THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Martin R. Banks, Special Referee

Case No. 2007-CP-18-1794

James T. Judy, Bobby R. Judy and Kevin Judy,

Respondents,

v.

Ronnie F. Judy, J. Todd Judy, Ryan C. Judy and Wanda B. Judy, Defendants,

of whom Ronnie F. Judy *is*,

Appellant.

RECORD ON APPEAL

Eric C. Hale, S.C. Bar # 71768
Post Office Box 1605
Irmo, SC 29063
(803) 250-5252 (Tel)
Attorney for Appellant

Craig Stanley, S.C. Bar # 79420
701 Gervais St.; Ste. 150-284
Columbia, SC 29201
(803) 761-7083 (Tel)
Attorney for Appellant

Capers G. Barr, III
P.O. Box 1037
Charleston, SC 29402
(843) 577-5083 (Tel)
Attorney for Respondents

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STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
	FOR THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER	CASE NO: 2007-CP-18-1794

2010 SEP 27 PM 12:41

JAMES T. JUDY, BOBBY T. JUDY, And KEVIN JUDY,

Plaintiffs,

vs.

RONNIE F. JUDY, J. TODD JUDY, RYAN C. JUDY, and WANDA B. JUDY,

Defendants.

ORDER of REFERENCE

August 9, 2010
August 10, 2010
Hearing Date
10:30 AM

This matter came before me for hearing on March 29, 2010, on the motion of Plaintiffs to strike the within case from the jury trial roster and to refer it for hearing before the Master in Equity for Dorchester County.

Plaintiff James T. Judy appeared with his attorney, Capers G. Barr, III. Defendant Ronnie F. Judy appeared, representing himself, *pro se*. Defendants J. Todd Judy, Ryan C. Judy, and Wanda B. Judy did not appear.

Based upon the arguments made, and the memorandum filed in support of Plaintiffs' motion, I find and conclude that this case should be stricken from the jury trial roster and referred to the Master in Equity for hearing.

The original Complaint in the case was filed September 27, 2007, and named only Defendants Ronnie F. Judy, J. Todd Judy, and Ryan C. Judy, stating a cause of action under the Statute of Elizabeth, Sections 27-23-10, et seq, Code of Laws for South Carolina, as amended. The Complaint alleges fraudulent conveyances allegedly made by Defendant Ronnie F. Judy to his sons, J. Todd Judy and Ryan C. Judy, for $5, dated respectively, February 7, 2007, and November 16, 1998.

Plaintiffs filed their Motion for Partial Summary Judgment and to Strike the Case

#103

from the Jury Roster on or about December 22, 2008. Thereafter, by Form Order, the Honorable Diane S. Goodstein, Presiding Judge, denied Plaintiffs' motions, noting on the form order that "the Motion for Partial Summary Judgment is denied" and "the Motion for Reference to the Master is denied."

Thereafter, Plaintiffs amended their Complaint to add Defendant Wanda B. Judy based upon their allegation that on December 31, 2008, during the pendency of the within case, Defendant J. Todd Judy had conveyed two of the parcels of real property at issue to Wanda B. Judy, wife of Defendant Ronnie F. Judy. All Defendants duly filed their Answers to the Amended Complaint.

The matter came before me as a Renewed Motion to Strike the Case from the Jury Roster and Refer for Trial to the Master in Equity. I have considered the question whether sufficient changed circumstances warrant my consideration of an issue previously decided, and I conclude that the addition of a new party to the case, he filing of an amended complaint and the restated demand for jury trial in the Defendants' answer constitute sufficient changed circumstances to warrant a consideration of the issue. Additionally, I conclude that the posture of the case in January of 2009, the date of the prior hearing, was not then ripe for a full consideration of the question.

Plaintiffs cite the case of *Albertson v. Robinson*, 371 S.C. 311, 638 S.E.2d 81 (Ct.App. 2006) for the proposition that an action to set aside a transfer as fraudulent pursuant to the Statute of Elizabeth is an action in equity. I agree that the Complaint in this case states a cause of action in equity, and that in a suit brought in equity there is no right to a jury trial. *Loyola Federal Savings Bank v. Thomason Properties*, 318 S.C. 92, 456 S.E.2d 423 (Ct.App. 1995). I further conclude, pursuant to Rule 53, South Carolina

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Rules of Civil Procedure, that trial of the within matter should be referred to the Master in Equity for Dorchester County. Accordingly, it is

ORDERED that the within case shall be stricken from the jury trial roster for Dorchester County, and that trial be referred to the Master in Equity for Dorchester County for hearing of all legal and factual issues, pursuant to Rule 53(b), South Carolina Rules of Civil Procedure.

AND IT IS SO ORDERED.

Edgar Warren Dickson
Presiding Judge

Orangeburg, South Carolina
Date: April 16, 2010

*393

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO: 2007CP1801794

2010 APR 27 PM 12:41

James T Judy *vs.* J Todd Judy

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: _____

☐ **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; ☐ Statement of Judgment by the Court:

Dated at St. George, South Carolina, this 23nd day of April, 2010.

Court Reporter:

Cheryl Graham

- Cheryl Graham, Clerk of Court, By: Carolyn Ayer, Deputy

This judgment was entered on the 23nd day of April, 2010, and a copy mailed first class this 23nd day of April, 2010, to attorneys of record or to parties (when appearing pro se) as follows:

Capers G. Barr III Barr Unger & McIntosh LLC P.O. Box 1037 Charleston, SC 29402

Ronnie F Judy 1872 Sandridge Rd. Dorchester, SC 29437 ~ pickedup 4-27-10
J Todd Judy 119 Fairway Drive Saint George, SC 29477
Ryan C Judy 122 Kayla Drive Saint George, SC 29477
Wanda B Judy 1872 Sandridge Rd Dorchester, SC 29437

CPFORM4M

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER	)	CASE NO: 2007-CP-18-1794
JAMES T. JUDY, BOBBY T. JUDY, and KEVIN JUDY,	)	
Plaintiffs,	)	**ORDER OF REFERENCE TO SPECIAL REFEREE**
vs.	)	
RONNIE F. JUDY, J. TODD JUDY, RYAN C. JUDY, and WANDA B. JUDY,	)	
Defendants.	)	

CERTIFIED COPY
2011 MAY 23 AM 10:33
CLERK OF COURT
DORCHESTER COUNTY

This matter came before me for hearing on March 22, 2011 on the motion of Plaintiffs for the appointment of a special referee, because the Master in Equity for Dorchester County has recused himself in the case. I find and conclude that the appointment of a special referee is appropriate. Accordingly, it is,

ORDERED, That the within case be and it is hereby referred to the Honorable Martin Rast Banks, Master in Equity for Calhoun County, as Special Referee to hear and decide all questions of fact and law, and to direct entry of final judgment in the within action in accordance with Rule 53, South Carolina Rules of Civil Procedure; and it is further,

ORDERED, That any appeal from the final judgment entered by the Special Referee herein shall be made directly to the South Carolina Supreme Court; and

IT IS SO ORDERED.

Edgar W. Dickson, presiding judge

Orangeburg, South Carolina
May 23, 2011

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

JUDGMENT IN A CIVIL CASE

CASE NO: 2007CP1801794

IN THE COURT OF COMMON PLEAS

CERTIFIED COPY
2011 MAY 23 AM 10: 33
CLERK OF COURT
DORCHESTER COUNTY

James T Judy *vs.* J Todd Judy

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: _____

☐ **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; ☐ Statement of Judgment by the Court:

Dated at St. George, South Carolina, this 23nd day of May, 2011.

Court Reporter:

Cheryl Graham

- Cheryl Graham, Clerk of Court, By; Carolyn Ayer, Deputy

This judgment was entered on the 23nd day of May, 2011, and a copy mailed first class this 23nd day of May, 2011, to attorneys of record or to parties (when appearing pro se) as follows:

Capers G. Barr III Barr Unger & McIntosh LLC P.O. Box 1037 Charleston, SC 29402

Ronnie F Judy 1872 Sandridge Rd. Dorchester, SC 29437

CPFORM4M
SCCA SCRCP Form 4 Revised 06/2008

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER	CASE NO: 2007-CP-18-1794
JAMES T. JUDY, BOBBY JUDY, and KEVIN JUDY, Plaintiffs, vs. RONNIE F. JUDY, J. TODD JUDY, RYAN C. JUDY, and WANDA B. JUDY, Defendants.	ORDER

FILED - RECORDED
2011 DEC 28 PM 1:07
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

This case was tried before me in St. Matthews on July 18, 2011. Plaintiffs James T. Judy and Bobby Judy were present and represented by Capers G. Barr, III of the Charleston Bar. Defendants Ronnie F. Judy, J. Todd Judy, and Ryan C. Judy appeared, *pro se.* Plaintiff Kevin Judy and Defendant Wanda B. Judy did not appear.

Procedural History. This is a Dorchester County case that was referred to this Court by Order of the Honorable Edgar W. Dickson filed April 16, 2010, the Master in Equity for Dorchester County having recused himself from hearing the matter.

The Complaint of the Plaintiffs seeks to set aside certain conveyances of real property by the Defendant Ronnie F. Judy to his sons, and to restore title to his name under the Statute of Elizabeth, Sections 27-23-10, *et seq.* of the Code of Laws of South Carolina for 1976, as amended. Plaintiffs also seek an award of attorney fees and for the costs of the action. The Lis Pendens filed in the case describes ten parcels of real property more fully described therein as Parcels "A" through "J", which comprise the lands at issue in the case. Exhibit "1" to this Order sets forth their complete legal descriptions.

The initial Complaint, filed 09/26/07, named as Defendants Ronnie F. Judy, J. Todd Judy, and Ryan C. Judy. Based upon a conveyance made by Defendant J. Todd

MB

Judy to Wanda B. Judy after the filing of the case, Plaintiffs were permitted to amend their Complaint to add Wanda B. Judy as a party Defendant.

At the trial the court heard testimony of seven witnesses and received into evidence exhibits from Plaintiff and exhibits from Defendants. Additionally, certain exhibits tendered by the Defendant were not admitted but were marked for identification only.

I conclude that Plaintiffs are entitled to the relief sought in their complaint, based upon the following findings of fact and conclusions of law[1]:

FINDINGS OF FACT

Plaintiffs Are Creditors. On May 2, 2007, judgment was awarded on a jury vedict in favor of Plaintiff Bobby Judy against Defendant Ronnie F. Judy for the amount of $37,668.00, by order of the Dorchester Court of Common Pleas. The Judgment was affirmed by the Court of Appeals of South Carolina, and the case was remitted by the Court of Appeals to the Dorchester County Clerk of Court on December 22, 2009.

Likewise, judgment was rendered against Ronnie F. Judy in favor of Plaintiff James T. Judy by order of the Dorchester County Court of Common Pleas on April 11, 2007. However, that judgment was reversed by the Court of Appeals and the decision of the Court of Appeals has been affirmed by the Supreme Court of South Carolina. At the time of the trial before me, a Petition for Rehearing by James T. Judy to the Supreme Court was pending.

The Conveyances at Issue. Four deeds are at issue in this case. Two of them were signed and recorded by Ronnie Judy in 1998, conveying lands respectively to his son

[1] Because all parties to this case carry the surname "Judy" they will be referred to from time to time by their first names, for the sake of clarity.

MRB

Todd and to his sons Todd and Ryan, jointly. (Trial Exhibits 3 and 3-A). The third conveyance is a deed from Ronnie Judy to his son Todd recorded February 7, 2007 (Trial Exhibit 15), and the fourth conveyance is from Todd to Wanda Judy, recorded December 31, 2008. (Trial Exhibit 16.)

Chronological Facts. On or about July 22, 1997 judgment was entered in the Dorchester County Court of Common Pleas in favor of Larry Thomas Mills against the Defendant Ronnie F. Judy for the sum of $9,424.00. Ronnie Judy appealed the judgment to the Court of Appeals, and the Appeal was pending in 1998.

Plaintiff James T. Judy, who is a brother of Defendant Ronnie Judy, testified that in 1998, when he and Ronnie were on otherwise good terms, they had a conversation in which Jimmy advised Ronnie that his divorce attorney had recommended that Jimmy convey his lands to his children, most of which had been inherited, in order to avoid the lands being considered as marital property in Jimmy's pending divorce case. At that time, Ronnie had also been involved in a court action alleging Ronnie's removal of an agricultural combine from the lands of another person, in which he was acquitted, as well as the case brought against him by Larry Mills. Jimmy testified that Ronnie was concerned that the owner of the combine might file civil suit against him because the motor of the combine, a $10,000 dollar item, had been burned up in the transaction.

Jimmy testified that Ronnie told him in 1998, after the conversation between them about the advice given to Jimmy by his divorce lawyer, that he intended to convey title to his lands to his sons in order to avoid his potential liabilities from a lawsuit arising from the burned up combine motor. According to Jimmy, when he asked Ronnie whether he

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could "trust your boys", Ronnie replied "Don't worry about that. I'll have deeds already made up and signed and all I've got to do is date them."

The 1998 conveyances. *The First Deed.* On November 16, 1998, Ronnie executed three conveyances, the consideration for each of which was "five dollars, love and affection." By deed recorded in Book 2007, Page 096, Dorchester County Register of Deeds, Ronnie conveyed to his son, Defendant J. Todd Judy, his undivided one-half interest in tracts more fully described in the deed as 259 acres, 133 acres, 2.06 acres, 75 acres, 100 acres, 143 acres, and 10.9 acres. (Trial Exhibit 3). *The Second Deed.* On the same day, he conveyed to both of his sons, Defendants J. Todd Judy and Ryan C. Judy jointly, title to tracts of 87.78 acres and 59 acres, by deed recorded in Book 2077, Page 092. (Trial Exhibit 3-A). The lands described in the two 1998 deeds compri. .ands that formed, after partitions hereafter discussed, Parcels C, D, E, F,G, H, I and J in the Lis Pendens filed with this action. On the same day, that is November 16, 1998, Ronnie also transferred to his sons, Defendants Todd Judy and Ryan Judy "all farm equipment, including combines, tractors, trucks and all equipment relating to farming." The consideration recited in each of the conveyances was five dollars, love and affection.

The testimony by Jimmy Judy about his 1998 conversation with Ronnie was not denied by Ronnie in his testimony. Rather, Ronnie's explanation for the 1998 conveyances was that he had deeded lands over to his two sons just like his granddaddy had deeded his lands over to his daddy and his daddy had deeded his lands to Ronnie and his brothers when they (the grantors) reached ages in their fifties.

Having observed the witnesses as they testified, I find and conclude that Jimmy's version of the 1998 conversation is more believable, particularly considering the uses and

MRB

profits of the lands that later inured to Ronnie's benefit as hereafter discussed. Moreover, Jimmy's version of the conversation was somewhat against his interests, inasmuch as he implicated himself in a fraudulent transfer, albeit upon the advice of an attorney, giving his version indicia of reliability.

Ronnie Judy's uses of the lands. Ronnie continued to use the lands conveyed to his sons in 1998 for farming, from which he derived substantial income and for which he incurred debt for farming operations until at least 2008.

Frank West is an employee of Meherrin Agriculture & Chemical Company, a supplier of fertilizer, agricultural chemicals and seeds located in Bowman, South Carolina. Mr. West identified a credit application submitted to Meherrin on February 7, 2006 by Ronnie Judy in which Ronnie represented to Meherrin that he was the owner of 554 acres, of which 250 acres were farmed in corn, soybeans, oats and hay. (Trial Exhibit 42). Mr. West further identified Meherrin records reflecting substantial transactions with Ronnie Judy for the sale of agricultural products during the period from February 23, 2000 to April 30, 2007. Mr. West testified that although he had seen Ronnie's sons, Todd and Ryan, before, he testified that he had only done business with Ronnie.

Notably, Meherrin obtained judgment against Ronnie on December 17, 2008, for unpaid balances on his account in the sum of $27,295.33.

David Cantley testified that he operates Holly Hill Farm Center in Holly Hill, which is a supplier of fertilizer, agricultural chemicals and seed. Holly Hill transacted business with Ronnie Judy, alone, for two years ending in July of 2009. Apparently, after Ronnie Judy and Meherrin came into dispute about his account there, Ronnie began

ABB

utilizing the Holly Hill Farm Center. The dollar magnitude transacted by Ronnie Judy with Holly Hill Farm Center during the two year period was $24,424.53.

Barbara Dantzler testified that she operates a tax preparation service in St. George. She identified income tax returns of Ronnie Judy for the years 2004, 2005, 2006, 2007, and 2008, which were admitted into evidence without objection. (Trial Exhibits 23-27). Ms. Dantzler prepared tax returns for Todd Judy for the years 2005, 2006, 2007, and 2008 (Trial Exhibits 28-31), which were admitted into evidence. She prepared Ryan Judy's tax return for 2008 (Trial Exhibit 37), which was also admitted into evidence.

The tax returns admitted into evidence reflect that Ronnie Judy reported farm income for 2004 of $42,405.00 and expenses of $50,938.00; income for 2005 of $27,006.00 and expenses of $49,357.00; income for 2006 of $16,111.00 and expenses of $24,381.00; farm income for 2007 of $20,688.00, plus timber income of $22,772.00 and expenses of $52,733.00; farm income for 2008 of $22,220.00, plus timber income of $12,177.00 and expenses of $39,390.00.

Todd Judy's tax returns for 2005, 2006, 2007 and 2008 report a nominal farm income for each of those years of one hundred dollars per year. Todd reported a farm depreciation deduction for each of those years of $8,542.00 per year.

The only tax return for Ryan Judy in evidence was for 2008, which reported $90,536.00 in farm income and $95,081.00 in expenses.

An analysis of the tax returns further reflect that Ronnie Judy deducted on his tax returns the *ad valorem* real property taxes on farmland as farm expenses for the years 2005-2008, whereas Todd and Ryan Judy deducted none.

