the Walter Stephen Stovall Trust Agreement and created the Walter Stephen Stovall IRA Trust ("IRA Trust"). Like the Living Trust, Decedent named Petitioner and Respondent Stovall as co-trustees on the IRA Trust.
 11. Authority to act under each of the respective trusts required unanimous consent of both co-trustees.

CONCLUSIONS OF LAW

12. This matter is properly before the Court, and the Court has jurisdiction over the parties and the subject matter. Additionally, venue is appropriate in Greenville County.
13. All parties have been properly served with the pleadings.
14. The Court heard from Respondent on her Motion for Summary Judgment and without ruling of the merits of the arguments presented, denied Respondent's Motion due to her failure to adhere to Rule 6 of the South Carolina Rules of Civil Procedure which requires, *inter alia*, affidavits to be submitted no less than two (2) days before the hearing.
15. Petitioner has brought seven (7) causes of action against Respondent Stovall: (1) Lack of Capacity; (2) Undue Influence; (3) Constructive Trust; (4) Accounting; (5) Appointment

3
Judge's Initials: cy

of Personal Representative; (6) Removal of Respondent Stovall as co-trustee; and (7) Attorney's Fees.

16. Respondent Stovall has brought three counterclaims against Petitioner: (1) Breach of Fiduciary Duty; (2) Removal of Petitioner as Co-Trustee; and (3) Attorney's Fees.
17. At the call of the case Petitioner presented her case-in-chief calling Joan Martin, and Lisa Rodriquez as witnesses. Petitioner elected to not testify.
18. At the conclusion of Petitioner's case, Respondent Stovall presented her case-in-chief, calling Petitioner, herself, and Mr. Stovall to testify.
19. This Court finds that Petitioner has failed to present any evidence to satisfy her burden of proof regarding any of Petitioner's claims set forth above in Paragraph 15. More specifically, this Court finds Petitioner failed to present any evidence that Walter Stephen Stovall was incapacitated at the time of the creation and execution of the July 6, 2013, Walter Stephen Stovall Trust Agreement and IRA Trust. Testimony by both Petitioner's witnesses and Respondent's witnesses demonstrated that there was no mention or finding of diminished mental capacity of Walter Stephen Stovall before September 25, 2018, some six (6) years after execution of the Walter Stephen Stovall Trust Agreement and IRA Trust.
20. Petitioner did not provide evidence that Respondent Stovall: (1) committed a breach of trust; (2) failed to cooperate with Petitioner as co-trustee in such a manner that substantially impaired the administration of the trust; (3) was unfit or unwilling to serve as trustee; or (4) failed to administer the trust effectively.
21. By contrast, Respondent Stovall presented sufficient evidence to satisfy the burden of proof necessary to prevail on her claims for Breach of Fiduciary Duty and Removal of

4
Judge's Initials: CJ

Petitioner as Co-Trustee. More specifically, the testimony presented to this Court demonstrated Petitioner's failure to effectively administer the trust through her repeated refusals to issue the mandated yearly required minimum distribution related to the subject I.R.A.

22. This Court finds that, although Respondent Stovall has prevailed on her claims for Breach of Fiduciary Duty and Removal of Petitioner as Co-Trustee, Respondent is not entitled to an award of attorney's fees.

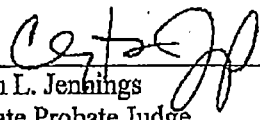
NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED

AS FOLLOWS:

1. Respondent's Motion for Summary Judgement is DENIED.
2. Ms. Jayne Stovall is hereby removed as Co-Trustee of each the trusts identified above, and Mr. William Stovall is appointed successor Co-Trustee of each of the trusts; and
3. The Parties shall bear the cost of their respective attorneys.

AND IT IS SO ORDERED.

Dated: July 28, 2021
Greenville, SC



Clayton L. Jennings
Associate Probate Judge

5
Judge's Initials: g

APP 025

STATE OF SOUTH CAROLINA

COUNTY OF GreenvilleJayne LaForge Stovall

Plaintiff(s)

vs.

Paulette B. Stovall and William S. Stovall

Defendant(s)

Submitted By: Jayne LaForge StovallAddress: 3197 Golden Oak Ct. Dallas, Tx. 75234

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2021-CP-23-0368921 AUG 5 AM 9:48
Paul Wickensmer COC GUL SC

SC Bar #: _____

Telephone #: _____

Fax #: _____

Other: _____

E-mail: _____

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

**If Action is Judgment/Settlement do not complete*

- ☐ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Certificate Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|---|---|--|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ General (130)
☐ Breach of Contract (140)
☐ Fraud/Bad Faith (150)
☐ Failure to Deliver/Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199) _____
Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) _____ | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 ____-NI-_____
☐ Notice/ File Med Mal (230)
☐ Other (299) _____
Administrative Law/Relief
☐ Reinstate Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) _____
Special/Complex /Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699) _____
☐ Sexual Predator (510)
☐ Permanent Restraining Order (680)
☐ Interpleader (690) | Torts - Personal Injury
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☐ Slander/Libel (380)
☐ Other (399) _____
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☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers Compensation Settlement Approval (780)
☐ Incapacitated Adult Settlement (790)
☐ Other (799) _____ | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) _____
Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☒ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999) _____ |
|---|---|---|--|

Submitting Party Signature:

Jayne L. Stovall

APP 026

Date: 07/31/2021

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR under ADR Rule 3(b) upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals;
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. Cases may also be exempt from ADR under ADR Rule 3(c) upon motion to and approval by the court.
6. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
7. Application of a party to be exempt from payment of neutral fees due to indigency should be filed with the Clerk of Court prior to the scheduling of the ADR conference.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

21 AUG 5 AM 9:48
Paul Wickensmire CDC GOL SC

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

Jayne LaForge Stovall

APPELLANT(S)

VS.

Paulette B. Stovall and William S. Stovall

RESPONDENT(S)

2021-CP-23-03689

COMMON PLEAS CASE NUMBER

MAGISTRATE CIVIL CASE NUMBER

IN THE COURT OF COMMON PLEAS

NOTICE OF CIVIL APPEAL

The plaintiff/defendant (circle one), Plaintiff hereby gives notice of appeal from the judgment of the magistrate's court in the above action, to the Circuit Court of Common Pleas, in the county of Greenville.

This notice of appeal is made subsequent to personal notice of the judgment which was received on the 28 day of July, 2021.

The appellant's exceptions to the judgment of the magistrate are set forth as follows:

Lisa Rodriquez is a beneficiary. Does have interest in the matter. Her house taken by Defendant de son tort.
Defendant William Stovall committed perjury to the court and threatened Appellant in attempt to get her to resign as co-trustee.
At May 19th hearing, Judge made inappropriate personal remarks to Appellant. Repeatedly told her she was going to lose unless she retained another lawyer. No order was issued.
At July 7th hearing, Judge did not follow proper procedure. Did not allow Appellant to testify or present evidential documents already provided to the Court and Defendant's counsel before the hearing.
Appellant did not refuse to sign RMD's. Defendant was attempting to cash out the IRA trust. No beneficiary ever disclosed.
Decedent was not first diagnosed in September of 2018, four weeks before he died. He was diagnosed and began treatment in the 1980's which continued until his death. Evidential documents were provided to the court before the July 7th hearing, but Appellant was not allowed to testify.
Appellant never asked for replacement of the Personal Representative and co-trustee. She asked for an independent financial administrator and for a forensic audit to be obtained, paid by the estate.

Dated: 07/31/2021

Jayne L. Stovall
Appellant (or his attorney)

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN RE: PROBATE AND TRUST ESTATES
OF WALTER STEPHEN STOVALL

Jayne L. Stovall, individually and as Co-
Trustee of the Walter Stephen Stovall
Trust Agreement dated December 28,
2012 and the Walter Steven Stovall IRA
Trust dated July 2, 2013,

Petitioner,

vs.

Paulette B. Stovall, individually and as
Co-Trustee of the Walter Stephen Stovall
Trust Agreement dated December 28,
2012 and the Walter Stephen Stovall IRA
Trust dated July 2, 2013; William Steven
Stovall; and Lisa Stovall Rodriquez,

Respondents.

IN THE PROBATE COURT

Case No. 2018-ES-23-02556

FILED

JUL 28 2021

**GREENVILLE COUNTY
PROBATE COURT**

FINAL ORDER

DATE OF HEARING: July 7, 2021

PRESIDING JUDGE: The Honorable Clayton L. Jennings

GUARDIAN AD LITEM: N/A

APPEARANCES: Jayne L. Stovall, Petitioner *Pro Se*
Devon Puriefoy for Respondent Paulette Stovall
Teresa Horton for Respondent William Steven Stovall
Lisa Stovall Rodriquez, Respondent *Pro Se*

This matter came before the Court on Respondent's Motion for Summary Judgment and if necessary, a Final Hearing pursuant to Petitioner Jayne Stovall's (hereinafter "Petitioner") Summons and Petition, and Respondent Paulette Stovall's (hereinafter "Respondent Stovall") Counter Petition.

Judge's Initials: ¹ cy

APP 029

Present at the hearing were Petitioner as a *Pro Se* litigant; Respondent Stovall, represented by her attorney, Devon Puriefoy, Esq.; Jayne Stovall, *Pro Se*; William Steven Stovall, represented by attorney Teresa Horton, but appearing *Pro Se* for purposes of the Final Hearing; and Lisa Stovall, *Pro Se* (collectively referred to as the "Parties").