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On cross examination Ronnie admitted that between 1995 and 2006, he was paid farm subsidies by the federal government totaling $50,111.00. He admitted further to transacting and receiving income from the timber sales reflected on his tax returns. Ronnie Judy admitted that he had engaged in substantial transactions involving the purchase and sale of farm equipment and that he has farm equipment stored on the 9.69 acres upon which he resides, which is a tract of land at issue in this case, although he claimed that the equipment was owned by his sons. He admitted to transacting soy bean sales with Carolina Soya in his own name in 2008, and to the sale of corn to Orangeburg Milling in 2009, totaling 76,080 lbs. He admitted to transacting sales of livestock with Orangeburg Stockyards in 2007 and 2008.

Based upon the evidence recounted above, I find and conclude that, whereas he had conveyed title to his lands to his sons in 1998 for $5.00, love and affection, Ronnie Judy nevertheless retained and enjoyed the full and complete beneficial use and control of those same lands. I conclude that Ronnie conveyed the lands to his sons in 1998 with the intent to avoid their being subject to claims of his creditors.

The 2007 and 2008 Conveyances. On September 10, 2004 Bobby Judy filed suit against Ronnie Judy in the Dorchester County Court of Common Pleas, seeking actual and punitive damages because of Ronnie's alleged destruction of a corn crop on Bobby's lands. The case was non-suited and re-filed in 2005. Jimmy Judy also filed suit against Ronnie on September 10, 2004, alleging Ronnie's malicious destruction of a pond dam on lands that they jointly owned, and seeking actual and punitive damages. That case was also non-suited and re-filed November 28, 2005.

MEB

The cases filed by Bobby and Jimmy were first called for trial at the January 29, 2007 term of Common Pleas Court in Dorchester County. Jimmy Judy testified that he appeared for trial on January 29th with his attorney and with his witnesses, but that Ronnie did not appear because he had been admitted to the hospital. Accordingly, the cases were continued.

The Third Deed. On February 7, 2007, nine days after the lawsuits by Bobby and Jimmy Judy were first called up for trial, Ronnie Judy executed and recorded a deed conveying to Defendant Todd Judy the lands consisting of 10.9 acres and 9.69 acres, Parcels "A" and "B" described in Exhibit "1" to this Order, for a consideration of $5.00, love and affection. (Trial Exhibit 15).

The case tried before me was originally filed September, 27, 2007, naming as Defendants Ronnie F. Judy, J. Todd Judy, and Ryan C. Judy. *The Fourth Deed.* On December 31, 2008 the Defendant Todd Judy recorded a deed conveying to Wanda Judy, who is the wife of Ronnie Judy, the same 10.9 acre and 9.69 acre tracts that had been conveyed to him by Ronnie in February, 2007. The consideration for the conveyance was $5.00, love and affection. (Trial Exhibit 16). Plaintiffs amended their complaint to add Wanda Judy as a party defendant following that conveyance.

Ronnie Judy testified that after the conveyance to his son Todd of the 9.29 acre and 10.9 acre parcels, he owned no more real property in his name. He further testified that he pays no rent to Todd in exchange for living in the home on the 9.69 acre parcel now titled in Todd's name.

The $100,000 Loan to Ronnie. On January 20, 2006, Ronnie signed and filed with the Citizens Bank of St. George, a personal financial statement. On the statement,

MEB

Ronnie represented that his net worth was $1,309,540.00, of which $1,000,075.00 was real estate. One parcel of real estate was identified as 1872 Sandridge, Ronnie's home which is located on the 9.29 acre tract he inherited from Vesta Rumph, and which he later conveyed to his son Todd on February 7, 2007, a conveyance which is challenged in this case. The other parcels identified on the financial statement consisted of one-half interests in 257 acres and 168 acres, respectively. (Trial Exhibit 39-A).

On August 31, 2006, Ronnie borrowed $100,000.00 from the Citizen's Bank, secured by a mortgage on the 9.29 acre home parcel. Six months later, he conveyed the parcel to his son, Todd. Ronnie Judy admitted to taking out this loan "because y'all had filed so many lawsuits against me, Mr. Barr, and I have hired so many lawyers, I had spent in excess of $100,000.00". When asked who was paying on the mortgage, Ronnie replied, "either me or Todd...we all make it...whoever got the money in the bank".

Ronnie further testified that he pays no rent to Todd in exchange for living in the home located on the 9.69 acres.

Identification of the lands at issue.

a. The 1998 deed from Ronnie to Todd Judy (Exhibit 3; recorded in Deed Book 2007, Page 092). This deed conveyed Ronnie's undivided one half interest in tracts which consist of 259, 133, 2.06, 75, 100, 143 and 10.9 acres. The 259 acre tract was thereafter partitioned, as Ronnie held a one-half interest, and Ronnie's former interest in that tract now consists of the 119.44 acre parcel described as parcel "D" and the 10.562 acre parcel described as parcel "E", in Exhibit "1" to this Order.

The 133 acre tract, which was found to actually contain approximately 180 acres, was thereafter partitioned because Ronnie held a one-half interest, and Ronnie's former

MBB

interest in that tract now consists of the 36.63 acre parcel described as parcel "F" and the 52.21 parcel described as parcel "G" in Exhibit "1" to this Order. The 143 acre and 10.9 acre tracts described in the 1998 deed to Todd were portions of the Vesta Rumph estate, and those conveyances were implicitly set aside in the Order of the Probate Judge which are exhibits of record in this case.

b. The 1998 conveyances to Todd and Ryan Judy, jointly. (Exhibit 3-A; Deed Book 2077, Page 092). The lands described in this deed, consisting of tracts of 87.78 acres, 59 acres, and .9 acres, were titled in the name of Ronnie Judy, alone, prior to the 1998 conveyance. They are described as parcels "H", "I" and "J" in Exhibit "1" to this Order.

c. The 2007 conveyance to Todd Judy; and Todd's 2008 conveyance to Wanda Judy. The Probate Judge restored title to Ronnie, and by deed conveyed title to him, to the 9.29 acre and 10.9 acre tracts, in partition of the lands of the estate of Vesta Rumph. (Trial Exhibits 13 & 14). The 9.29 acre and 10.9 acre tracts are described as parcels "A" and "B" in Exhibit "1" to this Order.

CONCLUSIONS OF LAW

The Statute of Elizabeth is codified in South Carolina Code Sections 27-23-10, et seq, and provides, in relevant part: "Every...conveyance of land...made to or for any intent or purpose to delay, hinder, or defraud creditors and others of their just and lawful actions...must be deemed...to be clearly and utterly void...".

Conveyances may be set aside for both existing creditors as well as subsequent creditors. *Mathis v. Burton*, 319 S.C. 261, 460 S.E.2d 406 (Ct.App. 1995).

ALB

Existing Creditors. As for existing creditors, conveyances can be set aside in two instances:

a. First, where the challenged transfer was made for a valuable consideration, it will be set aside if the Plaintiff establishes that (1) the transfer was made by the grantor with the actual intent of defrauding his creditors; (2) the grantor was indebted at the time of transfer; and (3) the grantor's intent is imputable to the grantee.

b. Second, where the transfer was not made on a valuable consideration, no actual intent to hinder or delay creditors must be proven. Instead, as a matter of equity, the transfer will be set aside if the Plaintiff shows that (1) the grantor was indebted to him at the time of the transfer; (2) the conveyance was voluntary; and (3) the grantor failed to retain sufficient property to pay the indebtedness to the Plaintiff in full – not merely at the time of transfer, but in the final analysis when the creditor seeks to collect his debt. *Mathis v. Burton, supra,* 319 S.C. at 264, 265; citing *Durham v. Blackard*, 313 S.C. 432, 438 S.E.2d 259 (Ct.App. 1993).

Subsequent Creditors. For subsequent creditors a conveyance may be set aside when (1) the conveyance was "voluntary," that is, without consideration and (2) it was made with a view to future indebtedness or with an actual fraudulent intent on the part of the grantor to defraud creditors. *Mathis v. Burton, supra,* 319 S.C. at 265; citing *Gentry v. Lanneau*, 54 S.C. 514, 32 S.E. 523 (1899); *Parker Peanut Co. v. Felder*, 200 S.C. 203, 20 S.E.2d 716 (1942). Subsequent creditors must show "actual moral fraud" rather than legal fraud. *Gentry v. Lanneau, supra.*

Transfers to members of the family shifts the burden to the transferee. In the case of *Windsor Properties, Inc. v. Dolphin Head Construction Co., Inc.*, 331 S.C. 466, 498

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S.E.2d 858 (Sup.Ct. 1998), the South Carolina Supreme Court held that where a transfer is not made on a valuable consideration, no actual intent to hinder or delay creditors needs to be proved. As for the family nature of a conveyance, the Supreme Court stated, "It is well established that where transfers to members of the family are attacked either upon the ground of actual fraud or on account of their voluntary character, the law imposes the burden on the transferee to establish both a valuable consideration and the *bona vides* of the transaction by clear and convincing testimony." 331 S.C. at 471.

Finality of judgment is not a prerequisite to a cause of action under the Statute of Elizabeth. In the case of *Brown v Butler, 347 S.C. 259, 554 S.E.2d 431 (Ct. App. 2001), citing 37 Am Jur. 2d, Fraudulent Conveyances, Section 118, at p. 618 (2001),* the Court of Appeals held that the language of the Statute of Elizabeth extending its protection to both creditors and "others" refers, by "others", to "persons who, like creditors, have causes of action which may be prejudicially affected by a transfer of assets by one against whom a cause of action exists." 347 S.C. at 264. (Emphasis added.)

CONCLUSIONS OF LAW AND FACT

The real property conveyances challenged in this case fall into two categories. The first category consists of the conveyance by Ronnie Judy to Todd Judy in 2007, and by Todd to Wanda Judy in 2008 of the 9.69 and 10.9 acre parcels inherited by Ronnie Judy from the Estate of Vesta Rumph. Both conveyances were made while lawsuits filed by Plaintiffs in this case were pending against Ronnie. These conveyances will be referred to hereafter as the "recent conveyances."

The second category of conveyances consists of the 1998 deeds from Ronnie to Todd and from Ronnie to Todd and Ryan. The 1998 deed from Ronnie to Todd conveyed

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lands in which Ronnie held an undivided one half interest. The 1998 deed from Ronnie to Todd and Ryan conveyed lands owned by Ronnie, outright. These will be referred to hereafter as the "remote conveyances".

The recent conveyances. Ronnie conveyed to Todd and Todd conveyed to Wanda the parcels described in Exhibit "1" to this Order as "A" and "B", consisting of 9.69 and 10.9 acres. The consideration recited in each of the deeds was "$5.00, love and affection"; that is to say the conveyances were made without full consideration. Ronnie testified that he retained no assets following his conveyance to Todd in 2007. He further testified that he paid no rent to Todd for the 9.69 acres on which Ronnie continues to live. Ronnie represented on financial statements that he owned parcels "A" and "B", and he borrowed $100,000 on the 9.69 acre tract six months before conveying title to Todd. He has utilized the funds for his personal purpose.

At trial, neither Todd nor Wanda, as grantees, offered to explain the conveyances to them.

At the time of the recent conveyances, lawsuits were pending against Ronnie Judy by Bobby Judy and by Jimmy Judy, as well as by Meherrin Agricultural and Chemical Co. Under the settled law of this state, as enunciated in the case of *Mathis v. Burton, supra.*, Ronnie was "indebted" to Bobby Judy, to Jimmy Judy, and to Meherrins by virtue of their pending lawsuits. The conveyances were voluntary; that is to say they were made to family members for no consideration. By his own admission Ronnie Judy failed to retain property to pay the indebtedness to Bobby. Although the status of the judgment held by Jimmy Judy is uncertain, it is clear that the judgment held by Bobby Judy is final.

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Moreover, the conveyance by Todd Judy to Wanda Judy of the 10.9 and 9.69 acre parcels during the pendency of this action is further evidence of an actual intent by the Defendants to evade creditors.

In the circumstances, I find and conclude that the conveyance by Ronnie Judy to Todd Judy of the 9.69 acre parcel and the 10.9 acre parcel by deed dated February 7, 2007 and recorded in Book 5844, Page 224 in the Office of the Register of Deeds for Dorchester County was a fraudulent conveyance and that the same should be set aside, and title restored to the name of Ronnie Judy. Further the conveyance by J. Todd Judy to Wanda B. Judy by deed dated December 31, 2008 and recorded in Book 6908 Page 71 should be set aside, and title restored to Ronnie Judy.

The remote conveyances. I find and conclude from the evidence that Ronnie Judy engaged in the 1998 conveyance to Todd and the 1998 conveyance to Todd and Ryan with an actual fraudulent content to evade his creditors. Accordingly, title to parcels enumerated as "C", "D", "E", "F", "G", "H", "I", and "J", in Exhibit "1", hereto should be restored to the name of Ronnie Judy.

The evidence of Ronnie Judy's fraudulent intent in consummating the 1998 conveyances was manifest from the evidence. First, as the Court has previously found, Ronnie told his brother Jimmy in 1998 that he intended to make the conveyances to his sons in order to avoid a potential judgment by the creditor with whom he was involved in the combine incident. Secondly, although title to the farmlands and to the timberlands was no longer held in Ronnie's name, he continued to enjoy the benefits of full ownership. He represented on financial statements filed with Meherrin and with Citizens Bank that he owned and farmed the lands. Ronnie incurred substantial indebtedness on

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the farmlands, as evidenced by the testimony and records from representatives of Meherrin Agricultural and Chemical Company and from Holly Hill Farm Center. Ronnie's tax returns reflect substantial farm revenues, as well as timber sales, from the lands for the years offered into evidence, 2005 through 2008. Moreover, on his tax returns for each of those years Ronnie Judy claimed deductions for payments of *ad valorem* property taxes on the farmlands. Although during the same years, Todd Judy showed a nominal $100.00 per year farm income, the Court concludes that the nominal income was allocated to Todd to enable his claim for depreciation deductions on farm equipment, against his personal income for income tax purposes. Although significant farm income was reported for Ryan Judy for 2008, it is apparent that farming activity for that year was influenced by the filing of the case now before the Court. Moreover, neither Todd Judy nor Ryan Judy chose to testify, or to explain in any way, the nature of the farming activity or the fact that Ronnie Judy had reported the substantial farm revenues and expenses for the entire period described in the evidence.

Accordingly, I find and conclude that title to the lands described in the 1998 deeds, and more specifically set forth in Exhibit "1" to this Order as parcels "C", "D", "E", "F", "G", "H", "I", and "J", shall be restored to the name of Ronnie Judy.

Implementing the Court's Findings. The Statute of Elizabeth provides, in Code Section 27-23-10, that conveyances made for the purpose to delay, hinder or defraud creditors "must be deemed and taken...to be clearly and utterly void, frustrate and of no effect..."

The 2007 and 2008 conveyances (the "recent conveyances") by Ronnie Judy to Todd and by Todd to Wanda Judy may be simply rectified by declaring the underlying

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conveyances to be void. The circumstances of the 1998 conveyances (the "remote conveyances") are more complex, inasmuch as, succeeding those conveyances, partitions were effected by Master's Deeds and by deeds exchanged by the parties to implement partition orders. Notably, all relevant partition deeds are in evidence before the Court, and the parties to the partition deeds are also parties to this action.

The interests of equity and justice would be frustrated were the Court to void the 1998 conveyances and to thereby create questions as to the quality and marketability of the titles conveyed to the innocent parties in the partition actions.

I conclude that the equitable resolution in this case is to declare, *sua sponte*, that the respective partition deeds that were the product of fraudulent conveyances be deemed reformed, the same as if Ronnie Judy were a party to the partition actions and putative grantor or grantee, as the case may be, to the partition deeds; so that the public records of Dorchester County should reflect the partitioned conveyances to have been made in the name of and for the benefit of Ronnie F. Judy, rather than for Todd Judy and Ryan Judy. Ronnie F. Judy was the real party in interest in the partition proceedings by reason of his antecedent fraudulent conveyances.

South Carolina courts have held that "the reformation of written contracts for fraud or mistake is an ordinary head of equity jurisprudence", meaning a distinct branch of equity jurisprudence. *Jumper vs. Queen Nab Lumber Co., 115 S.C. 452, 106 S. E. 473 (1921), citing Moffett vs. Rochester, 178 U. S. 373, 20 S.Ct. 957 (1900).* Our courts have likewise recited the proposition that fraud constitutes a basis for a Court of Equity to reform an instrument. *Groce vs. Benson, 168 S.C. 145, 167 S. E. 151 (1933); Aiken Petroleum, Co. vs. Natural Petroleum Underwriters, etc., 207 S. C. 236, 36 S.E.2nd 380*

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(1945). Accordingly, I conclude that the mechanism to best implement the Court's previous findings that the 1998 conveyances by Ronnie Judy were fraudulent is to reform the partition conveyances that putatively named Todd Judy and Ryan Judy as grantees in the partition deeds, so that Ronnie Judy is deemed to have been a grantee of the partition deeds. The intention of this ruling is to restore to Ronnie Judy the same interests in the lands that were partitioned, as if he had originally been a named party to the partition actions and deeds.

Attorney Fees and Costs. Plaintiffs seek an award of attorney fees and costs. As for costs, as prevailing parties, Plaintiffs are entitled to recover their costs in accordance with Section 15-37-10, Code of Laws of South Carolina for 1976, as amended.

As for attorney fees, ordinarily they are not recoverable unless authorized by contract or statute. *Baron Data Systems, Inc. vs. Loter, 297 S.C. 382, 377 S.E.2nd 296 (1989)*. However, the Supreme Court of the United States and the appellate courts of other states have recognized a "bad faith" exception to the so-called "American Rule" which provides that parties shall pay their own attorney fees.