Having considered the pleadings, evidence, and testimony of the Parties this Court makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Decedent Walter Stephen Stovall ("Decedent") died on November 4, 2018. At the time of his death, Decedent was a resident of Greenville County, South Carolina. An estate was opened in the Greenville County Probate Court under Case No. 2018-ES-23-02556.
2. Petitioner is a resident of Dallas, Texas and consented to the jurisdiction of this Court through the filing of the instant action in the Greenville County Probate Court.
3. At the time of Decedent's death, Respondent Paulette B. Stovall was a resident of Greenville County, South Carolina.
4. Lisa Rodriguez ("Ms. Rodriguez") is named as a respondent, yet she has no interest in the probate or trust estates of Decedent.
5. William Steven Stovall is a resident of Liberty Lake, Washington and consented to the jurisdiction of this Court.
6. I find that all Parties were properly served and given or waived notice of the hearing.
7. I find that Ms. Teresa Horton, attorney for William Stovall, was not served with the Notice of Hearing. However, the Court notified Ms. Horton by telephone at the commencement of the Final Hearing at which time Ms. Horton stated that she represented Mr. Stovall in this action but felt comfortable with Mr. Stovall proceeding *pro se* for

2
Judge's Initials: gy

- purposes of this hearing *only*. The Court accepted her clarification and moved forward with the hearing without the participation of Ms. Horton.
8. I find the Respondent Stovall and Decedent were married for 43 years with Respondent Stovall serving as Decedent's primary caregiver in Decedent's final years.
 9. On December 28, 2012, Decedent executed a Last Will and Testament (the "Will") along with the Walter Stephen Stovall Trust Agreement (the "Living Trust"), with Respondent Stovall named personal representative by the Will, and co-trustee, along with Petitioner, of the Living Trust.
 10. On July 2, 2013, Decedent amended the Walter Stephen Stovall Trust Agreement and created the Walter Stephen Stovall IRA Trust ("IRA Trust"). Like the Living Trust, Decedent named Petitioner and Respondent Stovall as co-trustees on the IRA Trust.
 11. Authority to act under each of the respective trusts required unanimous consent of both co-trustees.

CONCLUSIONS OF LAW

12. This matter is properly before the Court, and the Court has jurisdiction over the parties and the subject matter. Additionally, venue is appropriate in Greenville County.
13. All parties have been properly served with the pleadings.
14. The Court heard from Respondent on her Motion for Summary Judgment and without ruling of the merits of the arguments presented, denied Respondent's Motion due to her failure to adhere to Rule 6 of the South Carolina Rules of Civil Procedure which requires, *inter alia*, affidavits to be submitted no less than two (2) days before the hearing.
15. Petitioner has brought seven (7) causes of action against Respondent Stovall: (1) Lack of Capacity; (2) Undue Influence; (3) Constructive Trust; (4) Accounting; (5) Appointment

3
Judge's Initials: cy

- of Personal Representative; (6) Removal of Respondent Stovall as co-trustee; and (7) Attorney's Fees.
16. Respondent Stovall has brought three counterclaims against Petitioner: (1) Breach of Fiduciary Duty; (2) Removal of Petitioner as Co-Trustee; and (3) Attorney's Fees.
17. At the call of the case Petitioner presented her case-in-chief calling Joan Martin, and Lisa Rodriquez as witnesses. Petitioner elected to not testify.
18. At the conclusion of Petitioner's case, Respondent Stovall presented her case-in-chief, calling Petitioner, herself, and Mr. Stovall to testify.
19. This Court finds that Petitioner has failed to present any evidence to satisfy her burden of proof regarding any of Petitioner's claims set forth above in Paragraph 15. More specifically, this Court finds Petitioner failed to present any evidence that Walter Stephen Stovall was incapacitated at the time of the creation and execution of the July 6, 2013, Walter Stephen Stovall Trust Agreement and IRA Trust. Testimony by both Petitioner's witnesses and Respondent's witnesses demonstrated that there was no mention or finding of diminished mental capacity of Walter Stephen Stovall before September 25, 2018, some six (6) years after execution of the Walter Stephen Stovall Trust Agreement and IRA Trust.
20. Petitioner did not provide evidence that Respondent Stovall: (1) committed a breach of trust; (2) failed to cooperate with Petitioner as co-trustee in such a manner that substantially impaired the administration of the trust; (3) was unfit or unwilling to serve as trustee; or (4) failed to administer the trust effectively.
21. By contrast, Respondent Stovall presented sufficient evidence to satisfy the burden of proof necessary to prevail on her claims for Breach of Fiduciary Duty and Removal of

4
Judge's Initials: cy

Petitioner as Co-Trustee. More specifically, the testimony presented to this Court demonstrated Petitioner's failure to effectively administer the trust through her repeated refusals to issue the mandated yearly required minimum distribution related to the subject I.R.A.

22. This Court finds that, although Respondent Stovall has prevailed on her claims for Breach of Fiduciary Duty and Removal of Petitioner as Co-Trustee, Respondent is not entitled to an award of attorney's fees.

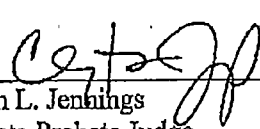
NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED

AS FOLLOWS:

1. Respondent's Motion for Summary Judgement is DENIED.
2. Ms. Jayne Stovall is hereby removed as Co-Trustee of each the trusts identified above, and Mr. William Stovall is appointed successor Co-Trustee of each of the trusts; and
3. The Parties shall bear the cost of their respective attorneys.

AND IT IS SO ORDERED.

Dated: July 28, 2021
Greenville, SC



Clayton L. Jennings
Associate Probate Judge

5
Judge's Initials: g

APP 033

THE STATE OF SOUTH CAROLINA
In The Court of Common Pleas

APPEAL FROM GREENVILLE COUNTY
Probate Court

Clayton L. Jennings, Probate Court Judge

Probate Case No. 2018-ES-23-02556

Appellate Case No. 2021-CP-23-03689

JAYNE LAFORGE STOVALL,

v.

Appellant,

PAULETTE B. STOVALL AND
WILLIAM S. STOVALL,

Respondent

Motion to Dismiss Appeal

Devon Puriefoy (#102097)
TRULUCK THOMASON, LLC
3 Boyce Avenue
Greenville, South Carolina 29601
devon@truluckthomason.com
864-331-1751 (p)

Counsel for Respondent Paulette B. Stovall

Comes now Respondent and respectfully moves this Court to dismiss the appeal. The reasons for this motion are set forth in the accompanying memorandum.

Dated this 2nd day of November 2021.

PAULETTE B. STOVALL

s/Devon M. Puriefoy
Devon M. Puriefoy
SC Bar No. 102097

Counsel for Respondent Paulette Stovall

THE LAW OFFICES OF
TRULUCK THOMASON, LLC
DEVON PURIEFOY
3 BOYCE AVENUE
GREENVILLE, SOUTH CAROLINA 29601
864-331-1751

THE STATE OF SOUTH CAROLINA
In The Court of Common Pleas

APPEAL FROM GREENVILLE COUNTY
Probate Court

Clayton L. Jennings, Probate Court Judge

Probate Case No. 2018-ES-23-02556

Appellate Case No. 2021-CP-23-03689

JAYNE LAFORGE STOVALL,

Appellant,

v.

PAULETTE B. STOVALL AND
WILLIAM S. STOVALL,

Appellee

Appendix to Motion to Dismiss Appeal

Truluck Thomason, LLC

s/ Devon M. Puriefoy
Devon M. Puriefoy
3 Boyce Avenue
Greenville, South Carolina 29601
(864) 331-1751
devon@truluckthomason
Attorney for Appellee

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THE STATE OF SOUTH CAROLINA
In The Court of Common Pleas

APPEAL FROM GREENVILLE COUNTY
Probate Court

Clayton L. Jennings, Probate Court Judge

Probate Case No. 2018-ES-23-02556

Appellate Case No. 2021-CP-23-03689

JAYNE LAFORGE STOVALL,

Appellant,

v.

PAULETTE B. STOVALL
AND WILLIAM S. STOVALL

Respondent

Memorandum in Support of
Motion to Dismiss Appeal

Devon Puriefoy (#102097)
TRULUCK THOMASON, LLC
3 Boyce Avenue
Greenville, South Carolina 29601
devon@truluckthomason.com
864-331-1751 (p)
Counsel for Respondent Paulette B. Stovall

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COMES NOW Respondent Paulette Stovall as a Co-Trustee of the William Stephen Stovall Trust ("Respondent") and would respectfully show the Court as follows in reply in support of its Motion to Dismiss.

STATEMENT OF THE CASE¹

On or about November 1, 2019, Appellant filed with the Greenville County Probate Court a Summons and Petition seeking, *inter alia*, removal of Respondent Paulette Stovall as a Co-Trustee of the William Stephen Stovall Trust. [App. 1 ¶¶ 41-42].

On July 7, 2021, the Greenville County Probate Court conducted a final merit hearing at which time Appellant was given an opportunity to present witnesses and evidence in support of the averments contained in her summons and petition. In its July 28, 2021 Order, the Court found that Appellant failed to present any evidence to satisfy her burden of proof regarding Appellant's claims 1-7. [App. 3] [See App. 1 ¶¶ 21-45]. The Court did find, however, that Respondent had presented sufficient evidence to satisfy her burden of proof related to her claims for Breach of Fiduciary Duty and Removal of Appellant as Co-Trustee. [App. 3].

On or about August 5, 2021 Appellant filed her Notice of Appeal with the Greenville County Court of Common Pleas. [App. 4].

ARGUMENT

This appeal must be dismissed for three, independent reasons. First, Appellant failed to file her Statement of Issues on Appeal with the clerk with proof of delivery on all parties within forty-five (45) days after receipt of the written order. Second, Appellant failed to file her Designation of

¹ Because the Record on Appeal has not yet been prepared, the documents relevant to this Motion are included in the concurrently filed Appendix, which is cited as "App. ____".

Matter to be Included in the Record on Appeal with the clerk with proof of delivery. Third, Appellant failed to serve a copy of her initial brief on all parties to the appeal and failed to file with the clerk of the circuit court one copy of the brief with proof of service. S.C. Code §§62-1-307(b) (d, and (e); *See also* R. (208)(b)(1)(B), SCACR and R. 209, SCACR. This Court must apply the Appellate Court Rules with the same fidelity that it applies the General Assembly's statutes. *See e.g., Pers Care, Inc. v. Theos*, 426 S.C. 78, 85 (Ct. App. 2019). Under the plain text of the South Carolina Code, each of the aforementioned procedural deficiencies are "must" or "shall" requirements. §§62-1-307(b) (d, and (e). A statute's use of the mandatory term "shall" normally creates obligation impervious to judicial discretion. *Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26, 118 S. Ct. 956, 140 L. Ed. 2d 62 (1998). As a direct result of Appellant's failure to strictly adhere to the South Carolina Code, this appeal must be dismissed.

CONCLUSION

This Court should dismiss the appeal due to Appellant's failure to abide by mandatory statutory requirements.

Dated this 2nd day of November 2021.

Signature on following page

PAULETTE B. STOVALL

s/Devon M. Puriefoy

Devon M. Puriefoy

SC Bar No. 102097

Counsel for Respondent Paulette B. Stovall

LAW OFFICES OF
TRULUCK THOMASON, LLC
3 Boyce Avenue
Greenville, SC 29601
devon@truluckthomason.com
864-331-1751

Proof of Service

I, the undersigned, served a copy of the foregoing on the following this 2nd day of November, 2021, by U.S. Mail, First-Class Postage prepaid:

Clayton Jennings
Greenville County Probate Court
301 University Ridge
Suite 1200
Greenville, SC 29601
Cljennings@greenvillecounty.org

Jayne LaForge Stovall
3197 Golden Oak
Dallas, TX 75234
Jaynestovall39@twc.com

William Stovall
1305 North King James Lane
Liberty Lake, AL 99019
Stovall.maryk@gmail.com

Paulette Stovall
410 Fairview Drive
Greenville, SC 29609
pbstvl@gmail.com

s/Devon M. Puriefoy
Devon M. Puriefoy
SC Bar No. 102097
Attorney for Respondent

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2021CP2303689

Jayne Laforge Stovall
PLAINTIFF(S)

Paulette B Stovall et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled);
☐ Other
- ☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

This matter was before the Court on November 15, 2021 on Appellant Jayne LaForge Stovall's ("Appellant's") appeal from Probate Court. Appellant sought to remove Paulette B Stovall ("Respondent") as a co-trustee of the William Stephen Stovall Trust. Respondent has filed a Motion to Dismiss this appeal. After careful consideration, the Court has determined that Appellant has failed to comply with S.C. Code §§62-1-307(b) (d, and (e). Therefore Respondent's Motion to Dismiss is GRANTED. In the alternative, the Court AFFIRMS the decision of the Probate Court.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 11/16/2021 .

Probate Court
William S Stovall for William S Stovall
Jayne Laforge Stovall for Jayne Laforge Stovall
Jayne Laforge Stovall for Jayne Laforge Stovall
William S Stovall for William S Stovall

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Greenville Common Pleas

Case Caption: Jayne Laforge Stovall VS Paulette B Stovall , defendant, et al

Case Number: 2021CP2303689

Type: Order/Electronic Form 4

So Ordered

s/Letitia H. Verdin, SC Judge 2162

Electronically signed on 2021-11-16 12:43:19 page 3 of 3

THE STATE OF SOUTH CAROLINA
In The Court of Common Pleas
APPEAL FROM GREENVILLE COUNTY PROBATE COURT
Clayton L. Jennings, Probate Court Judge
Probate Case No. 2018-E5-23-02556
Appellate Case No. 2021-CP-23-03689

21 NOV 30 PM 1:09
Paul W. Wickersham, Clerk of Court

JAYNE LaFORGE STOVALL, Appellant

v.

PAULETTE B. STOVALL AND

WILLIAM S. STOVALL Appellee

MOTION FOR RECONSIDERATION MEMORANDUM

Appellant Jayne LaForge Stovall hereby submits this memorandum in support of her Motion To Reconsider the Order electronically signed on 11-16-21, electronically filed with this court on 11-17-21, and a copy E-mailed to Appellant on 11-17-21, signed by Judge Verdin. This Order was based on the claims stated in the Motion To Dismiss Appellant's appeal that Appellant had failed to comply with S. C. Code 62-1-307 (b), (d) and (e). These claims have been previously addressed and are unsubstantiated. Records on file with the Clerk of the Magistrate Court, who evidently is also the Clerk of the Circuit Court and Court of Common Pleas clearly show the dates, times and content of documents provided. All documents with appropriate Authorities have also been submitted to The Courts and to the attorneys involved.

Appellant lists evidence which should have been considered and was not in previous hearings as Authorities 1 through 13 on attached List of Authorities.

ENTERED COMPUTER

Appellant respectfully requests that her Motion for Reconsideration be heard specifically because the Judge failed to rule on the issues on Appeal. Appellant thanks the court for the opportunity to supply this memorandum in support of her Motion For Reconsideration.

Respectfully Submitted,

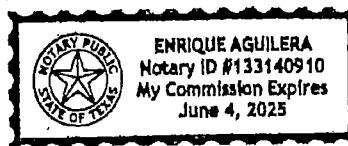
Jayne L. Stovall

Jayne LaForge Stovall, Appellant

Enrique Aguilera

Dallas, Texas

November 22, 2021



Listing of Authorities for Probate Case No. 2018-ES-02556 and Appellate Case No. 2021-CP-23-03689

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.
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.
5. Medical Report from W. Travis Wilson, M.D., dated August 16, 2010, Neurology Centers of the Carolinas PA, confirming eight (8) prescription medications and four (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 Defendant.
8. Order in Greenville Family Court dated April 26, 1973 containing defendant William Stovall's testimony.
9. Social Services Admission Report to the Woodlands dated 9-26-18.
10. Daniel Casillas pictures and description of real estate still held by Trusts but never disclosed by Defendant.
11. Section 62-7-813 of S. Carolina Trust Code. Duty to Inform and Report.
12. Correspondence from George W. Lohr to and from Truluck firm 11/12/21 regarding time share dated 11/12/21
13. Brief and letter to Judge Jennings previously filed in Probate Court with copies to Truluck firm.

Pauletta 13

First Opposition Brief for Judge Jennings and the July 7th Probate Court Hearing.
Case #2018ES-23-02556. Estate of Walter Steven Stovall.

To be filed in response to Respondent Pauletta Stovall's Motion for Summary Judgement filed on June 2, 2021 in Greenville County Probate Court.

INTRODUCTION; My Dad died two and a half years ago. In his Will and two Trust documents I am a co-Trustee with Pauletta Stovall, and I am a beneficiary of both Trusts. I received no communication from Pauletta Stovall before Dad's death to date, other than through our respective lawyers. I am now handling the case myself, as I have no more funds to pay another lawyer. The Greenville Lawyer Referral Service denied pro bono counsel for me and for my sister, Lisa Rodriguez, because they stated there was too much money in my Dad's estate.

MEMORANDUM OF POINTS AND AUTHORITIES:

Co-Trustee Pauletta Stovall has failed to perform the duties of Co-Trustee as required by South Carolina Probate Code rules: Article 7, Part 10, Sections 6-27-1001 through 6-27-1009, and specifically Section 6-27-1004, which reads "Trust should be restored to what it would have been had the harm not occurred". In this case, there are two Trusts involved. See Trust documents on file with the Court.

Co-trustee Pauletta Stovall has refused to release complete financial records, and refused to agree to release of Dad's medical records citing HIPPA laws, although S. Carolina law provides that medical records and financial records can be ordered by the court if relevant to the case. See attached listing of the financial information I do have

Co-Trustee Pauletta Stovall foreclosed on my sister, Lisa Rodriguez's home here in Dallas four months BEFORE my Dad died, sold it, and my sister has received nothing. My Dad had a \$48,000 lien on the property that was to be forgiven at his death. Lisa is owed the total amount of money received for the sale of her house, which is likely about \$150,000, as she had a lot of equity already in it before Dad paid off the balance of the mortgage, which was \$48,000.00.

My brother, William Stovall, has committed perjury under oath, before this court, about his relationship to my Dad, my Dad's history of illness, and my purported lack of cooperation with Pauletta Stovall in this matter. He gave false information as to my physical and mental health which he knows absolutely nothing about, as well as comments about my Dad sending me money when I requested it, knowing this is not true. This is clearly a misdemeanor according to S. Carolina Code of Laws, Section 16910, (a) (1).