In *Alyeska Pipeline Service Co. vs. Wilderness Society, 421 U.S. 240, 95 S.Ct. 1612 (1975)*, although reversing a circuit court ruling which affirmed an attorney fee award under a "private attorney general" theory, the United States Supreme Court recognized an exception to the "American Rule" "when the losing party has 'acted in bad faith, vexatiously, wantonly, or for oppressive reasons...'"citing *F. D. Rich Co, Inc. vs. United States for the use of Industrial Lumber, Co. Inc., 417 U.S 116, 1994 S. Ct. 2157 (1974), 421 U. S. at 250, 259.*

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The "bad faith exception" has likewise been recognized by other federal and state courts. See, e.g. *Robinson, et. al. v. Richie, et. al., 646 F2nd 147 (4th Circuit 1981); Brice v. State Department of Corrections, 704 A2nd 1176 (Delaware 1998).*

In the later United States Supreme Court decision of *Roadway Express, Inc. vs. Piper, 447 U. S. 752, 100 S.Ct. 2455 (1980)*, the United States Supreme Court held that "bad faith" may be found not only in the actions that led to the lawsuit, but also in the conduct of the litigation, citing *Hall vs. Cole, 412 U. S. 1, 15, 93 S.Ct. 1943, 1951 (1973), 47 U. S. at 766.* In South Carolina the bad faith exception, at least as it applies to the filing of an action, has been codified in the South Carolina Frivolous Civil Proceedings Sanctions Act, Sections 15-36-10, *et. seq.* Code of Laws of South Carolina for 1976, as amended. I find and conclude, as well, that this Court also holds the equitable authority pursuant to the principles enunciated by the United States Supreme Court in the *Roadway Express* case, *supra*, to also consider the conduct of the parties in the course of the litigation, in awarding attorney fees.

It is also relevant that the provisions of Code Section 27-23-30, included within the chapter on fraudulent conveyances, provides for penal consequences to parties who participate in the fraud. Although the language of the section is dated, having first been written at least as long ago as the year 1712, the section clearly supports the contention that knowing participants in fraudulent conveyances should suffer some penalty or consequence as a result by "forfeit(ing) one year's value of such lands."

In the circumstances I find and conclude that the Defendants Ronnie F. Judy and J. Todd Judy should be liable for attorney fees because of their vexatious conduct. Ronnie Judy obviously made the 2007 conveyance to Todd Judy of the 10.9 and 9.69 acre parcels

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for the purpose of avoiding his potential liability in the lawsuits pending against him by Bobby Judy, Jimmy Judy and by Meherrin Agriculture & Chemical, Co. The Court has previously found as a matter of fact that the 2007 conveyance was made during the very week following the first call of the cases to trial that had been filed by Bobby Judy and Jimmy Judy.

Todd Judy's conduct is arguably even more egregious. While the case currently before the Court was pending, Todd conveyed to Wanda the same 9.69 and 10.9 acre parcels, for no apparent reason than to confound and delay this case. The 2007 and 2008 transfers were made without consideration, and neither Todd Judy, Ryan Judy nor Wanda Judy offered to testify or to explain to the Court the circumstances of those transfers.

Plaintiffs have filed with the Court an affidavit of their attorney which reflects the extent of his legal experience, and the time and expenses invested in the prosecution of this case. In the case of *Baron Data Systems, Inc. vs. Loter, supra,* the Supreme Court of South Carolina set forth six factors that should be considered by the Court in making an award of attorney fees, which the Court will address as follows:

1. The nature, extent and difficulty of the legal services rendered.

As the Court has previously found, the Defendants in this case have attempted to transfer the assets of Ronnie F. Judy outside the reach of his creditors. Particularly as to the 1998 conveyances, although the evidence presented at the hearing before me was short and concise, it is apparent from the affidavit of Plaintiffs' attorney that a great deal of time was devoted to the preparation of the case, and that significant effort was expended in discovering documents from banks, tax preparers, farm suppliers and others,

in order to demonstrate to the Court that Ronnie F. Judy retained the beneficial use of the properties he had conveyed to his sons.

2. The time and labor necessarily devoted to the case.

The amount of attorney time dedicated to the prosecution of this case was reasonable. Based upon the Court's review of the affidavit and the attorney's detailed billing statement to which it is an exhibit, four depositions were taken in the case and six separate motion appearances were made by counsel prior to trial. One additional court appearance was made for trial before the Master in Equity for Dorchester County; however Ronnie Judy had been hospitalized so that the trial was continued. Thereafter the Master recused himself and the trial was referred to this Court. Many hours were expended in the case, but the activity was also intense and necessary.

3. The professional standing of counsel.

Mr. Barr is an experienced, skilled attorney of high professional standing in the community.

4. The contingency of compensation.

This consideration does not apply because this was not a contingency case.

5. The fee customarily charged in the locality for similar legal services.

I find and conclude that the hourly fee charged by Mr. Barr, $250 per hour, is fair and reasonable, consistent with fees customarily charged in the locality, and in accord with an attorney of Mr. Barr's experience.

6. The beneficial result obtained.

The efforts of the attorney for Plaintiffs produced a complete result in this case: the setting aside of all conveyances that were challenged. From a monetary perspective,

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and because the existence of the judgment held by Jimmy Judy is in doubt due to the reversal of that judgment by the Court of Appeals as affirmed by the Supreme Court, I must assign more weight to the judgment held by Bobby Judy, rather than to that of Jimmy Judy, in considering an appropriate fee award. In short, the efforts of the attorney have most probably enabled the collection of Bobby Judy's judgment in the sum of $37,668.00, plus judgment interest from May 2, 2007.

In the circumstances, and although the Supreme Court in the *Baron Data* case recites other jurisdictions which have approved the award of attorney's fees that exceed the verdict obtained, I find and conclude that an award of attorneys fees in the sum of $7,000.00 is fair, equitable and reasonable, considering all of the circumstances of this case.

I further find and conclude that the Defendants shall be liable for the costs of this action as provided in Section 15-37-10, *et seq,* Code of Laws for South Carolina for 1976, as amended; and additionally they shall be liable for a fee to the Special Referee under Section 15-37-140, which fee shall be paid within thirty days of this Order by Plaintiffs, and assessed as a judgment for Plaintiffs against Defendants, in addition to the judgment herein awarded for attorney fees.

I conclude that a fee to the Special Referee in the sum of $800.00 is fair and reasonable. The Court has spent a day in contested hearing of the case, and two days in review of the pre-trial brief, the pleadings, and, thereafter, in the consideration of the within Order.

Accordingly, it is

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ORDERED that the deed from Ronnie F. Judy to J. Todd Judy dated and recorded February 7, 2007 in Book 5844 Page 224, Office of the Dorchester County Register of Deeds, be and the same is herein declared to be clearly and utterly void, and title to the lands described therein, more specifically set forth as parcels "A" and "B" in Exhibit "1" to this Order, are hereby vested and restored to the name of Ronnie F. Judy; and it is further

ORDERED that the deed from J. Todd Judy to Wanda B. Judy signed and recorded December 31, 2008 in Book 6902 Page 71, Office of the Dorchester County Register of Deeds, be and the same is hereby declared to be clearly and utterly void, and title to the lands described therein, more fully set forth as parcels "A" and "B" in Exhibit "1" to this Order, are hereby vested and restored to the name of Ronnie F. Judy; and it is further

ORDERED that the deed from Ronnie F. Judy to J. Todd Judy dated and filed November 1, 1998 in Book 2077 Page 96, Office of the Dorchester County Register of Deeds, be and the same is hereby declared to be clearly and utterly void, and the undivided one half interest in title to the lands described therein, subject to the Reformed Deed of Partition hereafter recited, are hereby vested and restored to the name of Ronnie F. Judy; and it is further

ORDERED that the deed heretofore issued by this Court dated November 15, 2004 and recorded November 17, 2004 in Book 4425 Page 221, Office of the Dorchester County Register of Deeds, conveying certain parcels described in Exhibit "1" to this Order as parcels "C", "D" and "E" be in the same is hereby Reformed, so as to the name as Grantee thereof the Defendant Ronnie F. Judy; and it is further

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ORDERED that the deed from Ronnie Judy to J. Todd Judy and Ryan C. Judy, dated and filed November 16, 1998 in Book 2077 Page 92, Office of the Dorchester County Register of Deeds, be and the same is hereby declared to be clearly and utterly void and title to the lands described therein, subject to the Reformed Deed of Partition hereafter recited, is hereby vested and restored to the name of Ronnie F. Judy, thereby confirming in the said Ronnie F. Judy title to the lands more fully set forth as parcels "H", "I" and "J" in Exhibit "1" to this Order, and it is further;

ORDERED that the deed from Bobby Judy to J. Todd Judy dated July 17, 2005 and recorded July 18, 2005 in Book 4813 Page 66, Office of the Dorchester County Register of Deeds, pursuant to Order of the Court in the partition action therein recited, be and the same is hereby Reformed so as to designate as Grantee thereof Ronnie F. Judy, thereby vesting in Ronnie F. Judy the lands therein described and also set forth as parcels "F" and "G" on Exhibit "1" to this Order; and it is further

ORDERED that this Court shall execute and deliver to the attorney for Plaintiff for recording on or after fifteen (15) days following the date of the filing of this Order, a Master's Deed in the form attached hereto as Exhibit "2", restoring titles to Defendant Ronnie F. Judy as herein ordered; and it is further

ORDERED that the Dorchester County Register of Deeds shall accept for filing a certified copy of this Order to be indexed in the Grantor's index of deeds for Dorchester County under the names "Ronnie F. Judy", "J. Todd Judy", "Ryan C. Judy", and "Wanda B. Judy"; and it is further

ORDERED that Judgment is herewith awarded in favor of the Plaintiffs and against the Defendants Ronnie F. Judy and J. Todd Judy, jointly and severally, for the

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total sum of $7,800.00, representing $7,000 for attorney fees and $800.00 paid by Plaintiffs to this Court as a Special Referee's fee; and it is further,

ORDERED that the Defendants, and each of them jointly and severally, shall be liable for the costs of this action in accordance with Section 15-37-10, Code of Laws of South Carolina for 1976, as amended;

AND IT IS SO ORDERED.

Martin R. Banks, Special Referee

St. Matthews, South Carolina
~~October~~ December 16, 2011

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EXHIBIT "1"

Parcel A:

All that certain piece, parcel or tract of land with buildings and improvements thereon, measuring and containing 9.29 acres, more or less, formerly being a part of 143 acres, more or less, situate, lying and being in School District No. 4, County of Dorchester, State of South Carolina, and butting and bounding now or formerly as follows, to wit: bounded on the East by Sandridge Road; On the North by lands now or formerly of Ronnie F. Judy and James T. Judy, on the West by lands now or formerly of Ronnie F. Judy and James T. Judy, and on the South by S-18-19 aka Wire Road. This being the same property depicted on a plat prepared by Albert R. Judy, PLS(S.C.P.L.S. No. 17570) dated November 20, 1999 titled "PLAT SHOWING PROPERTY OF VESTA J. BROWN RUMPH ESTATE ABOUT TO BE CONVEYED TO RONNIE F. JUDY LOCATED SOUTH OF PREGNALL, DORCHESTER CO. SC" and recorded on November 21, 2001, in the RMC Office for Dorchester County in Plat Book K-9.

Being the property conveyed by The Honorable Tiffany Provence, Judge of Probate for Dorchester County, to Ronnie F. Judy by Deed recorded in the Office of the Dorchester County Register of Deeds in Book 4324 Page 286; and thereafter conveyed by said Ronnie F. Judy to J. Todd Judy by Deed recorded in Book 5844 Page 2244; and thereafter conveyed by the said J. Todd Judy to Wanda B. Judy by Deed recorded in Book 6902 Page 71.

TMS: 104-00-00-45

Parcel B:

All that certain piece, parcel, or tract of land situate, lying and being in School District 4, County of Dorchester, State of South Carolina, measuring and containing 10.9 acres more or less, butting and bounding now or formerly as follows, to wit: on the Northeast by lands now or formerly of Florrie Bell Flannigan, on the Southeast by lands now or formerly of Hezikiah Bryant; on the Southwest by lands now or formerly of the Estate of Robert S. Gruber; and on the Northwest by lands now or formerly of Lee Haynes.

Being the property conveyed by The Honorable Tiffany Provence, Judge of Probate for Dorchester County, to Ronnie F. Judy by Deed recorded in the Office of the Dorchester County Register of Deeds in Book 4324 Page 286; and thereafter conveyed by said Ronnie F. Judy to J. Todd Judy by Deed recorded in Book 5844 Page 2244; and thereafter conveyed by the said J. Todd Judy to Wanda B. Judy by Deed recorded in Book 6902 Page 71.

TMS: 103-00-00-020

Parcel C:

All that certain piece, parcel or tract of land with buildings and improvements thereon, measuring and containing 71.58 acres, more or less, situate, lying and being in Givhans Township, Dorchester County, State of South Carolina, and designated as Tract 2 on a plat prepared by Albert R. Judy, PLS (S.C.P.L.S. No. 17570) dated July 28, 2004 and titled "DIVISION PLAT SHOWING TRACT 1 & 2 PROPERTY OF JAMES T. JUDY & J. TODD JUDY LOCATED EAST OF GROVER DORCHESTER CO. SC" and recorded on September 14, 2004 in the Office of RMC/ROD for Dorchester County in Plat Book K-117.

Being a portion of property conveyed by Vesta Rumph to Ronnie F. Judy and James T. Judy by Deed recorded October 29th, 1982 in the Office of the Dorchester County Register of Deeds, Book 475 Page 323.

TMS: 104-00-00-065

Parcel D:

All that certain piece, parcel or tract of land, with buildings and improvements thereon, measuring and containing 119.44 acres, more or less, situate lying and being in Koger Township, Dorchester County, State of South Carolina, and designated as Tract A on a plat prepared by Albert R. Judy, PLS (S.C.P.L.S. No. 17570) dated August 16, 2004 and titled "DIVISION PLAT SHOWING TRACT A & TRACT B PROPERTY OF JAMES T. JUDY AND J. TODD JUDY LOCATED WEST OF GROVER DORCHESTER CO. SC" and recorded in the Office of RMC/ROD for Dorchester County on September 14, 2004 in Plat Book K-117.

Being a portion of a 259 acre tract conveyed by Blease Judy to Ronnie F. Judy by Deed recorded in the Office of the Dorchester County Register of Deeds in Book 146 Page 17; a one-half interest in which was thereafter conveyed by Ronnie F. Judy to James T. Judy by Deed Recorded in Book 442 Page 264; and thereafter Ronnie F. Judy conveyed his one half interest to J. Todd Judy by Deed recorded in Book 2077 Page 96; and thereafter the Master-In-Equity by Partition Deed, conveyed the within tract to J. Todd Judy by Deed recorded in Book 4425 Page 221.

TMS: 077-00-00-009

Parcel E:

All that certain piece, parcel or tract of land, with buildings and improvements thereon, measuring and containing 10.562 acres, more or less, situate lying and being in Koger Township, Dorchester County, State of South Carolina, and designated as Tract 2A, Tract 2B, and Tract 2C on a plat prepared by Albert R.

Judy, PLS (S.C.P.L.S. No. 17570) dated July 28, 2004 and titled "DIVISION PLAT SHOWING TRACT 1 & TRACT 2 PROPERTY OF JAMES T. JUDY AND J. TODD JUDY LOCATED WEST OF GROVER DORCHESTER CO. SC" and recorded in the Office of RMC/ROD for Dorchester County on September 14, 2004 in Plat Book K-117.

Being a portion of a 259 acre tract conveyed by Blease Judy to Ronnie F. Judy by Deed recorded in the Office of the Dorchester County Register of Deeds in Book 146 Page 17; a one-half interest in which was thereafter conveyed by Ronnie F. Judy to James T. Judy by Deed Recorded in Book 442 Page 264; and thereafter Ronnie F. Judy conveyed his one half interest to J. Todd Judy by Deed recorded in Book 2077 Page 96; and thereafter the Master-In-Equity by Partition Deed, conveyed the within tract to J. Todd Judy by Deed recorded in Book 4425 Page 221.

TMS: 077-00-00-018

Parcel F:

Tract 1 – All that certain piece, parcel and tract of land situate, lying and being on the East side of Interstate Highway 95, in Koger Township, in the County of Dorchester, State of South Carolina containing 36.63 acres, more or less, being shown and designated as Tract 1 on a plat prepared by Rhode Surveying, Inc. dated December 14, 2004, entitled "A Plat Showing Tract 1 and Tract 2 Property of Bobby and J. Todd Judy Located on the East Side of Interstate Highway 95 Near St. George, Dorchester County, South Carolina", and recorded in the RMC Office for Dorchester County in Plat Book K at Page 149, said plat being incorporated herein as a part of this legal description with all metes and bounds as shown thereon being incorporated and said tract being bounded now or formerly as follows: On the North by lands of Marian S. Howell (TMS 044-00-00-067); on the Northeast and East by lands of Marian S. Howell (TMS 044-00-00-067); and on the South by Tract 2 as shown on said plat and lands of J. Todd Judy (TMS 057-00-00-014); and on the West and Northwest by Interstate Highway 95 as shown on said plat, and a fifty (50') foot ingress/egress across Tract 2 as shown on said plat running from Tract 1 to the Frontage Road as shown on said plat as Munchkin Lane.

Being a portion of a purported 133 acre parcel (later determined to actually contain 180 acres more or less), an undivided ½ interest in which was conveyed by Blease Judy to Ronnie F. Judy by Deed recorded in the Office of the Dorchester County Register of Deeds in Book 145 Page 487; thereafter Ronnie F. Judy conveyed his ½ interest to J. Todd Judy by Deed Record in Book 2077 Page 96; and thereafter, pursuant to Order of Partition, Bobby Judy conveyed the same to J. Todd Judy by deed recorded in Book 4813 Page 66.