My brother's wife, Mary Stovall, has been the person corresponding with Pauletta Stovall before and after my Dad's death, advising her as to how to proceed: Documents provided on PDF files sent FROM the Truluck firm to my attorney confirm. There are over 100 pages of garbage in that PDF, but several pages of partial reports from authorities in Greenville including

medical, mental, and physical assessments of my Dad on his admission for care at the Woodlands two months before his death, confirming his long history of physical and mental illness, and a police report showing his arrest for domestic violence during his marriage to Respondent Paulette Stovall. The intake documents from the Woodland include Paulette's statements about the amount of money in Dad's estate being "two million dollars", and that she instructed the people taking care of Dad not to give me any information about Dad's condition. The entire PDF from Truluck supposedly is part of the Court file.

CONCLUSION: I have submitted ALL OF THE INFORMATION I HAVE to the Court and to three attorneys at the Truluck firm over these past two and a half years to date. I am asking the Court to appoint an independent special administrator and to order a forensic accounting of my Dad's estate, to be paid for by the Estate. I am also asking for reimbursement of my legal fees from the Estate, per the instructions in the Trusts and my Dad's Will. I respectfully request that Respondent's Motion for Summary Judgement in her favor be denied.

I declare under penalty of S. Carolina law that the foregoing statements are true and correct. The financial information is all that I have been able to obtain.

Jayne Stovall 06/07/21

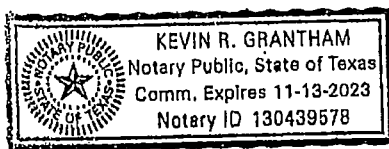
Jayne LaForge Stovall, Petitioner

State of Texas
County of Dallas

Sworn to and subscribed before me on this
7th day of JUNE, 2021

by JAYNE STOVALL

[Signature]
notary public signature



STATE OF SOUTH CAROLINA)

COUNTY OF Greenville)

Jayne Laforge Stovall)

Plaintiff,)

vs.)

Paulette B. Stovall et al)

Defendant.)

IN THE COURT OF COMMON PLEAS

13th JUDICIAL CIRCUIT

CASE NO.: 2021-CP--23-03689-_____

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

FILED
RECEIVED
CLERK OF COURT
JAN 11 2022

Plaintiff's Attorney: <u>none. Pro Se</u> none, Bar No. _____ Address: <u>3197 Golden Oak Ct.</u> <u>Dallas, TX 75234</u> Phone: _____ Fax _____ E-mail: _____ Other: <u>972-406-9026</u>		Defendant's Attorney: Devon M. Puriefoy, Bar No. 102097 Address: 3 Boyce Avenue, Greenville, SC 29601 Phone: 864-331-1751 Fax 864-243-8115 E-mail: <u>devon@truluckthomason.com</u> Other: _____	
☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
SECTION I: Hearing Information			
Nature of Motion: Reconsideration Estimated Time Needed: _____ Court Reporter Needed: ☒ YES / ☐ NO			
SECTION II: Motion/Order Type			
☒ Written motion attached ☐ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.			
Pro Se <u>Jayne Laforge Stovall</u> Signature of Attorney for ☒ Plaintiff / ☐ Defendant		<u>11-</u> Date submitted	
SECTION III: Motion Fee			
☒ PAID - AMOUNT: \$ <u>25.00</u> ☐ EXEMPT: (check reason) ☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☒ Other: In mail to clerk 11/22/2021			
JUDGE'S SECTION			
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____		JUDGE CODE _____ Date: _____	
CLERK'S VERIFICATION			
Collected by: <u>[Signature]</u> Date Filed: _____ ☒ MOTION FEE COLLECTED: \$ <u>25.00</u> ☐ CONTESTED - AMOUNT DUE: \$ _____ <u>Jayne Stovall</u> <u>Money Order: 19-354407853</u>			

SCCA 233 (11/2003)

APP 053

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2021CP2303689

Jayne Laforge Stovall
PLAINTIFF(S)

Paulette B Stovall et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRCp; ☐ Rule 41(a), SCRCp (Vol. Nonsuit); ☐ Rule 43(k), SCRCp (Settled);
☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRCp; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

On 11/30/21, this Court received a Motion to Reconsider filed by Appellant Jayne Stovall. The Court has again reviewed all the files in this matter and finds that the previous order addresses all of Appellant's arguments. Therefore, Appellant's Motion to Reconsider is DENIED.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 12/06/2021 .

Probate Court
William S Stovall for William S Stovall
Jayne Laforge Stovall for Jayne Laforge Stovall
Jayne Laforge Stovall for Jayne Laforge Stovall
William S Stovall for William S Stovall

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Greenville Common Pleas

Case Caption: Jayne Laforge Stovall VS Paulette B Stovall , defendant, et al
Case Number: 2021CP2303689
Type: Order/Electronic Form 4

So Ordered

s/Letitia H. Verdin, SC Judge 2162

Electronically signed on 2021-12-06 13:00:24 page 3 of 3

NOTICE OF INTENT TO APPEAL
THE STATE OF SOUTH CAROLINA
In The Court of Appeals
{In the Supreme Court}

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
Letitia H. Verdin, SC Judge 2162
Case No. CP2021CP2303689

IN RE: ESTATE OF WALTER STEVEN STOVALL, Probate Case No. 2018-ES-23-02556

JAYNE LaFORGE STOVALL Appellant

v.

PAULETTE B. STOVALL AND

WILLIAM S. STOVALL Appellee

NOTICE OF APPEAL

Jayne LaForge Stovall appeals from the Order of the Honorable Letitia H. Verdin dated 12/06/2021 received by Jayne LaForge Stovall on 12/08/21. Appellant's Motion To Reconsider Memorandum filed in the Court of Common Pleas was not addressed. Appellant is beneficiary and co-Trustee of two trusts and is entitled to complete financial information including beneficiary designation documents according to South Carolina Law, which have never been provided by Appellee.

Jayne L. Stovall

Jayne LaForge Stovall, Pro Se

3197 Golden Oak. Ct., Dallas, Texas 75234

Other Counsel of Record:

Truluck Thomason, LLC

3 Boyce Avenue, Greenville, S. Carolina 29601

JURAT WITH AFFIANT STATEMENT

State of Texas } ss.
County of Dallas

- ☒ See Attached Document (Notary to cross out lines 1-7 below)
☐ See Statement Below (Lines 1-7 to be completed only by document signer[s], not Notary)

1 _____
2 _____
3 _____
4 _____
5 _____
6 _____
7 Jayne L. Stovall
Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

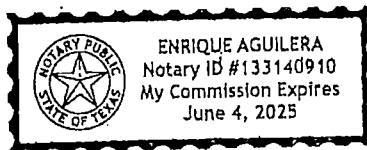
Subscribed and sworn to (or affirmed) before me

this 15th day of December, 2021, by
Date Month Year

Jayne LaForge Stovall
Name of Signer No. 1

Name of Signer No. 2 (if any)

Enrique Aguilera
Signature of Notary Public



Place Notary Seal/Stamp Above

Any Other Required Information
(Residence, Expiration Date, etc.)

OPTIONAL

This section is required for notarizations performed in Arizona but is optional in other states. Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Notice of Intent to Appeal The State of South Carolina

Document Date: _____ Number of Pages: 1

Signer(s) Other Than Named Above: X



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

December 23, 2021

Jayne L. Stovall
3197 Golden Oak Ct.
Dallas TX 75234

Re: Jayne LaForge Stovall v. Paulette v. Stovall
Appellate Case No. 2021-001504

Dear Ms. Stovall:

Upon reviewing your notice of appeal, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The required filing fee has not been submitted. The correct filing fee is \$250.00.
- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

Very truly yours,

V. Claire Allen

CLERK

APP 059

cc: Devon Marc Puriefoy, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 07, 2022

Jayne L. Stovall
3197 Golden Oak Ct.
Dallas TX 75234

Re: Jayne LaForge Stovall v. Paulette B. Stovall
Appellate Case No. 2021-001504

Dear Ms. Stovall:

Upon reviewing your deficiency correction, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The accompanying proof of service is not in compliance with the SCACR. Your proof of service should be substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

Very truly yours,

V. Claire Allen

CLERK

cc: Devon Marc Puriefoy, Esquire

APP 061



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 18, 2022

Jayne L. Stovall
3197 Golden Oak Ct.
Dallas TX 75234

Re: Jayne LaForge Stovall v. Paulette B. Stovall
Appellate Case No. 2021-001504

Dear Ms. Stovall:

Our records reflect that the time for ordering the transcript has expired. Within ten days of the date of this letter, you must file a copy of the letter showing that you have timely ordered the transcript from the court reporter. If you have not timely ordered the transcript, you must serve and file a motion requesting permission to order the transcript outside of the filing deadlines set by Rule 207 of the SCACR, along with a copy of your letter addressed to the court reporter.

Be sure to copy the Court, the Office of Court Administration and opposing counsel with all correspondence concerning the transcript. The address for Court Administration is as follows:

South Carolina Office of Court Administration
1220 Senate Street, Suite 200
Columbia, SC 29201

Please advise the Court of the status of the transcript within ten (10) days of the date of this letter, or your appeal will be dismissed.

Very truly yours,

V. Claire Allen

CLERK

cc: Devon Marc Puriefoy, Esquire

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

(In The Supreme Court)

APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas

Letitia H Verdin, SC Judge 22162

Case No. 2021-001504

Court of Appeals Case No. 2021-001504

Jayne LaForge Stovall

Appellant

V.