TMS: 057-00-00-107

Parcel G:

Tract 2 – All that certain piece, parcel and tract of land situate, lying and being on the West side of Interstate Highway 95, in Koger Township, in the County of Dorchester, State of South Carolina containing 52.51 acres, more or less, being shown and designated as Tract 2 on a plat prepared by Rhode Surveying, Inc. dated December 14, 2004, entitled "A Plat Showing Tract 1 and Tract 2 Property of Bobby and J. Todd Judy Located on the West Side of Interstate Highway 95 Near St. George, Dorchester County, South Carolina", and recorded in the RMC Office for Dorchester County in Plat Book K at Page 150, said plat being incorporated herein as a part of this legal description with all metes and bounds as shown thereon being incorporated and said tract being bounded now or formerly as follows: On the North and Northeast by Tract 1 as shown on said plat; on the East and Southeast by Interstate Highway 95 as shown on said plat; on the South and Southwest by lands of Frances L. Moore, et al (TMS 057-00-00-006) and by lands of Vandy T. Judy Jr. (TMS 057-00-00-004); and on the West and Northwest by Old Mill Pond Road separating Tract 2 from lands of Vandy T. Judy, Jr. (TMS 057-00-00-004), lands of C.F. Judy (TMS 044-00-00-105) and lands of Gayle J. Pace (TMS 044-00-00-028).

Being a portion of a purported 133 acre parcel (later determined to actually contain 180 acres more or less), an undivided ½ interest in which was conveyed by Blease Judy to Ronnie F. Judy by Deed recorded in the Office of the Dorchester County Register of Deeds in Book 145 Page 487; thereafter Ronnie F. Judy conveyed his ½ interest to J. Todd Judy by Deed Record in Book 2077 Page 96; and thereafter, pursuant to Order of Partition, Bobby Judy conveyed the same to J. Todd Judy by deed recorded in Book 4813 Page 66.

TMS: 044-00-00-128

Parcel H:

All that certain piece, parcel or tract of land, situate, lying and being in School District No. 4, County of Dorchester, State of South Carolina, containing Eighty Seven and Seventy Eight one hundredths (87.78) acres, more or less, and bounding and measuring now or formerly as follows, to-wit: On the North by State Highway S-18-19 (the wire road) and seven lots owned now or formerly of Mayes, Belser, Bryant, Britt, Singletary and Dereef; on the East by lands of Grace J. Heaton and Will H. Fralix; on the South by lands of Ronnie F. and James T. Judy; on the West by lands of James H. Weathers and lands of Albertha R. Brothers.

The above described tract of land is the identical tract of land shown as 87.78 acres on a plat of survey in the Cow Tail Community Dorchester County, S.C. owned by Camille H. Weathers by Stephens Engineering Inc. by W.T. Stephens,

P.E. and R.L.S. recorded in Plat Book G, Page 2.

Being the property conveyed by Camille H. Weathers to Ronnie F. Judy by Deed recorded in Office of the Dorchester County Register of Deeds in Book 809 Page 307; and thereafter conveyed by Ronnie F. Judy to J. Todd Judy and Ryan C. Judy by Deed recorded in Book 2077 Page 92.

TMS: 068-00-00-048

Parcel I:

All that certain piece, parcel or tract of land situate, lying and being in the County of Dorchester, State of South Carolina, measuring and containing fifty-nine (59) acres, more or less and bounded now or formerly as follows: North by the lands of J. Gavin Appleby; East by lands of James T. Judy and Ronnie F. Judy; South by the dirt road of Dorchester County; West by the lands of Mrs. Tina Kennerly.

The above described tract of land is the identical tract of land conveyed to Ronnie F. Judy by deed of Charles L. Appleby, Jr. dated March 17, 1986 and recorded in the R.M.C. office for Dorchester County in Deed Book 558, Page 460.

Being the property conveyed to Ronnie F. Judy by Charles L. Appleby, Jr. by Deed recorded in Office of the Dorchester County Register of Deeds in Book 558 Page 460; and thereafter conveyed by Ronnie F. Judy to J. Todd Judy and Ryan C. Judy by Deed recorded in Book 2077 Page 92.

TMS: 077-00-00-014

Parcel J:

All that certain piece, parcel or lot of land, with the improvements thereon, situate, lying and being near Grover, Dorchester County, South Carolina, containing .9 of an acre, more or less, butting, bounding and measuring as more fully shown on plat hereinafter referred to, as follows, to-wit: On the Northeast by Highway S-18-19, 124 feet; on the Southeast by Evelyn W. Jackson, 315 feet; on the Southwest by Evelyn W. Jackson, 124 feet; and on the Northwest by lands belonging to James Singletary, 315 feet.

The above described lot of land is more fully delineated on a plat entitled "Plat of Survey of .9 Ac. for Sammie Dereef, near Grover, Dorchester County, South Carolina," made by Bobby M. Long, RLS S.C. No. 3611, August 2, 1972, recorded in RMC office for Dorchester County in Plat Book 19, Page 268.

Being the property conveyed by United States of America on behalf of the FHA, U. S. Department of Agriculture, to Ronnie F. Judy by Deed recorded in the

Office of the Dorchester County Register of Deeds in Book 1381 Page 260; and thereafter conveyed by Ronnie F. Judy to J. Todd Judy and Ryan C. Judy by Deed recorded in Book 2077 Page 92.

TMS: 068-00-00-034

EXHIBIT "2"

STATE OF SOUTH CAROLINA	)	
	)	TITLE TO REAL ESTATE
COUNTY OF DORCHESTER	)	(Judicial Deed)

Whereas the conveyances herein are made pursuant to the Order of the Court of Common Pleas for the First Judicial Circuit dated October _____, 2011 and filed October _____, 2011 in that certain action to set aside deeds of conveyance pursuant to the Statute of Elizabeth, Sections 27-23-10, *et seq*, Code of Laws of South Carolina for 1976, as amended, in an action captioned *James T. Judy, Bobby Judy and Kevin Judy, Plaintiffs vs. Ronnie F. Judy, J. Todd Judy, Ryan C. Judy and Wanda Judy, Defendants,* Case No. 2007-CP-18-1794.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, That I, Martin R. Banks, Master in Equity for Calhoun County and Special Referee under appointment Order filed in the Office of the Clerk of Court for Dorchester County on May 23, 2011, pursuant to the above referenced Order, and further pursuant to Sections 27-23-10, *et seq,* of the Code of Laws of South Carolina for 1976, as amended, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto RONNIE F. JUDY, his Successors, Heirs, and Assigns forever, the following described real property:

See Exhibit "A"

SUBJECT to all covenants, easements and restrictive covenants of record, and to all applicable governmental statutes, ordinances, rules and regulations.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anyway incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said RONNIE F. JUDY, his Successors, Heirs and Assigns forever.

WITNESS my Hand and Seal this _____ day of October in the year of our Lord two thousand eleven and in the two hundredth and thirty-six year of the Sovereignty and Independence of the United States of America.

_____
Martin R. Banks
Special Referee

Signed, Sealed and Delivered
In the Presence of:

_____

_____

STATE OF SOUTH CAROLINA)
)
COUNTY OF CALHOUN)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged by me this _____ day of October, 2011 by Martin R. Banks, Special Referee (also Master-In-Equity for Calhoun County).

_____
Notary Public for South Carolina

My Commission Expires: _____

EXHIBIT "A"

Parcel A:

All that certain piece, parcel or tract of land with buildings and improvements thereon, measuring and containing 9.29 acres, more or less, formerly being a part of 143 acres, more or less, situate, lying and being in School District No. 4, County of Dorchester, State of South Carolina, and butting and bounding now or formerly as follows, to wit: bounded on the East by Sandridge Road; On the North by lands now or formerly of Ronnie F. Judy and James T. Judy, on the West by lands now or formerly of Ronnie F. Judy and James T. Judy, and on the South by S-18-19 aka Wire Road. This being the same property depicted on a plat prepared by Albert R. Judy, PLS(S.C.P.L.S. No. 17570) dated November 20, 1999 titled "PLAT SHOWING PROPERTY OF VESTA J. BROWN RUMPH ESTATE ABOUT TO BE CONVEYED TO RONNIE F. JUDY LOCATED SOUTH OF PREGNALL, DORCHESTER CO. SC" and recorded on November 21, 2001, in the RMC Office for Dorchester County in Plat Book K-9.

Being the property conveyed by The Honorable Tiffany Provence, Judge of Probate for Dorchester County, to Ronnie F. Judy by Deed recorded in the Office of the Dorchester County Register of Deeds in Book 4324 Page 286; and thereafter conveyed by said Ronnie F. Judy to J. Todd Judy by Deed recorded in Book 5844 Page 2244; and thereafter conveyed by the said J. Todd Judy to Wanda B. Judy by Deed recorded in Book 6902 Page 71.

TMS: 104-00-00-45

Parcel B:

All that certain piece, parcel, or tract of land situate, lying and being in School District 4, County of Dorchester, State of South Carolina, measuring and containing 10.9 acres more or less, butting and bounding now or formerly as follows, to wit: on the Northeast by lands now or formerly of Florrie Bell Flannigan, on the Southeast by lands now or formerly of Hezikiah Bryant; on the Southwest by lands now or formerly of the Estate of Robert S. Gruber; and on the Northwest by lands now or formerly of Lee Haynes.

Being the property conveyed by The Honorable Tiffany Provence, Judge of Probate for Dorchester County, to Ronnie F. Judy by Deed recorded in the Office of the Dorchester County Register of Deeds in Book 4324 Page 286; and thereafter conveyed by said Ronnie F. Judy to J. Todd Judy by Deed recorded in Book 5844 Page 2244; and thereafter conveyed by the said J. Todd Judy to Wanda B. Judy by Deed recorded in Book 6902 Page 71.

TMS: 103-00-00-020

Parcel C:

All that certain piece, parcel or tract of land with buildings and improvements ~~thereon, measuring and containing 71.58 acres, more or less, situate, lying and~~ being in Givhans Township, Dorchester County, State of South Carolina, and designated as Tract 2 on a plat prepared by Albert R. Judy, PLS (S.C.P.L.S. No. 17570) dated July 28, 2004 and titled "DIVISION PLAT SHOWING TRACT 1 & 2 PROPERTY OF JAMES T. JUDY & J. TODD JUDY LOCATED EAST OF GROVER DORCHESTER CO. SC" and recorded on September 14, 2004 in the Office of RMC/ROD for Dorchester County in Plat Book K-117.

Being a portion of property conveyed by Vesta Rumph to Ronnie F. Judy and James T. Judy by Deed recorded October 29th, 1982 in the Office of the Dorchester County Register of Deeds, Book 475 Page 323.

TMS: 104-00-00-065

Parcel D:

All that certain piece, parcel or tract of land, with buildings and improvements thereon, measuring and containing 119.44 acres, more or less, situate lying and being in Koger Township, Dorchester County, State of South Carolina, and designated as Tract A on a plat prepared by Albert R. Judy, PLS (S.C.P.L.S. No. 17570) dated August 16, 2004 and titled "DIVISION PLAT SHOWING TRACT A & TRACT B PROPERTY OF JAMES T. JUDY AND J. TODD JUDY LOCATED WEST OF GROVER DORCHESTER CO. SC" and recorded in the Office of RMC/ROD for Dorchester County on September 14, 2004 in Plat Book K-117.

Being a portion of a 259 acre tract conveyed by Blease Judy to Ronnie F. Judy by Deed recorded in the Office of the Dorchester County Register of Deeds in Book 146 Page 17; a one-half interest in which was thereafter conveyed by Ronnie F. Judy to James T. Judy by Deed Recorded in Book 442 Page 264; and thereafter Ronnie F. Judy conveyed his one half interest to J. Todd Judy by Deed recorded in Book 2077 Page 96; and thereafter the Master-In-Equity by Partition Deed, conveyed the within tract to J. Todd Judy by Deed recorded in Book 4425 Page 221.

TMS: 077-00-00-009

Parcel E:

All that certain piece, parcel or tract of land, with buildings and improvements thereon, measuring and containing 10.562 acres, more or less, situate lying and being in Koger Township, Dorchester County, State of South Carolina, and designated as Tract 2A, Tract 2B, and Tract 2C on a plat prepared by Albert R.

Judy, PLS (S.C.P.L.S. No. 17570) dated July 28, 2004 and titled "DIVISION PLAT SHOWING TRACT 1 & TRACT 2 PROPERTY OF JAMES T. JUDY AND J. TODD JUDY LOCATED WEST OF GROVER DORCHESTER CO. SC" and recorded in the Office of RMC/ROD for Dorchester County on September 14, 2004 in Plat Book K-117.

Being a portion of a 259 acre tract conveyed by Blease Judy to Ronnie F. Judy by Deed recorded in the Office of the Dorchester County Register of Deeds in Book 146 Page 17; a one-half interest in which was thereafter conveyed by Ronnie F. Judy to James T. Judy by Deed Recorded in Book 442 Page 264; and thereafter Ronnie F. Judy conveyed his one half interest to J. Todd Judy by Deed recorded in Book 2077 Page 96; and thereafter the Master-In-Equity by Partition Deed, conveyed the within tract to J. Todd Judy by Deed recorded in Book 4425 Page 221.

TMS: 077-00-00-018

Parcel F:

Tract 1 – All that certain piece, parcel and tract of land situate, lying and being on the East side of Interstate Highway 95, in Koger Township, in the County of Dorchester, State of South Carolina containing 36.63 acres, more or less, being shown and designated as Tract 1 on a plat prepared by Rhode Surveying, Inc. dated December 14, 2004, entitled "A Plat Showing Tract 1 and Tract 2 Property of Bobby and J. Todd Judy Located on the East Side of Interstate Highway 95 Near St. George, Dorchester County, South Carolina", and recorded in the RMC Office for Dorchester County in Plat Book K at Page 149, said plat being incorporated herein as a part of this legal description with all metes and bounds as shown thereon being incorporated and said tract being bounded now or formerly as follows: On the North by lands of Marian S. Howell (TMS 044-00-00-067); on the Northeast and East by lands of Marian S. Howell (TMS 044-00-00-067); and on the South by Tract 2 as shown on said plat and lands of J. Todd Judy (TMS 057-00-00-014); and on the West and Northwest by Interstate Highway 95 as shown on said plat, and a fifty (50') foot ingress/egress across Tract 2 as shown on said plat running from Tract 1 to the Frontage Road as shown on said plat as Munchkin Lane.

Being a portion of a purported 133 acre parcel (later determined to actually contain 180 acres more or less), an undivided ½ interest in which was conveyed by Blease Judy to Ronnie F. Judy by Deed recorded in the Office of the Dorchester County Register of Deeds in Book 145 Page 487; thereafter Ronnie F. Judy conveyed his ½ interest to J. Todd Judy by Deed Record in Book 2077 Page 96; and thereafter, pursuant to Order of Partition, Bobby Judy conveyed the same to J. Todd Judy by deed recorded in Book 4813 Page 66.

TMS: 057-00-00-107

Parcel G:

Tract 2 – All that certain piece, parcel and tract of land situate, lying and being on the West side of Interstate Highway 95, in Koger Township, in the County of Dorchester, State of South Carolina containing 52.51 acres, more or less, being shown and designated as Tract 2 on a plat prepared by Rhode Surveying, Inc. dated December 14, 2004, entitled "A Plat Showing Tract 1 and Tract 2 Property of Bobby and J. Todd Judy Located on the West Side of Interstate Highway 95 Near St. George, Dorchester County, South Carolina", and recorded in the RMC Office for Dorchester County in Plat Book K at Page 150, said plat being incorporated herein as a part of this legal description with all metes and bounds as shown thereon being incorporated and said tract being bounded now or formerly as follows: On the North and Northeast by Tract 1 as shown on said plat; on the East and Southeast by Interstate Highway 95 as shown on said plat; on the South and Southwest by lands of Frances L. Moore, et al (TMS 057-00-00-006) and by lands of Vandy T. Judy Jr. (TMS 057-00-00-004); and on the West and Northwest by Old Mill Pond Road separating Tract 2 from lands of Vandy T. Judy, Jr. (TMS 057-00-00-004), lands of C.F. Judy (TMS 044-00-00-105) and lands of Gayle J. Pace (TMS 044-00-00-028).

Being a portion of a purported 133 acre parcel (later determined to actually contain 180 acres more or less), an undivided ½ interest in which was conveyed by Blease Judy to Ronnie F. Judy by Deed recorded in the Office of the Dorchester County Register of Deeds in Book 145 Page 487; thereafter Ronnie F. Judy conveyed his ½ interest to J. Todd Judy by Deed Record in Book 2077 Page 96; and thereafter, pursuant to Order of Partition, Bobby Judy conveyed the same to J. Todd Judy by deed recorded in Book 4813 Page 66.

TMS: 044-00-00-128

Parcel H:

All that certain piece, parcel or tract of land, situate, lying and being in School District No. 4, County of Dorchester, State of South Carolina, containing Eighty Seven and Seventy Eight one hundredths (87.78) acres, more or less, and bounding and measuring now or formerly as follows, to-wit: On the North by State Highway S-18-19 (the wire road) and seven lots owned now or formerly of Mayes, Belser, Bryant, Britt, Singletary and Dereef; on the East by lands of Grace J. Heaton and Will H. Fralix; on the South by lands of Ronnie F. and James T. Judy; on the West by lands of James H. Weathers and lands of Albertha R. Brothers.

The above described tract of land is the identical tract of land shown as 87.78 acres on a plat of survey in the Cow Tail Community Dorchester County, S.C. owned by Camille H. Weathers by Stephens Engineering Inc. by W.T. Stephens,

P.E. and R.L.S. recorded in Plat Book G, Page 2.

Being the property conveyed by Camille H. Weathers to Ronnie F. Judy by Deed recorded in Office of the Dorchester County Register of Deeds in Book 809 Page 307; and thereafter conveyed by Ronnie F. Judy to J. Todd Judy and Ryan C. Judy by Deed recorded in Book 2077 Page 92.

TMS: 068-00-00-048

Parcel I:

All that certain piece, parcel or tract of land situate, lying and being in the County of Dorchester, State of South Carolina, measuring and containing fifty-nine (59) acres, more or less and bounded now or formerly as follows: North by the lands of J. Gavin Appleby; East by lands of James T. Judy and Ronnie F. Judy; South by the dirt road of Dorchester County; West by the lands of Mrs. Tina Kennerly.

The above described tract of land is the identical tract of land conveyed to Ronnie F. Judy by deed of Charles L. Appleby, Jr. dated March 17, 1986 and recorded in the R.M.C. office for Dorchester County in Deed Book 558, Page 460.

Being the property conveyed to Ronnie F. Judy by Charles L. Appleby, Jr. by Deed recorded in Office of the Dorchester County Register of Deeds in Book 558 Page 460; and thereafter conveyed by Ronnie F. Judy to J. Todd Judy and Ryan C. Judy by Deed recorded in Book 2077 Page 92.

TMS: 077-00-00-014

Parcel J:

All that certain piece, parcel or lot of land, with the improvements thereon, situate, lying and being near Grover, Dorchester County, South Carolina, containing .9 of an acre, more or less, butting, bounding and measuring as more fully shown on plat hereinafter referred to, as follows, to-wit: On the Northeast by Highway S-18-19, 124 feet; on the Southeast by Evelyn W. Jackson, 315 feet; on the Southwest by Evelyn W. Jackson, 124 feet; and on the Northwest by lands belonging to James Singletary, 315 feet.

The above described lot of land is more fully delineated on a plat entitled "Plat of Survey of .9 Ac. for Sammie Dereef, near Grover, Dorchester County, South Carolina," made by Bobby M. Long, RLS S.C. No. 3611, August 2, 1972, recorded in RMC office for Dorchester County in Plat Book 19, Page 268.

Being the property conveyed by United States of America on behalf of the FHA, U. S. Department of Agriculture, to Ronnie F. Judy by Deed recorded in the

Office of the Dorchester County Register of Deeds in Book 1381 Page 260; and thereafter conveyed by Ronnie F. Judy to J. Todd Judy and Ryan C. Judy by Deed recorded in Book 2077 Page 92.

TMS: 068-00-00-034

FORM 4

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

CERTIFIED COPY
2012 FEB -6 PM 2:40

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2007CP1801794

James T Judy Kevin Judy	Bobby T Judy Cheryl Anderson CLERK OF COURT DORCHESTER COUNTY	J Todd Judy Ronnie F Judy	Ryan C Judy Wanda B Judy
PLAINTIFF(S)		DEFENDANT(S)	

Submitted by:	Attorney for: ☐ Plaintiff ☐ Defendant ☐ Self-Represented Litigant

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 rendere

☐ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or hea decision rendered.

☐ ACTION DISMISSED (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vo ☐ 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: _____

☐ 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 CIRCUIT COURT RULING IN THIS APPEAL.

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

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk:

_____

_____

CPFORM4M
SCCA SCRCP Form 4C (Revised 10/2011)

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Martin. R. Banks, Special Referee	2098	2/6/2012
Circuit Court Judge	**Judge Code**	**Date**

For Clerk of Court Office Use Only

This judgment was entered on **2/6/2012**, and a copy mailed first class or placed in the appropriate attorney's box on **2/6/2012**, to attorneys of record or to parties (when appearing pro se) as follows:

Capers G. Barr III Barr Unger & McIntosh LLC P.O. Box 1037 Charleston, SC 29402

ATTORNEY(S) FOR THE PLAINTIFF(S)

Ronnie F Judy 1872 Sandridge Rd. Dorchester, SC 29437
J Todd Judy 119 Fairway Drive Saint George, SC 29477
Ryan C Judy 122 Kayla Drive Saint George, SC 29477
Wanda B Judy 1872 Sandridge Rd Dorchester, SC 29437
Craig Stanley Attorney At Law 701 Gervais St., Suite 150-284 Columbia, SC 29201

ATTORNEY(S) FOR THE DEFENDANT(S)

Cheryl Graham

Cheryl Graham - Clerk of Court

Court Reporter

CPFORM4M
SCCA SCRCP Form 4C (Revised 10/2011)

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER	)	CASE NO: 2007-CP-18-1794
JAMES T. JUDY, BOBBY JUDY, and KEVIN JUDY, Plaintiffs, vs. RONNIE F. JUDY, J. TODD JUDY, RYAN C. JUDY, and WANDA B. JUDY, Defendants.	)	**ORDER DENYING MOTION FOR RECONSIDERATION**

CERTIFIED COPY
2012 FEB -6 PM 2:40
CLERK OF COURT
DORCHESTER COUNTY

A hearing was held before me at the Calhoun County Courthouse on Monday, January 23, 2012, on the motion of Defendant Ronnie F. Judy to Reconsider the Court's Order filed December 28, 2011, or for a New Trial. Defendants Ronnie F. Judy, J. Todd Judy and Ryan C. Judy were present. Although the Defendants had appeared at trial, *pro se,* and the Motion for Reconsideration was filed by Ronnie F. Judy, *pro se,* at hearing the Defendants were represented by Craig S. Stanley of the Richland County Bar. The Plaintiffs James T. Judy and Kevin Judy appeared with their attorney, Capers G. Barr, III of the Charleston Bar.

The Court filed its Final Order in this case on December 28, 2011. On December 29, 2011, Defendant Ronnie F. Judy filed his *pro se* motion, styled "Motion to Reconsider and Request for New Trial", in which he enumerated eleven numbered "Facts", as grounds for the motion. (The "Facts" are numbered 1-4 and 6-12, with no number 5).

At hearing, Counsel for the Defendants argued the following grounds:

JABB

1. Because the Supreme Court of South Carolina finally ruled after the hearing on the merits of this case that the judgment held by James T. Judy was reversed, James Judy should be dismissed as Plaintiff in this case;

2. Because the Master in Equity previously partitioned a part of the lands at issue, without assertion by Plaintiffs of their claim of fraudulent conveyance, the claim in this case is barred by the doctrine of *res judicata;*

3. If this Court reforms the partition deeds as provided by its Order, it should likewise vacate the partitions, themselves;

4. The claims of Plaintiffs for relief under the Statute of Elizabeth should be barred because of their failure to procure a Return from the Sheriff, *nulla bona*, citing *Walter J. Klein, Co. vs. Kneece, et. al., 239 S.C. 478, 123 S.E.2nd 870 (1962);*

5. Because there was no evidence of actual moral fraud, so much of the Court's order setting aside the 1998 conveyances, referred to in the order as the "Remote Conveyances" should be vacated;

6. The claims of Plaintiffs to set aside the 1998 conveyances should be barred by the doctrine of *laches;*

7. The award for attorney fees should be set aside.

FINDINGS AND CONCLUSIONS

Except for the attorney fee issue (paragraph 7, below), the grounds argued by counsel at hearing could have been presented and argued to the Court at the hearing on the merits. However, they were not, and instead are offered to the Court for the first time on Motion for Reconsideration. A Motion to Alter or Amend Judgment cannot be used to inject an issue not previously before the Court. A party cannot assert, for the first time, an

APB

issue he could have raised at trial. *Crary vs. Djebelli, 321 S.C. 38, 467 S.E.2nd 128 (Ct.App. 1995)(Reversed on other grounds); Hickman vs. Hickman, 301 S.C. 455, ,392 S.E.2nd 481 (1990); Gartside vs. Gartside, 383 S.C. 35, 677 S.E.2nd 621 (Ct.App. 2009).* For this reason alone the motion, except as it relates to attorney fees, should be denied.

However, in order to more specifically address Defendants' arguments I will discuss them in the order presented:

1. Plaintiff, James T. Judy should be dismissed from the case because he no longer holds a valid judgment.

Although the argument is factually correct, it avails the Defendants nothing. As noted by the Court in its order on the merits, there is no challenge by Defendants to the judgment held by Plaintiffs Bobby and Kevin Judy. The essence of the Court's ruling is to restore land title to the Defendant Ronnie T. Judy. Whether James Judy holds a current judgment would have no bearing on that ruling.

As for the award of fees and costs, that ruling is in favor of Plaintiffs, jointly and severely, so that payment to one would become payment to all.

The ground as argued was not stated in the written motion and is therefore not preserved. In any event the Court's order speaks as of the date of hearing and should not be affected by events occurring after that time.

Accordingly, the motion on this ground is denied.

2. Plaintiffs' claims are barred by *Res Judicata*.

Res judicata was not pled as an affirmative defense in the answer of the Defendants and is thereby waived. Certain legal defenses must be affirmatively pled, or they are waived. Included as affirmative legal defenses in this category are *Laches*, the

have set aside a conveyance fraudulent as to him, without first having obtained a judgment establishing the claim for money." The addition of this language in the Rule operated to abrogate prior holdings that a *nulla bona* return from the Sheriff was a condition precedent to filing a fraudulent conveyance action.

The Rule modified prior procedure in South Carolina and effectively reversed the holding of *Klein Co. vs Kneece, et al., supra,* cited by Defendants. The prior rule that a *nulla bona* return is a prerequisite to bring a fraudulent conveyance action is no longer the law in South Carolina. *Lebovitz vs. Mudd, 293 S.C. 49, 58 S.E.2nd 698 (1987).*

The motion on this ground is denied.

5. Because there was no evidence of actual moral fraud, so much of the Court's order setting aside the 1998 conveyances should be vacated.

The motion on this ground is denied. The Court's order adequately sets forth the legal and factual basis for setting aside the 1998 conveyances, and the Court reiterates its finding and conclusion that Defendant Ronnie F. Judy committed actual moral fraud by conveying lands to his sons for the specific purpose of removing the lands from execution on a civil judgment.

6. Plaintiffs' claims are barred by the doctrine of *Laches.*

This argument was neither argued at trial nor stated in the written motion before me and is thereby not preserved. Moreover, *laches* is an affirmative defense that, like *res judicata,* must be affirmatively pled and proved or it is waived.. Because it was neither plead nor proved it is waived. See the authorities cited under paragraph 2 of this Order.

The motion on this ground is denied.

M.B

7. The award of attorneys fees should be set aside.

The motion on this ground is denied. The Court's order adequately sets forth the findings of fact and conclusions of law to support the award of attorneys fees in the case.

Because Defendants did not argue the other matters stated in their written motion, although invited to do so, I find and conclude that those matters are abandoned as bases for a reconsideration of the Order filed December 28, 2011.

On January 19, 2012 the Court heard by telephone and denied the verbal motion of Defendant Ronnie Judy to continue the motion hearing decided by this Order. I have signed and submitted for filing a separate Order denying the Continuance. The Defendant Ronnie F. Judy shall forthwith remit to the Clerk of Court for Dorchester County the requisite $25.00 filing fee for the Continuance Motion and Order.

AND IT IS SO ORDERED.

Martin R. Banks, Special Referee and
Master-in-Equity for Calhoun County

St. Matthews, South Carolina
January 31, 2012

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER	)	CASE NO.: 2007-CP-18- 1794
JAMES T. JUDY, BOBBY T. JUDY, And KEVIN JUDY,	)	
Plaintiffs,	)	**SUMMONS**
vs.	)	**(Fraudulent Conveyance Action)**
	)	**(Non-Jury)**
RONNIE F. JUDY, J. TODD JUDY, And RYAN C. JUDY,	)	
Defendants.	)	

CERTIFIED COPY
2007 SEP 27 AM 11:55
CLERK OF COURT FOR DORCHESTER COUNTY

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint upon the subscribers at their office, 11 Broad Street, Charleston, South Carolina 29401, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, the Plaintiff will apply to the Court for the relief demanded in the Complaint.

Respectfully submitted,

BARR UNGER & McINTOSH

Capers G. Barr, III, Esq.
11 Broad Street
Charleston, SC 29401
Telephone: (843) 577-5083
Facsimile: (843) 577-5081
ATTORNEYS FOR PLAINTIFFS

Charleston, South Carolina
September 26, 2007

STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER JAMES T. JUDY, BOBBY T. JUDY, And KEVIN JUDY, Plaintiffs, vs. RONNIE F. JUDY, J. TODD JUDY and RYAN C. JUDY, Defendants.	IN THE COURT OF COMMON PLEAS FOR THE FIRST JUDICIAL CIRCUIT CASE NO.: 2007-CP-18-1794 **LIS PENDENS** (Non-Jury)

CERTIFIED COPY
2007 SEP 27 AM 11:57
CLERK OF COURT
DORCHESTER COUNTY

TO THE DEFENDANTS ABOVE NAMED:

NOTICE is hereby given that an action has been commenced or will be commenced within Twenty (20) days from the date hereof in the Court of Common Pleas for Dorchester County, South Carolina, by the above named Plaintiffs against the Defendants above named under the Statute of Elizabeth, to set aside conveyances from the Defendant Ronnie F. Judy to the Defendants J. Todd Judy and Ryan C. Judy as transactions to defraud creditors, and to restore title to the name of Ronnie F. Judy and thereby subject to Plaintiffs' judgments, pursuant to § 27-23-10, *et seq.* Code of Laws of South Carolina, 1976, as amended. The descriptions of the twelve parcels of real property which are the subject of the above described suit at the time of the filing of this Notice, denominated as Parcels "A" through "J", are more fully set forth on Exhibit "1" attached hereto and by this reference incorporated herein

BARR, UNGER & McINTOSH, L.L.C.

Capers G. Barr, III, Esq.
11 Broad Street
Charleston, SC 29401
(843) 577-5083 (Telephone)
(843) 577-5081 (Facsimile)
ATTORNEYS FOR PLAINTIFFS

Charleston, South Carolina
Sept 25, 2007

STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER JAMES T. JUDY, BOBBY T. JUDY, And KEVIN JUDY, Plaintiffs, vs. RONNIE F. JUDY, J. TODD JUDY, And RYAN C. JUDY, Defendants.	)	IN THE COURT OF COMMON PLEAS FOR THE FIRST JUDICIAL CIRCUIT CASE NO.: 2007-CP-18-_____ **EXHIBIT 1**

Following are the legal descriptions of the parcels referred to in the Complaint and Lis Pendens in the within matter:

Parcel A:

All that certain piece, parcel or tract of land with buildings and improvements thereon, measuring and containing 9.29 acres, more or less, formerly being a part of 143 acres, more or less, situate, lying and being in School District No. 4, County of Dorchester, State of South Carolina, and butting and bounding now or formerly as follows, to wit: bounded on the East by Sandridge Road; On the North by lands now or formerly of Ronnie F. Judy and James T. Judy, on the West by lands now or formerly of Ronnie F. Judy and James T. Judy, and on the South by S-18-19 aka Wire Road. This being the same property depicted on a plat prepared by Albert R. Judy, PLS(S.C.P.L.S. No. 17570) dated November 20, 1999 titled "PLAT SHOWING PROPERTY OF VESTA J. BROWN RUMPH ESTATE ABOUT TO BE CONVEYED TO RONNIE F. JUDY LOCATED SOUTH OF PREGNALL, DORCHESTER CO. SC" and recorded on November 21, 2001, in the RMC Office for Dorchester County in Plat Book K-9.

Parcel B:

All that certain piece, parcel, or tract of land situate, lying and being in School District 4, County of Dorchester, State of South Carolina, measuring and containing 10.9 acres more or less, butting and bounding now or formerly as follows, to wit: on the Northeast by lands now or formerly of Florrie Bell Flannigan, on the Southeast by lands now or formerly of Hezikiah Bryant; on the Southwest by lands now or formerly of the Estate of Robert S. Gruber; and on the Northwest by lands now or formerly of Lee Haynes.

Parcel C:

All that certain piece, parcel or tract of land with buildings and improvements thereon, measuring and containing 71.58 acres, more or less, situate, lying and being in Givhans Township, Dorchester County, State of South Carolina, and designated as Tract 2 on a plat prepared by Albert R. Judy, PLS (S.C.P.L.S. No. 17570) dated July 28, 2004 and titled "DIVISION PLAT SHOWING TRACT 1 & 2 PROPERTY OF JAMES T. JUDY & J. TODD JUDY LOCATED EAST OF GROVER DORCHESTER CO. SC" and recorded on September 14, 2004 in the Office of RMC/ROD for Dorchester County in Plat Book K-117.

Parcel D:

All that certain piece, parcel or tract of land, with buildings and improvements thereon, measuring and containing 119.44 acres, more or less, situate lying and being in Koger Township, Dorchester County, State of South Carolina, and designated as Tract A on a plat prepared by Albert R. Judy, PLS (S.C.P.L.S. No. 17570) dated August 16, 2004 and titled "DIVISION PLAT SHOWING TRACT A & TRACT B PROPERTY OF JAMES T. JUDY AND J. TODD JUDY LOCATED WEST OF GROVER DORCHESTER CO. SC" and recorded in the Office of RMC/ROD for Dorchester County on September 14, 2004 in Plat Book K-117.

Parcel E:

All that certain piece, parcel or tract of land, with buildings and improvements thereon, measuring and containing 10.562 acres, more or less, situate lying and being in Koger Township, Dorchester County, State of South Carolina, and designated as Tract 2A, Tract 2B, and Tract 2C on a plat prepared by Albert R. Judy, PLS (S.C.P.L.S. No. 17570) dated July 28, 2004 and titled "DIVISION PLAT SHOWING TRACT 1 & TRACT 2 PROPERTY OF JAMES T. JUDY AND J. TODD JUDY LOCATED WEST OF GROVER DORCHESTER CO. SC" and recorded in the Office of RMC/ROD for Dorchester County on September 14, 2004 in Plat Book K-117.

Parcel F:

Tract 1 – All that certain piece, parcel and tract of land situate, lying and being on the East side of Interstate Highway 95, in Koger Township, in the County of Dorchester, State of South Carolina containing 36.63 acres, more or less, being shown and designated as Tract 1 on a plat prepared by Rhode Surveying, Inc. dated December 14, 2004, entitled "A Plat Showing Tract 1 and Tract 2 Property of Bobby and J. Todd Judy Located on the East Side of Interstate Highway 95 Near St. George, Dorchester County, South Carolina", and recorded in the RMC Office for Dorchester County in Plat Book K at Page 149, said plat being

incorporated herein as a part of this legal description with all metes and bounds as shown thereon being incorporated and said tract being bounded now or formerly as follows: On the North by lands of Marian S. Howell (TMS 044-00-00-067); on the Northeast and East by lands of Marian S. Howell (TMS 044-00-00-067); and on the South by Tract 2 as shown on said plat and lands of J. Todd Judy (TMS 057-00-00-014); and on the West and Northwest by Interstate Highway 95 as shown on said plat, and a fifty (50') foot ingress/egress across Tract 2 as shown on said plat running from Tract 1 to the Frontage Road as shown on said plat as Munchkin Lane.