Paulette B. Stovall and William S. Stovall

Defendants

(Paulette B. Stovall, Respondent)

MOTION FOR EXTENSION OF TIME TO FILE TRANSCRIPT OR TAPES and TO ORDER
LESS THAN THE ENTIRE TRANSCRIPT

Jayne LaForge Stovall, Appellant in the Court of Appeals case No. 2021-001504 respectfully petitions the Court for an extension of time in which to file the transcript of the May 19, 2021 hearing in Case No. 2018-ES-2302556 in the Greenville Probate Court. All other hearings except this one were followed by Orders from the respective judges, and all were taped via Zoom. No Court Reporters were in attendance in any of the hearings in the Greenville Probate Court or the Greenville Court of Common Pleas. Zoom recordings cannot be used as evidence in that access to these recordings can be obtained by anyone, and erased or redacted. However, the Court can subpoena a copy of the tape. Appellant requests an extension of time to allow the Court to review the matter.

PROOF OF SERVICE

I certify that I have served the Motion for Extension of Time to Obtain Transcripts or Tapes on Paulette B. Stovall by depositing a copy of it in the United States Mail, postage prepaid, on February 10, 2012, addressed to her attorney of record, Devon Puriefoy, at 3 Boyce Avenue, Greenville, S. Carolina, 29601, and to Defendant William S. Stovall, pro se, at 1305 King James Lane, Liberty Lake, Washington, 99019.

Jayne L. Stovall

Jayne LaForge Stovall
3197 Golden Oak Ct.
Dallas, Texas 75234
972-406-9028
Pro Se Appellant

February 8, 2022

TO: V. Claire Allen, Clerk, SCCA

FROM: Jayne Stovall

RE: Appellate Case No. 2021-001504

There were no court reporters in the hearings in Probate Court or the hearing in the Court of Common Plea. All were taped on Zoom. I have questions, and also attached copies of what I think I need to file with your office.

I have stated to you and to the Courts that I am handling this pro se, as I exhausted my savings to pay Greenville lawyers for two and a half years, and had to take over by myself. I have also stated that I have hard copies of everything that has transpired in and out of the courtroom for the past three years, including depositions, affidavits, medical reports, and the little financial information which I have obtained through public records. I have provided copies to both defendants attorneys as well as the respective courts. I have been treated as if I were the Defendant in this case, not as Plaintiff or Appellant.

With regard to transcripts, the only proceeding which was NOT followed by an Order was the hearing held on May 19th during which Judge Jennings made personal remarks to me, including that I was "going to lose if I did not obtain another lawyer". That hearing lasted approximately an hour. Because these hearings were all Zoom recorded, there are only audio tapes. I am told that these tapes have to be subpoenaed by the court and that the tapes, even transcribed, cannot be considered evidence, as it is possible for them to be altered, or redacted by anybody who has access to the Zoom format. I was given a cost of \$4.50 per page for an estimated 60 pages to obtain the tape of the May 19th hearing. I have exhausted my savings paying incompetent lawyers, and those expenses should have been paid out of my Dad's estate according to his Will and the Trusts. I am requesting that that tape be subpoenaed by the court and checked to see if it contains facts related to the case and specifically Judge Jennings' remarks. I am also asking for a reasonable extension of the time limit to obtain this tape or the transcript thereof.

I am aware that the Defendant's attorneys have written the Orders for Judge Jennings and Judge Verdin to sign. I have been told that the Judges in your court prepare their own Orders and hope this is true, as the Orders signed so far have contained errors and blatant omissions. I have repeatedly stated to the Court and defendants's attorneys, specifically Devon Purifoy, in writing and orally in testimony, that as Co-Trustee of the Trusts as well as beneficiary of both Trusts, that, according to S. Carolina and Federal laws, I am entitled to a complete accounting of the assets, expenditures and disbursements of the Trusts which I have never received, whether I am co-Trustee or only the beneficiary. All requests for an audit and accounting have been ignored, and I have evidence as well as belief that the reason this information has been

withheld is because there are tax return falsifications, as well as failure to report real estate transactions, among other illegalities.

I am sending a copy of this letter to Devon Purlefoy as well as a copy of the Motion for Extension of Time to obtain transcript and/or tape of the May 19, 2021 hearing.

Jayne Stoval

/jls

~~Cc:~~ Devon Purlefoy

The South Carolina Court of Appeals

Jayne LaForge Stovall, Appellant,

v.

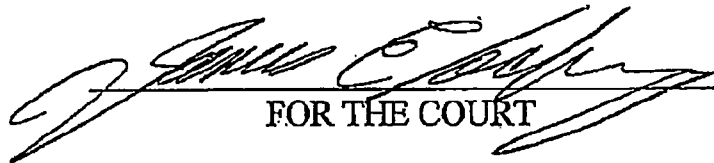
Paulette B. Stovall and William S. Stovall, Defendants,

of whom Paulette B. Stovall is the Respondent.

Appellate Case No. 2021-001504

ORDER

First, Appellant's request for an extension of time to order the transcripts is granted. Second, Appellant is entitled to order less than the entire transcript of the proceedings below; however, all parties must agree to order less than the entire transcript in writing. *See* Rule 207(a)(1), SCACR. Within ten days of the date of this order, Appellant shall "make satisfactory arrangements (including agreement regarding payment for the transcript), in writing with the court reporter for furnishing the transcript" for all hearings where a court reporter was present. Appellant is reminded that "if appellant has not received the transcript within the allotted time nor received notification of an extension within ten (10) days after the allotted time, appellant shall notify the Office of Court Administration, the clerk of the appellate court, and the court reporter in writing." Rule 207(a)(5), SCACR.


FOR THE COURT

Columbia, South Carolina

cc:

Jayne L. Stovall

Devon Marc Puriefoy, Esquire

FILED
Mar 10 2022

The South Carolina Court of Appeals

Jayne LaForge Stovall, Appellant,

v.

Paulette B. Stovall and William S. Stovall, Defendants,

of whom Paulette B. Stovall is the Respondent.

Appellate Case No. 2021-001504

The Honorable Letitia H. Verdin
Greenville County
Trial Court Case No. 2021cp2303689

ORDER

Appellant has failed to make satisfactory arrangements (including agreement regarding payment for the transcript) in writing as required by Court's order dated March 10, 2022 and Rule 207, SCACR. Accordingly, this appeal is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY

V. Claire Allen

CLERK

Columbia, South Carolina

cc:

Jayne L. Stovall

Devon Marc Puriefoy, Esquire

FILED
Mar 28 2022

The South Carolina Court of Appeals

Jayne LaForge Stovall, Appellant,

v.

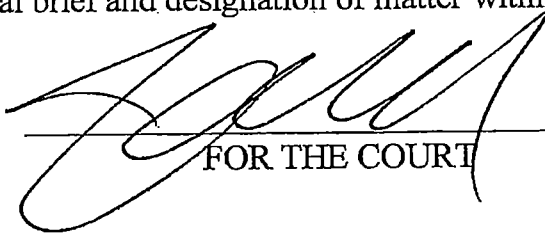
Paulette B. Stovall and William S. Stovall, Defendants,

of whom Paulette B. Stovall is the Respondent.

Appellate Case No. 2021-001504

ORDER

This appeal was dismissed due to Appellant's failure to make arrangements for the ordering of the transcript, pursuant to Rule 207, SCACR, and this court's order of March 10, 2022. Appellant has now filed a motion to reinstate this appeal, stating there is no transcript of the hearings below. Accordingly, this appeal is reinstated and Appellant shall file her initial brief and designation of matter within thirty (30) days of the date of this order.



FOR THE COURT

Columbia, South Carolina

cc:

Jayne L. Stovall

Devon Marc Puriefoy, Esquire

FILED
Jun 09 2022



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA 29211
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COLUMBIA, SOUTH CAROLINA 29201
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June 22, 2022

Jayne L. Stovall
3197 Golden Oak Ct.
Dallas TX 75234

Re: Jayne LaForge Stovall v. Paulette B. Stovall
Appellate Case No. 2021-001504

Dear Counsel:

Upon reviewing your initial brief, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The initial brief is not accompanied by a designation of matter to be included in the record on appeal as required by Rule 209, SCACR and shown by Form 14 in Appendix C to part II of the SCACR.
- Your table of contents and table of cases do not have page references as required by Rule 208(b)(1)(A), SCACR.
- The document is improperly paginated. Specifically, your document is not consecutively numbered.
- Your initial brief must be substantially in the format shown by Form 13 in Appendix C to part II of the SCACR.

Very truly yours,

V. Claire Allen

CLERK

cc: Devon Marc Puriefoy, Esquire

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

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

JAYNE LaFORGE STOVALL

APPELLANT

V.

PAULETTE B. STOVALL and
WILLIAM S. STOVALL

RESPONDENT
DEFENDANT

INITIAL BRIEF OF APPELLANT

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

APPELLATE CASE NO. 2021-001504

TABLE OF CONTENTS

1. INTRODUCTION
2. MEMORANDUM OF POINTS AND AUTHORITIES
3. CONCLUSION
4. AUTHORITIES AND POINTS

INTRODUCTION:

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

MEMORANDUM OF POINTS AND AUTHORITIES:

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSION:

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

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

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

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Letitia H. Verdin, SC Judge 2162
Case No. 2021-CP-23-03689

JAYNE LaFORGE STOVALL

APPELLANT

V.

PAULETTE B. STOVALL

RESPONDENT

I certify that this designation contains no matter which is irrelevant to this Appeal

June 27, 2022

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

APPELLATE CASENO. 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.

CASE REFERENCES

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

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

(In The Supreme Court)

APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas

Letitia H. Verdín, SC Judge 2162

Case No. 2021-CP-23-03689

Court of Appeals Case No: 2021-001504

Jayne LaForge Stovall

Appellant

V

Paulette B. Stovall and

Respondent

William S. Stovall

Defendant

PROOF OF SERVICE

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

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

The South Carolina Court of Appeals

Jayne LaForge Stovall, Appellant,

v.

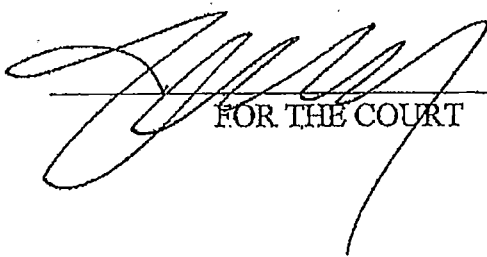
Paulette B. Stovall and William S. Stovall, Defendants,

of whom Paulette B. Stovall is the Respondent.

Appellate Case No. 2021-001504

ORDER

Respondent's motion to dismiss is denied. Respondent's request to strike Appellant's amended initial brief is granted. Within thirty days of the date of this order, Appellant shall serve and file a second amended initial brief that omits references to any matter not presented to the lower court and contains all required content as described in Rule 208(b)(1), SCACR, including a statement of issues on appeal. Appellant is reminded that Appendix C of the South Carolina Rules of Appellate Procedure contains Form 13 – Brief of Appellant, which contains the proper form for an initial brief. Failure of Appellant to serve and file a proper initial brief within thirty days may result in the dismissal of this appeal.



FOR THE COURT

Columbia, South Carolina

cc:

Jayne L. Stovall

Devon Marc Puriefoy, Esquire

FILED
Sep 29 2022

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

RECEIVED

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 PAULETTE 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

TABLE OF CONTENTS
FOR
EMENDED INITIAL BRIEF

1. STATEMENT OF ISSUES ON APPEAL
2. STATEMENT OF HISTORY AND PROCEEDINGS
3. FACTS
4. CONCLUSION
5. LIST OF AUTHORITIES AND POINTS

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

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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

RECEIVED

OCT 17 2022

SC Court of Appeals

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 Rodriguez 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
1305 North King James Lane
Liberty Lake Washington 99019

RECEIVED

OCT 17 2022

SC Court of Appeals

Jayne L. Stovall

Jayne L. Stovall
3197 Golden Oak Ct.
Dallas, Texas 75234
Appellant Pro Se

Ms. Jayne Slovell
3197 Golden Oak
Dallas, TX 75234

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OCT 17 2012
SC Court of Appeals

LaToya Burns Appeals Specialist
SC Court of Appeals
1220 Senate Street
Columbia, SC 29201



**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Letitia H. Verdin

Common Pleas Case Number: 2021-CP-23-0362

Appellate Case No. 2021-001504

JAYNE LAFORGE STOVALL,

Appellant,

v.

PAULETTE B. STOVALL AND
WILLIAM S. STOVALL OF WHOM
PAULETTE B. STOVALL IS THE
RESPONDENT,

Appellee

**Motion to Dismiss or in the Alternative to
Strike Appellant's Initial Brief**

Devon Puriefoy (#102097)
TRULUCK THOMASON, LLC
3 Boyce Avenue
Greenville, South Carolina 29601
devon@truluckthomason.com
864-331-1751 (p)

Counsel for Respondent Paulette B. Stovall

Comes now Respondent and respectfully moves this Court to strike Appellant's appeal.

The reasons for this motion are set forth in the accompanying memorandum.

Dated this 29th day of August 2022.

PAULETTE B. STOVALL

s/Devon M. Puriefoy

Devon M. Puriefoy

SC Bar No. 102097

Counsel for Respondent Paulette Stovall

THE LAW OFFICES OF
TRULUCK THOMASON, LLC
DEVON PURIEFOY
3 BOYCE AVENUE
GREENVILLE, SOUTH CAROLINA 29601
864-331-1751

CERTIFICATE OF SERVICE

I, Devon M. Puriefoy, certify on this date, August 29, 2022 a copy of Respondent's Motion to Strike and Memorandum in Support of Motion to Strike, was served on the Jayne LaForge Stovall Appellant, via U.S. Postal Service mail, addresses as follows:

Jayne LaForge Stovall
3197 Golden Oak
Dallas, TX 75234
Jaynestovall39@twc.com

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Liberty Lake, WA 99019
Stovall.maryk@gmail.com

s/Devon M. Puriefoy
Devon M. Puriefoy
S.C. Bar #102097

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Letitia H. Verdin

Common Pleas Case Number: 2021-CP-23-0362

Appellate Case No. 2021-001504

JAYNE LAFORGE STOVALL,

Appellant,

v.

PAULETTE B. STOVALL AND
WILLIAM S. STOVALL OF WHOM
PAULETTE B. STOVALL IS THE
RESPONDENT,

Appellee

**Memorandum in Support of
Motion to Dismiss or in the Alternative
to Strike Appellant's Initial Brief**

Devon Puriefoy (#102097)
TRULUCK THOMASON, LLC
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Counsel for Respondent Paulette B. Stovall

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COMES NOW Respondent Paulette Stovall as a Co-Trustee of the Walter Stephen Stovall Trust (“Respondent”) and would respectfully show the Court as follows in reply in support of its Motion to Strike.

STATEMENT OF THE CASE¹

On or about November 1, 2019, Appellant filed with the Greenville County Probate Court a Summons and Petition seeking, *inter alia*, removal of Respondent Paulette Stovall as a Co-Trustee of the Walter Stephen Stovall Trust. [App. 8 ¶¶ 41-42].

On July 7, 2021, the Greenville County Probate Court conducted a final merit hearing at which time Appellant was given an opportunity to present witnesses and evidence in support of the averments contained in her summons and petition. Appellant called two witnesses and did not enter a single piece of evidence into the record during the hearing. [App. 11-20]. In its July 28, 2021, Order, the Court found that Appellant failed to present any evidence to satisfy her burden of proof regarding Appellant’s claims 1-7. [App. 24]. The Court did find, however, that Respondent had presented sufficient evidence to satisfy her burden of proof related to her claims for Breach of Fiduciary Duty and Removal of Appellant as Co-Trustee. [App. 24-25].

On or about August 5, 2021, Appellant filed her Notice of Appeal with the Greenville County Court of Common Pleas. [App. 28]. On or about November 2, 2021, Appellee filed her Motion to Dismiss Appellant’s appeal and supporting Memorandum of Law. [App. 34 & 38]. Appellee argued three (3) independent bases in support of her Motion to Dismiss: (1) Appellant failed to file her Statement of Issues on Appeal with the clerk with proof of delivery on all parties within forty-five (45) days after receipt of the written order; (2) Appellant failed to file her Designation of

¹ Because the Record on Appeal has not yet been prepared, the documents relevant to this Motion are included in the concurrently filed Appendix, which is cited as “App._____”.

Matter to be Included in the Record on Appeal with the clerk with proof of delivery; and (3) Appellant failed to serve a copy of her initial brief on all parties to the appeal and failed to file with the clerk of the circuit court one copy of the brief with proof of service, each of which constituted violations of S.C. Code §§62-1-307(b) (d), and (e); and by extension, R. (208)(b)(1)(B), SCACR and R. 209, SCACR. [Id]. On November 17, 2021, the Greenville County Court of Common Pleas dismissed Appellant's initial appeal citing Appellant's failure to adhere to a single procedural requirement promulgated under South Carolina Code §§62-1-307(b) (d), and (e). [App. 45]. A subsequent Motion to Reconsider was filed by Appellant which was ultimately denied by the circuit court on or about December 7, 2021. [App. 48 & 54].

The instant appeal was filed on or about December 15, 2021. [App. 57]. On December 23, 2021, this Court provided notice to Appellant regarding deficiencies in her notice of appeal, namely, failure to provide proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR [App. 59].

On January 7, 2022, this Court provided notice to Appellant regarding deficiencies in her notice of appeal, namely, that Appellant's proof of service was not in compliance with SCARC, which requires proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR. [App. 61].

On January 18, 2022, this Court provided notice to Appellant that her time for ordering the transcript had expired and provided that within ten (10) days Appellant must file a copy of the letter showing that you have timely ordered the transcript. [App 62].

On or about February 8, 2022, Appellant requested an extension to file transcript with this Court which was granted on or about March 10, 2022. [App. 68 & 69]. This Court's March 10, 2022, Order granted Appellant's request for an extension and required Appellant to "make satisfactory arrangements, in writing with the court report for furnishing the transcript." [Id].

On or about March 28, 2022, this Court dismissed Appellant's appeal due to Appellant's failure to make satisfactory arrangements in writing as required by the Court's order dated March 10, 2022, and Rule 207. [App. 69].

On June 9, 2022, following a Motion to Reinstate the Appeal because no transcript existed² related to the lower court's dismissal of the circuit court appeal, this Court issued an Order reinstating the instant appeal. [App. 70].

On June 22, 2022, this Court provided notice to Appellant regarding deficiencies related to her initial brief, namely, that the initial brief needed to be corrected within ten (10) days else the appeal would be dismissed once again. The Court noted the following deficiencies:

- (1) Initial brief not accompanied by a designation of matter to be included on appeal
- (2) Table of contents and table of cases do not have page references
- (3) Improper pagination
- (4) Brief was not substantially in the format shown by Form 13 in Appendix C to part II of the

SCACR.