Parcel G:

Tract 2 – All that certain piece, parcel and tract of land situate, lying and being on the West side of Interstate Highway 95, in Koger Township, in the County of Dorchester, State of South Carolina containing 52.51 acres, more or less, being shown and designated as Tract 2 on a plat prepared by Rhode Surveying, Inc. dated December 14, 2004, entitled "A Plat Showing Tract 1 and Tract 2 Property of Bobby and J. Todd Judy Located on the West Side of Interstate Highway 95 Near St. George, Dorchester County, South Carolina", and recorded in the RMC Office for Dorchester County in Plat Book K at Page 150, said plat being incorporated herein as a part of this legal description with all metes and bounds as shown thereon being incorporated and said tract being bounded now or formerly as follows: On the North and Northeast by Tract 1 as shown on said plat; on the East and Southeast by Interstate Highway 95 as shown on said plat; on the South and Southwest by lands of Frances L. Moore, et al (TMS 057-00-00-006) and by lands of Vandy T. Judy Jr. (TMS 057-00-00-004); and on the West and Northwest by Old Mill Pond Road separating Tract 2 from lands of Vandy T. Judy, Jr. (TMS 057-00-00-004), lands of C.F. Judy (TMS 044-00-00-105) and lands of Gayle J. Pace (TMS 044-00-00-028).

Parcel H:

All that certain piece, parcel or tract of land, situate, lying and being in School District No. 4, County of Dorchester, State of South Carolina, containing Eighty Seven and Seventy Eight one hundredths (87.78) acres, more or less, and bounding and measuring now or formerly as follows, to-wit: On the North by State Highway S-18-19 (the wire road) and seven lots owned now or formerly of Mayes, Belser, Bryant, Britt, Singletary and Dereef; on the East by lands of Grace J. Heaton and Will H. Fralix; on the South by lands of Ronnie F. and James T. Judy; on the West by lands of James H. Weathers and lands of Albertha R. Brothers.

The above described tract of land is the identical tract of land shown as 87.78 acres on a plat of survey in the Cow Tail Community Dorchester County, S.C. owned by Camille H. Weathers by Stephens Engineering Inc. by W.T. Stephens, P.E. and R.L.S. recorded in Plat Book G, Page 2.

Parcel I:

All that certain piece, parcel or tract of land situate, lying and being in the County of Dorchester, State of South Carolina, measuring and containing fifty-nine (59) acres, more or less and bounded now or formerly as follows: North by the lands of J. Gavin Appleby; East by lands of James T. Judy and Ronnie F. Judy; South by the dirt road of Dorchester County; West by the lands of Mrs. Tina Kennerly.

The above described tract of land is the identical tract of land conveyed to Ronnie F. Judy by deed of Charles L. Appleby, Jr. dated March 17, 1986 and recorded in the R.M.C. office for Dorchester County in Deed Book 558, Page 460.

Parcel J:

All that certain piece, parcel or lot of land, with the improvements thereon, situate, lying and being near Grover, Dorchester County, South Carolina, containing .9 of an acre, more or less, butting, bounding and measuring as more fully shown on plat hereinafter referred to, as follows, to-wit: On the Northeast by Highway S-18-19, 124 feet; on the Southeast by Evelyn W. Jackson, 315 feet; on the Southwest by Evelyn W. Jackson, 124 feet; and on the Northwest by lands belonging to James Singletary, 315 feet.

The above described lot of land is more fully delineated on a plat entitled "Plat of Survey of .9 Ac. for Sammie Dereef, near Grover, Dorchester County, South Carolina," made by Bobby M. Long, RLS S.C. No. 3611, August 2, 1972, recorded in RMC office for Dorchester County in Plat Book 19, Page 268.

BARR UNGER & McINTOSH

Capers G. Barr, III, Esq.
1.1 Broad Street
Charleston, SC 29401
Telephone: (843) 577-5083
Facsimile: (843) 577-5081
ATTORNEYS FOR PLAINTIFFS

Charleston, South Carolina
Sept 26, 2007

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER	)	CASE NO.: 2007-CP-18-1794
JAMES T. JUDY, BOBBY T. JUDY, And KEVIN JUDY,	)	
Plaintiffs,	)	
vs.	)	**COMPLAINT (Fraudulent Conveyance Action) (Non-Jury)**
RONNIE F. JUDY, J. TODD JUDY, And RYAN C. JUDY,	)	
Defendants.	)	

CERTIFIED COPY
2007 SEP 27 AM 11:56
CLERK OF COURT
DORCHESTER COUNTY

Plaintiffs, by this their Complaint, allege:

1. Plaintiffs, James T. Judy and Kevin Judy are residents of Dorchester County, and Plaintiff Bobby T. Judy is a resident of York County.

2. Defendants are residents of Dorchester County.

3. The parcels of real property which are the subject matter of this action are located in Dorchester County, and are described as Parcels "A" through "J" on Exhibit "1" attached hereto, and by this reference incorporated herein

4. Plaintiff James T. Judy filed a civil lawsuit for money damages against Defendant Ronnie F. Judy on September 10, 2004, which was refiled November 28, 2005, as Case No. 2005-CP-18-1793, in the Dorchester County Court of Common Pleas.

5. Case 2005-CP-18-1793 came to trial in Dorchester County in April 2007, resulting in a final judgment entered April 11, 2007, in favor of Plaintiff James T. Judy and against Defendant Ronnie F. Judy for the amount of $67,300 in actual damages and $22,650 in punitive damages.

6. Plaintiff Bobby T. Judy filed a civil lawsuit for money damages against Defendant Ronnie F. Judy on September 10, 2004, which was refiled November 28,

2005, as Case No. 2005-CP-18-1792 in the Dorchester County Court of Common Pleas.

7. Case No. 2005-CP-18-1792 came to trial in Dorchester County in May 2007, at which time Plaintiff Kevin Judy was joined as a party Plaintiff therein.

8. In Case No. 2005-CP-18-1792 final judgment was entered May 2, 2007, in favor of Plaintiffs Bobby T. Judy and Kevin Judy and against Defendant Ronnie F. Judy for the amount of $9,540 in actual damages and $28,128 in punitive damages.

9. As of February 7, 2007, Cases 2005-CP-18-1793 and 2005-CP-18-1792 appeared on the active roster of cases for trial in Dorchester County.

10. On the same date, that is to say February 7, 2007, Defendant Ronnie F. Judy purported to convey to Defendant J. Todd Judy his right, title and interest to Parcels A and B described above, for a consideration of $5.00, love and affection, as will appear by reference to a deed recorded February 7, 2007, in the Office of the Dorchester County Register of Deeds, Book 5844, Page 224.

11. Plaintiffs are informed and believe that, following the conveyances of Parcels A and B to J. Todd Judy, Defendant Ronnie F. Judy failed to retain sufficient property to pay his indebtedness to Plaintiffs, now totaling $127,618, plus accrued interest and costs.

12. Plaintiffs are informed and believe that the conveyances of Parcels A and B by Ronnie F. Judy to J. Todd Judy were made and intended for the specific purpose of delaying, hindering, or defrauding the creditors of Ronnie F. Judy, and in particular with the intention to delay, hinder, and defraud Plaintiffs in pursuing and collecting their claims against Defendant Ronnie F. Judy.

13. On November 16, 1998, Defendant Ronnie F. Judy purported to convey to

Defendant J. Todd Judy his right, title, and interest to Parcels C, D, E, F and G, described above, for a consideration of $5.00, love and affection, as will appear by reference to deeds recorded November 16, 1998, in the Office of the Dorchester County Register of Deeds, Book 2077, Page 96, and Book 2077, Page 92.

14. On November 16, 1998, Defendant Ronnie F. Judy purported to convey to Defendants J. Todd Judy and Ryan C. Judy his right, title and interest to Parcels H, I and J, described above, for a consideration of $5.00, love and affection, as will appear by reference to deed recorded November 17, 1998 in the Office of the Dorchester Register of Deeds, Book 2077, page 092.

15. Plaintiffs are informed and believe that following the conveyances of Parcels C through J, as described above, to J. Todd Judy and to J. Todd Judy and Ryan C. Judy respectively, Defendant Ronnie F. Judy failed to retain sufficient property to pay his indebtedness to Plaintiffs, now totaling $127,618, plus interest and costs

16. Plaintiffs are informed and believe that the conveyances of Parcels C through J, described above, by Ronnie F. Judy to J. Todd Judy and to J. Todd Judy and Ryan C. Judy were made and intended for the specific purpose of delaying, hindering, or defrauding the creditors of Ronnie F. Judy; including creditors existing at the time of the conveyance, as well as creditors arising subsequent thereto, and in particular with the intention to delay, hinder, and defraud Plaintiffs in pursuing and collecting on their claims against Defendant Ronnie F. Judy.

17. The conveyances in 1998 of Parcels C through J, described above, by Ronnie F. Judy to J. Todd Judy and to J. Todd Judy and Ryan C. Judy were further made by the said Defendant Ronnie F. Judy with a view to the said Ronnie F. Judy's future

indebtedness and with actual fraudulent intent on the part of Defendant Ronnie F. Judy to defraud his creditors, both existing and subsequent.

FOR A SECOND CAUSE OF ACTION

18. The allegations of Paragraphs 1 through 17 are incorporated herein.

19. Because of the fraudulent acts of Defendant Ronnie F. Judy, Plaintiffs are entitled to such penalty and forfeiture as shall be allowed and permitted in accordance with the provisions of South Carolina Code Section 27-23-30; together with attorney fees for the prosecution of this action

WHEREFORE, Plaintiffs pray for judgment as follows:

a. Declaring that the transfers and conveyances of the properties more fully described above as Parcels A, B, C, D, E, F, G, H, I, and J by Defendant Ronnie F. Judy to Defendant J. Todd Judy and to Defendants J. Todd Judy and Ryan C. Judy, and further more fully described in the *Lis Pendens* filed herewith, were and are utterly void, frustrate and of no effect so that title thereto shall be restored to Defendant Ronnie F. Judy; and

b. Finding and declaring that the parcels of real property to which title is restored to Defendant Ronnie F. Judy, and which are the subject matter of this action, are subject to the judgments held by Plaintiffs as herein alleged; and

c. Awarding to Plaintiffs such damages, fines, penalties or forfeitures as shall be allowed in accordance with South Carolina Code Section 27-23-30; and

d. For an award of judgment against Defendant Ronnie F. Judy and in favor of the Plaintiffs for their attorneys fees and the costs of this action; and

e. Together with such other and further relief as may be appropriate.

BARR, UNGER & McINTOSH, LLC

Capers G. Barr, III
P.O. Box 1037 (29402-1037)
11 Broad Street
Charleston, SC 29401
(843) 577-5083
(843) 577-5081 (FAX)
ATTORNEY FOR PLAINTIFFS

Charleston, South Carolina
September 26, 2007

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER	)	CASE NO.: 2007-CP-18-_____
	)	
JAMES T. JUDY, BOBBY T. JUDY, And KEVIN JUDY,	)	
	)	
Plaintiffs,	)	
	)	EXHIBIT 1
vs.	)	
	)	
RONNIE F. JUDY, J. TODD JUDY, And RYAN C. JUDY,	)	
	)	
Defendants.	)	

Following are the legal descriptions of the parcels referred to in the Complaint and Lis Pendens in the within matter:

Parcel A:

All that certain piece, parcel or tract of land with buildings and improvements thereon, measuring and containing 9.29 acres, more or less, formerly being a part of 143 acres, more or less, situate, lying and being in School District No. 4, County of Dorchester, State of South Carolina, and butting and bounding now or formerly as follows, to wit: bounded on the East by Sandridge Road; On the North by lands now or formerly of Ronnie F. Judy and James T. Judy, on the West by lands now or formerly of Ronnie F. Judy and James T. Judy, and on the South by S-18-19 aka Wire Road. This being the same property depicted on a plat prepared by Albert R. Judy, PLS(S.C.P.L.S. No. 17570) dated November 20, 1999 titled "PLAT SHOWING PROPERTY OF VESTA J. BROWN RUMPH ESTATE ABOUT TO BE CONVEYED TO RONNIE F. JUDY LOCATED SOUTH OF PREGNALL, DORCHESTER CO. SC" and recorded on November 21, 2001, in the RMC Office for Dorchester County in Plat Book K-9.

Parcel B:

All that certain piece, parcel, or tract of land situate, lying and being in School District 4, County of Dorchester, State of South Carolina, measuring and containing 10.9 acres more or less, butting and bounding now or formerly as follows, to wit: on the Northeast by lands now or formerly of Florrie Bell Flannigan, on the Southeast by lands now or formerly of Hezikiah Bryant; on the Southwest by lands now or formerly of the Estate of Robert S. Gruber; and on the Northwest by lands now or formerly of Lee Haynes.

Parcel C:

All that certain piece, parcel or tract of land with buildings and improvements thereon, measuring and containing 71.58 acres, more or less, situate, lying and being in Givhans Township, Dorchester County, State of South Carolina, and designated as Tract 2 on a plat prepared by Albert R. Judy, PLS (S.C.P.L.S. No. 17570) dated July 28, 2004 and titled "DIVISION PLAT SHOWING TRACT 1 & 2 PROPERTY OF JAMES T. JUDY & J. TODD JUDY LOCATED EAST OF GROVER DORCHESTER CO. SC" and recorded on September 14, 2004 in the Office of RMC/ROD for Dorchester County in Plat Book K-117.

Parcel D:

All that certain piece, parcel or tract of land, with buildings and improvements thereon, measuring and containing 119.44 acres, more or less, situate lying and being in Koger Township, Dorchester County, State of South Carolina, and designated as Tract A on a plat prepared by Albert R. Judy, PLS (S.C.P.L.S. No. 17570) dated August 16, 2004 and titled "DIVISION PLAT SHOWING TRACT A & TRACT B PROPERTY OF JAMES T. JUDY AND J. TODD JUDY LOCATED WEST OF GROVER DORCHESTER CO. SC" and recorded in the Office of RMC/ROD for Dorchester County on September 14, 2004 in Plat Book K-117.

Parcel E:

All that certain piece, parcel or tract of land, with buildings and improvements thereon, measuring and containing 10.562 acres, more or less, situate lying and being in Koger Township, Dorchester County, State of South Carolina, and designated as Tract 2A, Tract 2B, and Tract 2C on a plat prepared by Albert R. Judy, PLS (S.C.P.L.S. No. 17570) dated July 28, 2004 and titled "DIVISION PLAT SHOWING TRACT 1 & TRACT 2 PROPERTY OF JAMES T. JUDY AND J. TODD JUDY LOCATED WEST OF GROVER DORCHESTER CO. SC" and recorded in the Office of RMC/ROD for Dorchester County on September 14, 2004 in Plat Book K-117.

Parcel F:

Tract 1 – All that certain piece, parcel and tract of land situate, lying and being on the East side of Interstate Highway 95, in Koger Township, in the County of Dorchester, State of South Carolina containing 36.63 acres, more or less, being shown and designated as Tract 1 on a plat prepared by Rhode Surveying, Inc. dated December 14, 2004, entitled "A Plat Showing Tract 1 and Tract 2 Property of Bobby and J. Todd Judy Located on the East Side of Interstate Highway 95 Near St. George, Dorchester County, South Carolina", and recorded in the RMC Office for Dorchester County in Plat Book K at Page 149, said plat being

incorporated herein as a part of this legal description with all metes and bounds as shown thereon being incorporated and said tract being bounded now or formerly as follows: On the North by lands of Marian S. Howell (TMS 044-00-00-067); on the Northeast and East by lands of Marian S. Howell (TMS 044-00-00-067); and on the South by Tract 2 as shown on said plat and lands of J. Todd Judy (TMS 057-00-00-014); and on the West and Northwest by Interstate Highway 95 as shown on said plat, and a fifty (50') foot ingress/egress across Tract 2 as shown on said plat running from Tract 1 to the Frontage Road as shown on said plat as Munchkin Lane.

Parcel G:

Tract 2 – All that certain piece, parcel and tract of land situate, lying and being on the West side of Interstate Highway 95, in Koger Township, in the County of Dorchester, State of South Carolina containing 52.51 acres, more or less, being shown and designated as Tract 2 on a plat prepared by Rhode Surveying, Inc. dated December 14, 2004, entitled "A Plat Showing Tract 1 and Tract 2 Property of Bobby and J. Todd Judy Located on the West Side of Interstate Highway 95 Near St. George, Dorchester County, South Carolina", and recorded in the RMC Office for Dorchester County in Plat Book K at Page 150, said plat being incorporated herein as a part of this legal description with all metes and bounds as shown thereon being incorporated and said tract being bounded now or formerly as follows: On the North and Northeast by Tract 1 as shown on said plat; on the East and Southeast by Interstate Highway 95 as shown on said plat; on the South and Southwest by lands of Frances L. Moore, et al (TMS 057-00-00-006) and by lands of Vandy T. Judy Jr. (TMS 057-00-00-004); and on the West and Northwest by Old Mill Pond Road separating Tract 2 from lands of Vandy T. Judy, Jr. (TMS 057-00-00-004), lands of C.F. Judy (TMS 044-00-00-105) and lands of Gayle J. Pace (TMS 044-00-00-028).

Parcel H:

All that certain piece, parcel or tract of land, situate, lying and being in School District No. 4, County of Dorchester, State of South Carolina, containing Eighty Seven and Seventy Eight one hundredths (87.78) acres, more or less, and bounding and measuring now or formerly as follows, to-wit: On the North by State Highway S-18-19 (the wire road) and seven lots owned now or formerly of Mayes, Belser, Bryant, Britt, Singletary and Dereef; on the East by lands of Grace J. Heaton and Will H. Fralix; on the South by lands of Ronnie F. and James T. Judy; on the West by lands of James H. Weathers and lands of Albertha R. Brothers.