[71].

On or about June 28, 2022, Appellant submitted an amended brief. [App. 73].

² A full transcript exists and is currently in Respondent's possession.

ARGUMENT

I. The Court cannot consider matters referenced in Appellant's initial brief that are not contained in the record.

Rule 210 (c) reads, in pertinent part: "the 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. R. 210(c), SCACR and R. 209, SCACR.

The bases of Appellee's Motion to Dismiss before the Greenville County Court of Common Pleas was Appellant's failure to adhere to §§62-1-308(b) (d), and (e)³. [App. 34]. Appellant's failure to adhere to the above-cited statute meant that no Designation of Matter to be Included in the Record on Appeal was ever filed. [Id]. Rule 210(h) reads, in pertinent part: "The Designation [Designation of Matter to be Included in the Record on Appeal] must clearly identify what the party desires to have included on the Record on Appeal." Rule 210(h), SCACR; ("[T]he appellate court will not consider any fact that does not appear in the Record on Appeal."); *Helms Realty, Inc. v. Gibson-Wall Co.*, 363 S.C. 334, 339, 611 S.E.2d 485, 488 (2005) (explaining the appellant has the burden of providing a sufficient record).

No hearing was conducted related to Appellee's underlying Motion to Dismiss and therefore it cannot be argued that a record was established via in court proceedings.

³ A scrivener's error is present in this Motion to Dismiss as Appellee inadvertently cited to "§§62-1-307(b) (d), and (e)" rather than §§62-1-308(b) (d), and (e)

Appellant's failure to designate matters to be included on the record on appeal with the lower court precludes her present attempt to establish a record using documents that were neither made part of the record at the merits hearing, nor presented to the lower court to be included on the record.

II. Appellant has failed to provide Appellee with any intelligible statement of issues on appeal.

It is well settled that "a pro se litigant who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law." *State v. Burton*, 356 S.C. 259, S.E.2d 6, 9 (2003). As noted in this Court's June 22, 2022, deficiency notice to Appellant, Appellant's brief was required to "be substantially in the format shown by Form 13 in Appendix C to part II of the SCACR." Appellant's revised brief contains two (2) of the seven (7) referenced headings found in Form 13. [App. 16]. While Appellant's Table of Contents does contain the headings "memorandum and points of authority" it completely fails to set forth a "statement of issues on appeal," as required by Rule 208(b)(1)(B). [App. 16]

The statement of each issue on appeal shall be concise and direct, and broad general statements of issues may be disregarded by this Court. R. 208(b)(1)(B), SCACR. Ordinarily, no point will be considered which is not set forth in the statement of the issues on appeal. *Id.* Every ground for the appeal ought to be distinctly stated that the reviewing court may at once see the point which it is called upon to decide without having to "grope in the dark" to ascertain the precise point at issue. *Forest Dunes Assocs. v. Club Carib, Inc.*, 301 S.C. 87, 89, 390 S.E.2d 368, 370 (Ct. App. 1990).

Appellant's initial brief consists of three (3) pages of exposition, and concludes with a request that this Court, sitting in its appellate capacity, remove a co-trustee – who is not a party to this appeal - and order the appointment of an “independent administrator” and “forensic accountant.” [App. 16]. Appellee is now left doing mental gymnastics to tease out the bases of Appellant's appeal, an exercise Rule 208 explicitly seeks to prevent. Appellee's attempt to substantively respond to Appellant's initial brief is further complicated by her repeated reference to matters outside the record on appeal which requires Appellee to speculate as to whether these matters outside the record form the bases, or are in any way related, to the purported issues on appeal.

CONCLUSION

This Court should dismiss the appeal, or in the alternative strike the appeal, due to Appellant's repeated references to matters outside the record on appeal and failure to clearly articulate what she views as the issues on appeal.

Dated this 29th day of August 2022.

****Signature on following page****

PAULETTE B. STOVALL

s/Devon M. Puriefoy

Devon M. Puriefoy

SC Bar No. 102097

Counsel for Respondent Paulette B. Stovall

LAW OFFICES OF
TRULUCK THOMASON, LLC
3 Boyce Avenue
Greenville, SC 29601
devon@truluckthomason.com
864-331-1751

CERTIFICATE OF SERVICE

I, Devon M. Puriefoy, certify on this date, August 29, 2022 a copy of Respondent's Motion to Strike and Memorandum in Support of Motion to Strike, was served on the Jayne LaForge Stovall Appellant, via U.S. Postal Service mail, addresses as follows:

Jayne LaForge Stovall
3197 Golden Oak
Dallas, TX 75234
Jaynestovall39@twc.com

William Stovall
1305 North King James Lane
Liberty Lake, WA 99019
Stovall.maryk@gmail.com

s/Devon M. Puriefoy
Devon M. Puriefoy
S.C. Bar #102097

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Letitia H. Verdin

Common Pleas Case Number: 2021-CP-23-0362

Appellate Case No. 2021-001504

JAYNE LAFORGE STOVALL,

Appellant,

v.

PAULETTE B. STOVALL AND
WILLIAM S. STOVALL OF WHOM
PAULETTE B. STOVALL IS THE
RESPONDENT,

Respondent

RENEWED MOTION TO STRIKE OR IN THE
ALTERNATIVE DISMISS BY RESPONDENT PAULETTE B. STOVALL

Devon M. Puriefoy (#102097)
TRULUCK THOMASON, LLC
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Greenville, SC 29601
johnpaul@truluckthomason.com
devon@truluckthomason.com
864-331-1751 (p)

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<i>State v. Morris</i> , 307 S.C. 480, 485, 415 S.E.2d 819, 822 (Ct. App. 1991).....	8

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Statutes

S.C. Code §§62-1-307.....	5
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COMES NOW Respondent Paulette Stovall as a Co-Trustee of the William Stephen Stovall Trust ("Respondent") and would respectfully show the Court as follows:

STATEMENT OF THE CASE¹

On or about November 1, 2019, Appellant filed with the Greenville County Probate Court a Summons and Petition seeking, *inter alia*, removal of Respondent Paulette Stovall as a Co-Trustee of the Walter Stephen Stovall Trust. [App. 8 ¶¶ 41-42].

On July 7, 2021, the Greenville County Probate Court conducted a final merit hearing at which time Appellant was given an opportunity to present witnesses and evidence in support of the averments contained in her summons and petition. Appellant called two witnesses and did not enter a single piece of evidence into the record during the hearing. [App. 11-20]. In its July 28, 2021, Order, the Court found that Appellant failed to present any evidence to satisfy her burden of proof regarding Appellant's claims 1-7. [App. 24]. The Court did find, however, that Respondent had presented sufficient evidence to satisfy her burden of proof related to her claims for Breach of Fiduciary Duty and Removal of Appellant as Co-Trustee. [App. 24-25].

On or about August 5, 2021, Appellant filed her Notice of Appeal with the Greenville County Court of Common Pleas. [App. 28]. On or about November 2, 2021, Appellee filed her Motion to Dismiss Appellant's appeal and supporting Memorandum of Law. [App. 34 & 38]. Appellee argued three (3) independent bases in support of her Motion to Dismiss: (1) Appellant failed to file her Statement of Issues on Appeal with the clerk with proof of delivery on all parties within forty-five (45) days after receipt of the written order; (2) Appellant failed to file her Designation of Matter to be Included in the Record on Appeal with the clerk with proof of delivery; and (3)

¹ Because the Record on Appeal has not yet been prepared, the documents relevant to this Motion are included in the concurrently filed Appendix, which is cited as "App. ____".

Appellant failed to serve a copy of her initial brief on all parties to the appeal and failed to file with the clerk of the circuit court one copy of the brief with proof of service, each of which constituted violations of S.C. Code §§62-1-307(b) (d), and (e); and by extension, R. (208)(b)(1)(B), SCACR and R. 209, SCACR. [Id]. On November 17, 2021, the Greenville County Court of Common Pleas dismissed Appellant's initial appeal citing Appellant's failure to adhere to a single procedural requirement promulgated under South Carolina Code §§62-1-307(b) (d), and (e). [App. 45]. A subsequent Motion to Reconsider was filed by Appellant which was ultimately denied by the circuit court on or about December 7, 2021. [App. 48 & 54].

The instant appeal was filed on or about December 15, 2021. [App. 57]. On December 23, 2021, this Court provided notice to Appellant regarding deficiencies in her notice of appeal, namely, failure to provide proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR [App. 59].

On January 7, 2022, this Court provided notice to Appellant regarding deficiencies in her notice of appeal, namely, that Appellant's proof of service was not in compliance with SCARC, which requires proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR. [App. 61].

On January 18, 2022, this Court provided notice to Appellant that her time for ordering the transcript had expired and provided that within ten (10) days Appellant must file a copy of the letter showing that you have timely ordered the transcript. [App 62].

On or about February 8, 2022, Appellant requested an extension to file transcript with this Court which was granted on or about March 10, 2022. [App. 68 & 69]. This Court's March 10, 2022, Order granted Appellant's request for an extension and required Appellant to "make satisfactory arrangements, in writing with the court report for furnishing the transcript." [Id].

On or about March 28, 2022, this Court dismissed Appellant's appeal due to Appellant's failure to make satisfactory arrangements in writing as required by the Court's order dated March 10, 2022, and Rule 207. [App. 69].

On June 9, 2022, following a Motion to Reinstate the Appeal because no transcript existed² related to the lower court's dismissal of the circuit court appeal, this Court issued an Order reinstating the instant appeal. [App. 70].

On June 22, 2022, this Court provided its first opportunity to Appellant to cure deficiencies related to her initial brief, noting the following deficiencies:

- (1) Initial brief not accompanied by a designation of matter to be included on appeal
- (2) Table of contents and table of cases do not have page references
- (3) Improper pagination
- (4) Brief was not substantially in the format shown by Form 13 in Appendix C to part II of the SCACR.

[71].

On or about June 28, 2022, Appellant submitted an amended brief. [App. 73]. In response to Appellant's amended brief, Respondent filed a Motion to Dismiss or in the Alternative Strike, arguing that Appellant failed to adhere to Rules 208, 209, and 210. [App. 93].

On September 29, 2022 this Court ordered a denial of Respondent's Motion to Dismiss and a grant of Respondent's Motion to Strike and instructed Appellant, for the second time, to "file and serve a second amended initial brief that omits references to any matter not presented to the lower court..." [App. 82] (Emphasis Added).

On or about October 18, 2022 Appellant filed her second amended initial brief. [App. 83].

² A full transcript exists and is currently in Respondent's possession.

The instant Motion followed.

ARGUMENT

I. Appellant has once again failed to adhere to both the Rules of Appellate Procedure, and perhaps more importantly, the unambiguous directives of this Court.

As noted above, and in response to Appellant's previously filed amended brief, this Court made clear that Appellant was to refrain from including "...references to any matter not presented to the lower Court..." *Id.* The Court's directive is a verbatim recitation of Rules 209 and 210.

The bases of Appellee's original Motion to Dismiss filed with the Greenville County Court of Common Pleas was Appellant's failure to adhere to §§62-1-308(b) (d), and (e)³. [App. 34]. There, Appellee argued that Appellant's failure to adhere to the above-cited statute meant that no Designation of Matter to be Included in the Record on Appeal was ever filed. [Id]. Rule 210(h) reads, in pertinent part: "The Designation [Designation of Matter to be Included in the Record on Appeal] must clearly identify what the party desires to have included on the Record on Appeal." Rule 210(h), SCACR; ("[T]he appellate court will not consider any fact that does not appear in the Record on Appeal."); *Helms Realty, Inc. v. Gibson-Wall Co.*, 363 S.C. 334, 339, 611 S.E.2d 485, 488 (2005) (explaining the appellant has the burden of providing a sufficient record).

No hearing was conducted related to Appellee's underlying Motion to Dismiss and therefore it cannot be argued that a record was established via in lower court proceedings.

Appellant's failure to designate matters to be included on the record on appeal with the lower court precludes her present attempt to establish a record using documents that were neither made part of the record at the merits hearing, nor presented to the lower court to be included in the record.

³ A scrivener's error is present in this Motion to Dismiss as Appellee inadvertently cited to "§§62-1-307(b) (d), and (e)" rather than §§62-1-308(b) (d), and (e)

While Appellant's second amended initial brief purports to set forth the issues on appeal, appellant's brief is nothing more than an attempt to use the appellate process to relitigate the entirety of the case using, for the first time, sixteen (16) "points"⁴ – or exhibits – in support of the same. While unclear, it appears Appellant's second amended initial brief suggests that the lower court failed to give proper weight to the evidence – the evidence being these sixteen (16) referenced "points". However, "in order for an issue to be preserved for appellate review, it must have been raised to and ruled upon by the [circuit court]." *State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 693 (2003). "[Appellate courts] cannot consider issues raised for the first time on appeal" *State v. Morris*, 307 S.C. 480, 485, 415 S.E.2d 819, 822 (Ct. App. 1991). Therefore, "[i]ssues not raised and ruled upon in the [circuit] court will not be considered on appeal." *Dunbar*, 356 S.C. at 142, 587 S.E.2d at 693–94. Moreover, "[a] party may not argue one ground at trial and an alternate ground on appeal." *Id.* at 142, 587 S.E.2d at 694. *State v. Bonilla*, 429 S.C. 253, 284, 838 S.E.2d 1, 17 (Ct. App. 2019).

Appellant cannot argue now, for the first time, that the lower court failed to give proper weight to the documents she contends support her claims when said documents were never made a part of the record. Appellant never raised, and the lower Court never ruled upon the admissibility of the evidence referenced by Appellant for the first time in this appeal, let alone make a determination as to the weight said evidence was entitled.

Subject to the limitations of the South Carolina Rules of Evidence, Appellant was afforded every opportunity to make a part of the record any and all documents she believed supported her claims in this matter. Appellant opted to not introduce a single piece of evidence at the merits

⁴ Under normal circumstances, Appellee would assign an Appendix number to these documents, however, because these documents are being referenced for the first time on appeal, Appellee does not have these documents in her possession.

hearing. Yet, now for the third (3rd) time, Appellant has submitted a second amended initial brief with this Court that is based entirely on matters outside the record.

CONCLUSION

Based on the foregoing arguments, Appellee respectfully requests that this Court Dismiss Appellant's second amended initial brief, or in the alternative, strike the brief for once again violatong not only the Rules of Appellate Procedure, but more importantly, this Court's unambiguous directives.

PAULETTE B. STOVALL

s/Devon M. Puriefoy
Devon M. Puriefoy
SC Bar No.: 102097
Counsel for Respondent Paulette B. Stovall

LAW OFFICES OF
TRULUCK THOMASON
3 Boyce Avenue
Greenville, SC 29601
devon@truluckthomason.com
864-331-1751

Proof of Service

I, the undersigned, served a copy of foregoing on the following this 15th day of November, 2021, by U.S. Mail, First-Class Postage prepaid and email:

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Liberty Lake, AL 99019
Stovall.maryk@gmail.com

Jayne LaForge Stovall
3197 Golden Oak
Dallas, TX 75234
Jaynestovall39@twc.com

Paulette Stovall
410 Fairview Drive
Greenville, SC 29609
pbstvl@gmail.com

s/Devon M. Puriefoy
Devon M. Puriefoy
SC Bar No. 102097
Attorney for Respondent

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

RECEIVED

Nov 28 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 PAULETTE B. STOVALL IS THE RESPONDENT

MOTION TO QUASH RESPONDENT'S RENEWED MOTION TO
STRIKE OR IN THE ALTERNATIVE TO DISMISS APPELLANT'S INITIAL AND
EMENDED BRIEF

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

Appellate Case No: 2021-001504

**Motion to Quash Renewed Motion to Strike Or In The Alternative
Dismiss filed by Respondent Paulette B. Stovall:**

Appellant has provided the Greenville Probate Court, The Greenville Magistrate Court and the SCAA with ALL of the evidence she has been able to obtain regarding the fact that Respondent has failed to provide required information regarding the assets and management of the two Trusts, of which Appellant is a beneficiary, which was AND IS Respondent's responsibility under South Carolina and United States Probate laws. Respondent's attorneys were also provided with copies of everything Appellant has submitted. Respondent's new Motion is a canard and should be denied.

Note should be made that only a partial copy of the transcript of the July 7, 2021 Hearing, which has been heavily redacted and missing the first ten pages, was submitted by Respondent's attorney with the Renewed Motion to Strike.

Of crucial importance is that there is no listing of the hearing held on May 17, 2021 before Judge Jennings in Probate Court where evidence was submitted by Appellant via testimony, depositions, affidavits and medical records. Judicial Impropriety was rampant. Appellant believes this Zoom hearing record has been omitted, or erased. Conveniently, no Order was written. Appellant has documentation and witnesses regarding the May 17th hearing and all of it has been submitted to the Courts.

Appellant now asks for a summary judgement to be issued by this Court.

CERTIFICATE OF SERVICE

I, Jayne LaForge Stovall, certify that on this date, November 28, 2022 copies of my Motion To Quash Respondent's Renewed Motion To Strike Or In The Alternative To Dismiss Appellant's Initial And Emended 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
1305 North King James Lane
Liberty Lake Washington 99019

RECEIVED

Nov 28 2022

SC Court of Appeals

Jayne L. Stovall

Jayne L. Stovall
3197 Golden Oak Ct.
Dallas, Texas 75234
Appellant Pro Se



The South Carolina Court of Appeals

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V. CLAIRE ALLEN
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November 30, 2022

Jayne L. Stovall
3197 Golden Oak Ct.
Dallas TX 75234

Re: Jayne LaForge Stovall v. Paulette B. Stovall
Appellate Case No. 2021-001504

Dear Ms. Stovall:

Upon reviewing your motion to quash, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your motion will not be considered:

- The required filing fee has not been submitted. The correct filing fee is \$50.00.

Very truly yours,

A handwritten signature in cursive script that reads "V. Claire Allen".

CLERK

cc: Devon Marc Puriefoy, Esquire

Proof of Service

I, the undersigned, served a copy of the foregoing on the following this 15th day of December, 2022, by U.S. Mail, First-Class Postage prepaid and email:

Jayne LaForge Stovall
3197 Golden Oak
Dallas, TX 75234
Jaynestovall39@twc.com

William Stovall
1305 North King James Lane
Liberty Lake, WA 99019
Stovall.maryk@gmail.com

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SC Court of Appeals

s/Devon M. Puriefoy

Devon M. Puriefoy

SC Bar No. 102097

- *Attorney for Respondent*



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