The above described tract of land is the identical tract of land shown as 87.78 acres on a plat of survey in the Cow Tail Community Dorchester County, S.C. owned by Camille H. Weathers by Stephens Engineering Inc. by W.T. Stephens, P.E. and R.L.S. recorded in Plat Book G, Page 2.

Parcel I:

All that certain piece, parcel or tract of land situate, lying and being in the County of Dorchester, State of South Carolina, measuring and containing fifty-nine (59) acres, more or less and bounded now or formerly as follows: North by the lands of J. Gavin Appleby; East by lands of James T. Judy and Ronnie F. Judy; South by the dirt road of Dorchester County; West by the lands of Mrs. Tina Kennerly.

The above described tract of land is the identical tract of land conveyed to Ronnie F. Judy by deed of Charles L. Appleby, Jr. dated March 17, 1986 and recorded in the R.M.C. office for Dorchester County in Deed Book 558, Page 460.

Parcel J:

All that certain piece, parcel or lot of land, with the improvements thereon, situate, lying and being near Grover, Dorchester County, South Carolina, containing .9 of an acre, more or less, butting, bounding and measuring as more fully shown on plat hereinafter referred to, as follows, to-wit: On the Northeast by Highway S-18-19, 124 feet; on the Southeast by Evelyn W. Jackson, 315 feet; on the Southwest by Evelyn W. Jackson, 124 feet; and on the Northwest by lands belonging to James Singletary, 315 feet.

The above described lot of land is more fully delineated on a plat entitled "Plat of Survey of .9 Ac. for Sammie Dereef, near Grover, Dorchester County, South Carolina," made by Bobby M. Long, RLS S.C. No. 3611, August 2, 1972, recorded in RMC office for Dorchester County in Plat Book 19, Page 268.

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Telephone: (843) 577-5083
Facsimile: (843) 577-5081
ATTORNEYS FOR PLAINTIFFS

Charleston, South Carolina
Sept 26, 2007

State Of South Carolina
County Of Dorchester

In The Court Of Common Pl
For the First Judicial Ci
Case No 2005-CP-18 1794

James T. Judy, Bobby T. Judy, and Kevin Judy

Plaintiffs

VS

Ronnie T. Judy, J. Todd Judy, and Ryan C Judy

Defendants

Answer

Defendants Demand Jury Trial

The Defendants Ronnie T. Judy, J. Todd Judy and Ryan C. Judy answer the Plaintiffs complaint as follows

1. Admit
2. Admit
3. Admit
4. Admit
5. Admit
6. Admit
7. Admit date of trial. However, Kevin Judy should not have joined in the suit at last day, not allowing defendant opportunity to depose him pursuit to

South Carolina Rules of Civil Procedure, Rule 15 (a).

8. Admit with malice.
9. Admit
10. Deny. I was relaying property to the proper owner. The land in question had been in J. Todd Judy's name since November 1998 until 2002 when the Probate Court overruled Circuit Judge Rodney Peoples, who ruled I had no interest in said property. (See Judgment on Trial & Order By The Court, case: 01-CP 18 122, James Judy vs Todd Judy, et al.)
11. Deny
12. Deny
13. Admit
14. Admit
15. Deny
16. Deny
17. Deny
18. N/a
19. Deny
~~20.~~

Wherefore, Defendants having answered the Complaint pray for the following:
whereas if the Court rules to transfer said properties back to Annie F. Judy, that the properties would have to be partitioned between Annie F. Judy and James T. Judy and them/also Annie F.

(2)

Judy and Bobby Judy
Be advised the two cases
here in mentioned (#205 CP 18 1792
and #205 CP 18 1793) are currently
on Appeal in the South Carolina
Court of Appeals.
And this summons and complaint
be dismissed with prejudice.

Ronnie T. Judy
Ronnie T. Judy pro-se
1872 Sandridge Road
Dorchester, SC 29073

J. Todd Judy
J. Todd Judy
119 Fairway Court
St George, SC 29477

Ryan C. Judy
Ryan C. Judy
122 Kayla Lane
St. George SC 29477

Dorchester, South Carolina
Nov. 1, 2007, 2007

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER	)	CASE NO.: 2007-CP-18-1794

JAMES T. JUDY, BOBBY T. JUDY, And KEVIN JUDY, Plaintiffs, vs. RONNIE F. JUDY, J. TODD JUDY, RYAN C. JUDY, and WANDA B. JUDY, Defendants.	)	**AMENDED SUMMONS (Fraudulent Conveyance Action) (Non-Jury)**

CERTIFIED COPY
2009 JUN 22 AM 11:57
CLERK OF COURT
DORCHESTER COUNTY

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Amended Complaint, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Amended Complaint upon the subscribers at their office, 11 Broad Street, Charleston, South Carolina 29401, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Amended Complaint within the time aforesaid, the Plaintiff will apply to the Court for the relief demanded in the Amended Complaint.

2009 JUN 16 AM 10:22
DORCHESTER COUNTY
SHERIFF'S OFFICE
CIVIL PROCESS

Respectfully submitted,

BARR UNGER & McINTOSH

Capers G. Barr, III, Esq.
11 Broad Street
Charleston, SC 29401
Telephone: (843) 577-5083
Facsimile: (843) 723-9039
ATTORNEYS FOR PLAINTIFFS

Charleston, South Carolina
June 18, 2009

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER	)	CASE NO. 2007-CP-18-1794
JAMES T. JUDY, BOBBY T. JUDY, And KEVIN JUDY,	)	
Plaintiffs,	)	**AMENDED COMPLAINT (Fraudulent Conveyance Action) (Non-Jury)**
vs.	)	
RONNIE F. JUDY, J. TODD JUDY, RYAN C. JUDY, and WANDA B. JUDY,	)	
Defendants.	)	

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2009 JUN 22 AM 11:57
CLERK OF COURT
DORCHESTER COUNTY

Plaintiffs, by this their Complaint, allege:

1. Plaintiffs, James T. Judy and Kevin Judy are residents of Dorchester County, and Plaintiff Bobby T. Judy is a resident of York County.

2. Defendants are residents of Dorchester County.

3. The parcels of real property which are the subject matter of this action are located in Dorchester County, and are described as Parcels "A" through "J" on Exhibit "1" attached hereto, and by this reference incorporated herein

2009 JUN 16 PM 12:22
DORCHESTER COUNTY SHERIFF'S OFFICE

4. Plaintiff James T. Judy filed a civil lawsuit for money damages against Defendant Ronnie F. Judy on September 10, 2004, which was refiled November 28, 2005, as Case No. 2005-CP-18-1793, in the Dorchester County Court of Common Pleas.

5. Case 2005-CP-18-1793 came to trial in Dorchester County in April 2007, resulting in a final judgment entered April 11, 2007, in favor of Plaintiff James T. Judy and against Defendant Ronnie F. Judy for the amount of $67,300 in actual damages and $22,650 in punitive damages.

6. Plaintiff Bobby T. Judy filed a civil lawsuit for money damages against Defendant Ronnie F. Judy on September 10, 2004, which was refiled November 28,

2005, as Case No. 2005-CP-18-1792 in the Dorchester County Court of Common Pleas.

7. Case No. 2005-CP-18-1792 came to trial in Dorchester County in May 2007, at which time Plaintiff Kevin Judy was joined as a party Plaintiff therein.

8. In Case No. 2005-CP-18-1792 final judgment was entered May 2, 2007, in favor of Plaintiffs Bobby T. Judy and Kevin Judy and against Defendant Ronnie F. Judy for the amount of $9,540 in actual damages and $28,128 in punitive damages.

9. As of February 7, 2007, Cases 2005-CP-18-1793 and 2005-CP-18-1792 appeared on the active roster of cases for trial in Dorchester County.

10. On the same date, that is to say February 7, 2007, Defendant Ronnie F. Judy purported to convey to Defendant J. Todd Judy his right, title and interest to Parcels A and B described above, for a consideration of $5.00, love and affection, as will appear by reference to a deed recorded February 7, 2007, in the Office of the Dorchester County Register of Deeds, Book 5844, Page 224.

11. During the pendency of the filing of this action and on or about December 31, 2008, Defendant J. Todd Judy purported to convey to Defendant Wanda B. Judy his right, title and interest to Parcels A and B described above, for a consideration of $5.00, love and affection, as will appear by reference to a deed recorded December 31, 2008, in the Office of the Dorchester County Register of Deeds, Book 6902, Pages 71-76.

12. Plaintiffs are informed and believe that, following the conveyances of Parcels A and B to J. Todd Judy, and further following the conveyances of Parcels A and B by J. Todd Judy to Wanda B. Judy, Defendant Ronnie F. Judy failed to retain sufficient property to pay his indebtedness to Plaintiffs, now totaling $127,618, plus accrued interest and costs.

13. Plaintiffs are informed and believe that the conveyances of Parcels A and B by Ronnie F. Judy to J. Todd Judy, and by J. Todd Judy to Wanda B. Judy as alleged in paragraph 11 above, were made and intended for the specific purpose of delaying, hindering, or defrauding the creditors of Ronnie F. Judy, and in particular with the intention to delay, hinder, and defraud Plaintiffs in pursuing and collecting their claims against Defendant Ronnie F. Judy.

14. On November 16, 1998, Defendant Ronnie F. Judy purported to convey to Defendant J. Todd Judy his right, title, and interest to Parcels C, D, E, F and G, described above, for a consideration of $5.00, love and affection, as will appear by reference to deeds recorded November 16, 1998, in the Office of the Dorchester County Register of Deeds, Book 2077, Page 96, and Book 2077, Page 92.

15. On November 16, 1998, Defendant Ronnie F. Judy purported to convey to Defendants J. Todd Judy and Ryan C. Judy his right, title and interest to Parcels H, I, and J, described above, for a consideration of $5.00, love and affection, as will appear by reference to deed recorded November 17, 1998 in the Office of the Dorchester Register of Deeds, Book 2077, page 092.

16. Plaintiffs are informed and believe that following the conveyances of Parcels C through J, as described above, to J. Todd Judy and to J. Todd Judy and Ryan C. Judy respectively, Defendant Ronnie F. Judy failed to retain sufficient property to pay his indebtedness to Plaintiffs, now totaling $127,618, plus interest and costs

17. Plaintiffs are informed and believe that the conveyances of Parcels C through J, described above, by Ronnie F. Judy to J. Todd Judy and to J. Todd Judy and Ryan C. Judy were made and intended for the specific purpose of delaying, hindering, or

defrauding the creditors of Ronnie F. Judy; including creditors existing at the time of the conveyance, as well as creditors arising subsequent thereto, and in particular with the intention to delay, hinder, and defraud Plaintiffs in pursuing and collecting on their claims against Defendant Ronnie F. Judy.

18. The conveyances in 1998 of Parcels C through J, described above, by Ronnie F. Judy to J. Todd Judy and to J. Todd Judy and Ryan C. Judy were further made by the said Defendant Ronnie F. Judy with a view to the said Ronnie F. Judy's future indebtedness and with actual fraudulent intent on the part of Defendant Ronnie F. Judy to defraud his creditors, both existing and subsequent.

FOR A SECOND CAUSE OF ACTION

19. The allegations of Paragraphs 1 through 17 are incorporated herein.

20. Because of the fraudulent acts of Defendant Ronnie F. Judy, Plaintiffs are entitled to such penalty and forfeiture as shall be allowed and permitted in accordance with the provisions of South Carolina Code Section 27-23-30; together with attorney fees for the prosecution of this action

WHEREFORE, Plaintiffs pray for judgment as follows:

a. Declaring that the transfers and conveyances of the properties more fully described above as Parcels A, B, C, D, E, F, G, H, I, and J by Defendant Ronnie F. Judy to Defendant J. Todd Judy and to Defendants J. Todd Judy and Ryan C. Judy, and by J. Todd Judy to Defendant Wanda B. Judy, and further more fully described in the *Lis Pendens* filed herewith, were and are utterly void, frustrate and of no effect so that title thereto shall be restored to Defendant Ronnie F. Judy; and

b. Finding and declaring that the parcels of real property to which title is

restored to Defendant Ronnie F. Judy, and which are the subject matter of this action, are subject to the judgments held by Plaintiffs as herein alleged; and

c. Awarding to Plaintiffs such damages, fines, penalties or forfeitures as shall be allowed in accordance with South Carolina Code Section 27-23-30; and

d. For an award of judgment against Defendant Ronnie F. Judy and in favor of the Plaintiffs for their attorneys fees and the costs of this action; and

e. Together with such other and further relief as may be appropriate.

BARR, UNGER & McINTOSH, LLC

Capers G. Barr, III
P.O. Box 1037 (29402-1037)
11 Broad Street
Charleston, SC 29401
(843) 577-5083
(843) 723-9039 (FAX)
ATTORNEY FOR PLAINTIFFS

Charleston, South Carolina
June 18, 2009

STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER	)	IN THE COURT OF COMMON PLEAS FOR THE FIRST JUDICIAL CIRCUIT CASE NO.: 2007-CP-18-1794
JAMES T. JUDY, BOBBY T. JUDY, And KEVIN JUDY, Plaintiffs, vs. RONNIE F. JUDY, J. TODD JUDY and RYAN C. JUDY, Defendants.	)	**LIS PENDENS** (Non-Jury)

RB

2007 SEP 27 AM 11:56

TO THE DEFENDANTS ABOVE NAMED:

NOTICE is hereby given that an action has been commenced or will be commenced within Twenty (20) days from the date hereof in the Court of Common Pleas for Dorchester County, South Carolina, by the above named Plaintiffs against the Defendants above named under the Statute of Elizabeth, to set aside conveyances from the Defendant Ronnie F. Judy to the Defendants J. Todd Judy and Ryan C. Judy as transactions to defraud creditors, and to restore title to the name of Ronnie F. Judy and thereby subject to Plaintiffs' judgments, pursuant to § 27-23-10, *et seq.* Code of Laws of South Carolina, 1976, as amended. The descriptions of the twelve parcels of real property which are the subject of the above described suit at the time of the filing of this Notice, denominated as Parcels "A" through "J", are more fully set forth on Exhibit "1" attached hereto and by this reference incorporated herein

BARR, UNGER & McINTOSH, L.L.C.

Capers G. Barr, III, Esq.
11 Broad Street
Charleston, SC 29401
(843) 577-5083 (Telephone)
(843) 577-5081 (Facsimile)
ATTORNEYS FOR PLAINTIFFS

Charleston, South Carolina
Sept 26, 2007

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER	)	CASE NO.: 2007-CP-18-794
	)	
JAMES T. JUDY, BOBBY T. JUDY, And KEVIN JUDY,	)	
Plaintiffs,	)	**EXHIBIT 1**
vs.	)	
RONNIE F. JUDY, J. TODD JUDY, And RYAN C. JUDY,	)	
Defendants.	)	

Following are the legal descriptions of the parcels referred to in the Complaint and Lis Pendens in the within matter:

Parcel A:

All that certain piece, parcel or tract of land with buildings and improvements thereon, measuring and containing 9.29 acres, more or less, formerly being a part of 143 acres, more or less, situate, lying and being in School District No. 4, County of Dorchester, State of South Carolina, and butting and bounding now or formerly as follows, to wit: bounded on the East by Sandridge Road; On the North by lands now or formerly of Ronnie F. Judy and James T. Judy, on the West by lands now or formerly of Ronnie F. Judy and James T. Judy, and on the South by S-18-19 aka Wire Road. This being the same property depicted on a plat prepared by Albert R. Judy, PLS(S.C.P.L.S. No. 17570) dated November 20, 1999 titled "PLAT SHOWING PROPERTY OF VESTA J. BROWN RUMPH ESTATE ABOUT TO BE CONVEYED TO RONNIE F. JUDY LOCATED SOUTH OF PREGNALL, DORCHESTER CO. SC" and recorded on November 21, 2001, in the RMC Office for Dorchester County in Plat Book K-9.

Parcel B:

All that certain piece, parcel, or tract of land situate, lying and being in School District 4, County of Dorchester, State of South Carolina, measuring and containing 10.9 acres more or less, butting and bounding now or formerly as follows, to wit: on the Northeast by lands now or formerly of Florrie Bell Flannigan, on the Southeast by lands now or formerly of Hezikiah Bryant; on the Southwest by lands now or formerly of the Estate of Robert S. Gruber; and on the Northwest by lands now or formerly of Lee Haynes.

Parcel C:

All that certain piece, parcel or tract of land with buildings and improvements thereon, measuring and containing 71.58 acres, more or less, situate, lying and being in Givhans Township, Dorchester County, State of South Carolina, and designated as Tract 2 on a plat prepared by Albert R. Judy, PLS (S.C.P.L.S. No. 17570) dated July 28, 2004 and titled "DIVISION PLAT SHOWING TRACT 1 & 2 PROPERTY OF JAMES T. JUDY & J. TODD JUDY LOCATED EAST OF GROVER DORCHESTER CO. SC" and recorded on September 14, 2004 in the Office of RMC/ROD for Dorchester County in Plat Book K-117.

Parcel D:

All that certain piece, parcel or tract of land, with buildings and improvements thereon, measuring and containing 119.44 acres, more or less, situate lying and being in Koger Township, Dorchester County, State of South Carolina, and designated as Tract A on a plat prepared by Albert R. Judy, PLS (S.C.P.L.S. No. 17570) dated August 16, 2004 and titled "DIVISION PLAT SHOWING TRACT A & TRACT B PROPERTY OF JAMES T. JUDY AND J. TODD JUDY LOCATED WEST OF GROVER DORCHESTER CO. SC" and recorded in the Office of RMC/ROD for Dorchester County on September 14, 2004 in Plat Book K-117.

Parcel E:

All that certain piece, parcel or tract of land, with buildings and improvements thereon, measuring and containing 10.562 acres, more or less, situate lying and being in Koger Township, Dorchester County, State of South Carolina, and designated as Tract 2A, Tract 2B, and Tract 2C on a plat prepared by Albert R. Judy, PLS (S.C.P.L.S. No. 17570) dated July 28, 2004 and titled "DIVISION PLAT SHOWING TRACT 1 & TRACT 2 PROPERTY OF JAMES T. JUDY AND J. TODD JUDY LOCATED WEST OF GROVER DORCHESTER CO. SC" and recorded in the Office of RMC/ROD for Dorchester County on September 14, 2004 in Plat Book K-117.

Parcel F:

Tract 1 – All that certain piece, parcel and tract of land situate, lying and being on the East side of Interstate Highway 95, in Koger Township, in the County of Dorchester, State of South Carolina containing 36.63 acres, more or less, being shown and designated as Tract 1 on a plat prepared by Rhode Surveying, Inc. dated December 14, 2004, entitled "A Plat Showing Tract 1 and Tract 2 Property of Bobby and J. Todd Judy Located on the East Side of Interstate Highway 95 Near St. George, Dorchester County, South Carolina", and recorded in the RMC Office for Dorchester County in Plat Book K at Page 149, said plat being

incorporated herein as a part of this legal description with all metes and bounds as shown thereon being incorporated and said tract being bounded now or formerly as follows: On the North by lands of Marian S. Howell (TMS 044-00-00-067); on the Northeast and East by lands of Marian S. Howell (TMS 044-00-00-067); and on the South by Tract 2 as shown on said plat and lands of J. Todd Judy (TMS 057-00-00-014); and on the West and Northwest by Interstate Highway 95 as shown on said plat; and a fifty (50') foot ingress/egress across Tract 2 as shown on said plat running from Tract 1 to the Frontage Road as shown on said plat as Munchkin Lane.

Parcel G:

Tract 2 – All that certain piece, parcel and tract of land situate, lying and being on the West side of Interstate Highway 95, in Koger Township, in the County of Dorchester, State of South Carolina containing 52.51 acres, more or less, being shown and designated as Tract 2 on a plat prepared by Rhode Surveying, Inc. dated December 14, 2004, entitled "A Plat Showing Tract 1 and Tract 2 Property of Bobby and J. Todd Judy Located on the West Side of Interstate Highway 95 Near St. George, Dorchester County, South Carolina", and recorded in the RMC Office for Dorchester County in Plat Book K at Page 150, said plat being incorporated herein as a part of this legal description with all metes and bounds as shown thereon being incorporated and said tract being bounded now or formerly as follows: On the North and Northeast by Tract 1 as shown on said plat; on the East and Southeast by Interstate Highway 95 as shown on said plat; on the South and Southwest by lands of Frances L. Moore, et al (TMS 057-00-00-006) and by lands of Vandy T. Judy Jr. (TMS 057-00-00-004); and on the West and Northwest by Old Mill Pond Road separating Tract 2 from lands of Vandy T. Judy, Jr. (TMS 057-00-00-004), lands of C.F. Judy (TMS 044-00-00-105) and lands of Gayle J. Pace (TMS 044-00-00-028).

Parcel H:

All that certain piece, parcel or tract of land, situate, lying and being in School District No. 4, County of Dorchester, State of South Carolina, containing Eighty Seven and Seventy Eight one hundredths (87.78) acres, more or less, and bounding and measuring now or formerly as follows, to-wit: On the North by State Highway S-18-19 (the wire road) and seven lots owned now or formerly of Mayes, Belser, Bryant, Britt, Singletary and Dereef; on the East by lands of Grace J. Heaton and Will H. Fralix; on the South by lands of Ronnie F. and James T. Judy; on the West by lands of James H. Weathers and lands of Albertha R. Brothers.

The above described tract of land is the identical tract of land shown as 87.78 acres on a plat of survey in the Cow Tail Community Dorchester County, S.C. owned by Camille H. Weathers by Stephens Engineering Inc. by W.T. Stephens, P.E. and R.L.S. recorded in Plat Book G, Page 2.

Parcel I:

All that certain piece, parcel or tract of land situate, lying and being in the County of Dorchester, State of South Carolina, measuring and containing fifty-nine (59) acres, more or less and bounded now or formerly as follows: North by the lands of J. Gavin Appleby; East by lands of James T. Judy and Ronnie F. Judy; South by the dirt road of Dorchester County; West by the lands of Mrs. Tina Kennerly.

The above described tract of land is the identical tract of land conveyed to Ronnie F. Judy by deed of Charles L. Appleby, Jr. dated March 17, 1986 and recorded in the R.M.C. office for Dorchester County in Deed Book 558, Page 460.

Parcel J:

All that certain piece, parcel or lot of land, with the improvements thereon, situate, lying and being near Grover, Dorchester County, South Carolina, containing .9 of an acre, more or less, butting, bounding and measuring as more fully shown on plat hereinafter referred to, as follows, to-wit: On the Northeast by Highway S-18-19, 124 feet; on the Southeast by Evelyn W. Jackson, 315 feet; on the Southwest by Evelyn W. Jackson, 124 feet; and on the Northwest by lands belonging to James Singletary, 315 feet.

The above described lot of land is more fully delineated on a plat entitled "Plat of Survey of .9 Ac. for Sammie Dereef, near Grover, Dorchester County, South Carolina," made by Bobby M. Long, RLS S.C. No. 3611, August 2, 1972, recorded in RMC office for Dorchester County in Plat Book 19, Page 268.

BARR UNGER & McINTOSH

Capers G. Barr, III, Esq.
1.1 Broad Street
Charleston, SC 29401
Telephone: (843) 577-5083
Facsimile: (843) 577-5081
ATTORNEYS FOR PLAINTIFFS

Charleston, South Carolina
Sept 26, 2007

State of South Carolina } In the Court of Comm. Pleas
County of Dorchester } Case No. 2007-CP-18-1794

2007 AUG 18 AM 9:02

James T. Judy, Bobby T. Judy, & Kevin Judy

Plaintiffs

vs

Ronnie T. Judy, J. Todd Judy, Ryan C. Judy & Wanda B. Judy

Defendants

Answer to Complaint.

Defendants Demand Jury Trial.

The Defendants, Ronnie T. Judy, Wanda B. Judy, J. Todd Judy & Ryan C. Judy answers the Plaintiffs Complaint as follows.

1. Admit
2. Admit
3. Admit
4. Admit
5. Admit but was reversed by App. Court.

6. Admit But Bobby Judy wasn't owner of the
7. Kevin Judy wasn't the Plaintiff in the original Complaint
8. Admit but a pure case of "robbery"
9. Admit
10. Admit "But was returning stolen property back to the proper owner, J. Todd Judy.

11. Admit Because he was the owner of that property since Nov. 18, 1998.

12. Deny "Total untrue"
13. Deny "Total untrue".
14. Admit
15. Admit
16. Deny "Plaintiff judgement came Nine (9) years later

17. Deny
18. Deny
19. N/A.
20. (a) Deny
(b) Deny
(c) Deny
(d) Deny
(e) Deny

Wherefore, having fully answered the Plaintiff's Complaint, the Defendants prays that said Complaint be dismissed with costs to the Plaintiffs and for such other and further relief as this Court may deem just and proper.

St. George, SC.
[redacted], Aug. 17, 2009

Wanda B. Judy Pro-se
WANDA B. JUDY
1872 Sandridge Rd.
Dorchester, S.C. 29437

Ronnie T. Judy (Pro-se
RONNIE T. JUDY
1872 Sandridge Rd.
Dorchester, S.C. 29437

J. Todd Judy (Pro-se)
J. Todd Judy
119 Fairway Ct.
St. George S.C. 29477

Ryan C. Judy (Pro-se)
RYAN C. JUDY
122 Kayla Ln.
St. George, S.C. 29477

STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER JAMES T. JUDY, BOBBY T. JUDY, And KEVIN JUDY, Plaintiffs, vs. RONNIE F. JUDY, J. TODD JUDY, RYAN C. JUDY, and WANDA B. JUDY, Defendants.	)	IN THE COURT OF COMMON PLEAS FOR THE FIRST JUDICIAL CIRCUIT CASE NO.: 2007-CP-18-1794 **PLAINTIFFS' PRETRIAL BRIEF**

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2011 JUL -5 PM 4:30
CLERK OF COURT
DORCHESTER COUNTY

Pursuant to Rule 16, South Carolina Rules of Civil Procedure, Plaintiffs submit the following by way of Pretrial Brief:

1. **A concise, non-argumentative statement of the facts of the case.**

Plaintiffs James T. Judy ("Jimmy") and Bobby T. Judy ("Bobby"), and Defendant Ronnie F. Judy ("Ronnie") are brothers. Plaintiff Kevin Judy is a nephew.

This action is filed pursuant to Code Sections 27-23-10, et seq, the "Statute of Elizabeth," seeking to set aside certain conveyances of real property made by Defendant Ronnie F. Judy to his sons, without consideration, as hereafter discussed. Plaintiffs bring the case by virtue of their position as judgment creditors of Defendant.

a. **Plaintiffs are Creditors; The underlying judgments.**

(1) The "Pond Dam Case." On November 28, 2005, Plaintiff Jimmy Judy refiled his Summons and Complaint against Defendant Ronnie Judy stating a tort cause of action for waste, arising from the allegation that Ronnie deliberately destroyed a pond dam by the use of a backhoe on May 4, 2003, on lands jointly owned by Jimmy and Ronnie. (The Complaint had originally been filed in 2004, but was non-suited without prejudice when the undersigned attorney took over the case in

approximately October 2005.) The case was tried before a judge and jury in St. George at the April 2007 term of Common Pleas Court, resulting in a verdict on April 11, 2007, awarding Jimmy actual damages of $67,350 and punitive damages of $22,650.

Jimmy's judgment against Ronnie in the Pond Dam Case was reversed by the Court of Appeals. The South Carolina Supreme Court affirmed the decision of the Court of Appeals on June 20, 2011. A Petition for Rehearing will be filed with the Supreme Court, but has not been ruled upon at this writing.

(2) The "Corn Crop Case." On November 28, 2007, Plaintiff Bobby Judy refiled his Summons and Complaint against Ronnie Judy, stating a cause of action alleging that Ronnie deliberately destroyed a mature corn crop belonging to Bobby on June 26, 2003. (As was the case in the above lawsuit, the original Complaint in the corn crop case had been filed in 2004, but was dismissed without prejudice and refiled in 2005 when the undersigned took over representation of Bobby.) The "corn crop" case was tried before a judge and jury in St. George in late April 2007. Plaintiff Kevin Judy was joined as a Plaintiff in that case and a jury returned a verdict for Plaintiffs on May 1, 2007, awarding $9,450 in actual damages and $28,128 in punitive damages.

The judgment in the Corn Crop Case was affirmed by the Court of Appeals and a Remittitur has been filed with the Circuit Court in the matter.

b. **The transfers alleged to be fraudulent.**

Ronnie Judy has testified in pretrial deposition that he owns no current assets. Public records of Dorchester County reflect that Ronnie has, at one time, owned numerous parcels of real property in Dorchester County and the records further reflect that those parcels have been conveyed by Ronnie to family members for no

consideration. The real estate conveyances fall into two categories: First, two parcels of land were conveyed very recently and while the lawsuits to which reference is made above were pending. In the second category of conveyances, lands were conveyed by Ronnie longer ago, and before accrual of the causes of action which led to the judgments held by Plaintiffs.

The real property conveyances of record are as follows:

(1) The recent conveyances:

(a) By deed dated and recorded February 7, 2007, Ronnie conveyed to his son, Todd Judy, for $5, love and affection, two parcels consisting of a 9.29 acre tract which includes Defendant's current home, and a 10.9 acre unimproved tract, both in Dorchester County. This conveyance was made shortly following the publication of the active trial roster on which the "Pond Dam" and "Corn Crop" cases first appeared.

(b) While the case now being tried was pending before this Court, on December 31, 2008, Todd Judy conveyed to Wanda B. Judy his interest in the 9.29 and 10.9 acre parcels of land. At that time Plaintiffs were permitted to amend their Complaint and Wanda B. Judy was added as a party defendant to the case.

(2) The remote conveyances. The siblings, Ronnie, Jimmy, and Bobby, received conveyances of interests in real property in Dorchester County from their late father, Blease Judy, during his lifetime. The most significant conveyances were of a 259 acre tract with Edisto River frontage which was conveyed to Ronnie, who later conveyed a half interest to Jimmy at their father's request. The other significant conveyance was of a 133 acre tract from Blease to Ronnie and Bobby, which

was ultimately intersected by the construction of U.S. Highway I-95 when it was built. The tract believed to be 133 acres turned out to contain approximately 200 acres, which was reduced to approximately 180 acres after the construction of I-95.

Ronnie conveyed his interests in the above two parcels, as well as other lands, to his son, Todd, for $5.00, love and affection, by deed dated and recorded 11/16/98 in Book 2077, Page 096, in the Office of the Dorchester County RMC, consisting of: (1) Ronnie's one half undivided interest with Jimmy in the 259 acre tract on Edisto River; (2) His one half undivided interest with Bobby in the "133 acres" which was later divided by I-95; (3) 2.06 acres more fully described in the deed; (4) 75 acres purchased jointly with Jimmy from Vesta Rumph, more fully described; (5) 100 acres purchased jointly with Jimmy from Vesta Rumph, more fully described; (6) 143 acres devised jointly to Ronnie and Jimmy in the Will of Vesta Rumph; and (7) 10.9 acres devised jointly to Ronnie and Jimmy in the Will of Vesta Rumph.

The above parcels have since been partitioned and full interests have been conveyed to Defendant Todd Judy as will be shown at trial.

c. **Ronnie Judy retained no assets after the 2007 conveyance.**

In his deposition testimony, Ronnie Judy testified as follows:

(1) Q: At the current time, Mr. Judy, tell us please what lands you own in any county in the State of South Carolina.

A: I don't know own none.

Q: At one time is it correct that you did own lands?

A: Years ago I did.

(page 9, lines 8-16)

(2) Q: Now, after you gave Todd your home, your 9 acres and the other 10 acres that had formerly been in the Rumph tract, if I follow it correctly, that was the last land you owned, isn't that right? Once you gave that away you didn't own any more land?

A: I put it back in Todd's name.

Q: And when you did that you didn't own any other land, did you?

A: That's correct.

(page 50, line 13, to page 51, line 15)

(3) Q: All right and after you did that what assets were you left with?

A: Whatever Jimmy got left of mine whatever.

Q: No. What assets were you left with? Did you own any farm equipment after you did that?

A: No sir.

(page 51, lines 16-22)

(4) Q: Now, who paid the land taxes on your home last year, on the home you live in?

A: Todd.

Q: Todd. And how much rent do you pay Todd?

A: Todd just let me stay there for helping him.

Q: So you don't pay him any rent?

A: No sir.

Q: And who pays the land taxes on the 10 acre piece?

A: Todd. Todd or Ryan one of the two.

Q: And who pays taxes on all these other lands?

A: Todd and Ryan.

Q: You don't pay any taxes?

A: No sir.

Q: And you don't pay any rent?

A: No sir.

(page 54, line 7 to page 55, line 2)

Q: And there's a mortgage on some of the lands, isn't there?

A: I think it is.

Q: Well, if you were making a mortgage payment, why would you since these lands are not in your name?

A: Because I borrowed the money I reckon.

Q: So you borrowed the money and you put Todd's land up on a mortgage, is that what you're saying?

A: I don't know how that would work.

(page 55, line 3 to page 56, line 16)

(The witness is shown a mortgage on the 9.29 acre tract on which he lives for $100,000 signed by Ronnie F. Judy and J. Todd Judy on August 31, 2006.)

Q: And that's your signature, isn't it?

A: That's right.

Q: And there's Todd's signature.

A: Uh huh.

Q: And there's a description of the land, 9.29 acres. So who is making the payment on that mortgage, Ronnie?

A: Todd, I reckon.

Q: So you're not making it?

A: I might help him.

Q: Now when that mortgage was taken out in 2006, Ronnie, the money went to you, didn't it?

A: No I give Jimmy some of it.

Q: How much of it did you give to Jimmy?

A: I don't know how much I gave him.

Q: And why did you give some of it to Jimmy?

A: Because he asked me for it.

Q: That was in 2006?

A: Sometime in that time frame.

(page 57, line 6 to page 58, line 12)

2. **An objective statement of the facts in controversy.**

a. As to Ronnie's conveyance of the 9.29 acre and 10.06 acre parcels of land on February 7, 2007, there are no disputed, material questions of fact and, based upon the legal authorities discussed below, the trial court should grant summary judgment or order a directed verdict, as the case may be.

b. On the other hand, Defendant attempts to create a disputed fact issue as to the 2007 conveyance by deposition testimony that he was simply "restoring" title to those parcels, to their lawful owners. However, the evidence as to that claim consists of a chain of self-serving conveyances by Ronnie Judy that were ultimately set aside by the Court, as follows:

(1) Ronnie Judy and Jimmy Judy were devised the lands owned by the late Vesta Rumph in Dorchester County, which included the 9.29 acre and 10.9 acre parcels discussed above. Mrs. Rumph died in 1983 and Ronnie Judy was qualified as executor of her estate at that time.

(2) By deed of distribution recorded February 12, 2001, in the Dorchester County RMC Office in Book 2608, Page 90, Ronnie Judy conveyed all lands of the estate of Vesta Rumph to himself and Jimmy Judy as tenants in common, in accordance with the Will of Vesta Rumph.

(3) However, by deed recorded August 20, 2001, Ronnie purported to sell all lands owned by the late Vesta Rumph, pursuant to his authority as executor, to his sons, J. Todd Judy and Ryan C. Judy, for $15,000. (This was a grossly inadequate consideration. After lands were properly restored to the estate, Jimmy Judy sold his share, alone, for over $1 million.)

(4) On October 15, 2001, the probate judge removed Ronnie Judy and substituted Jimmy Judy as personal representative of the Estate of Vesta Rumph.

(5) By orders of the Probate Court dated August 16, 2002, May 29, 2003, and January 7, 2004, the conveyance of the lands of the Estate of Vesta Rumph

to Ronnie Judy's sons by Ronnie Judy was voided by the probate judge.

(6) By judicial deed recorded September 10, 2004, in Book 4324, Page 286, the probate judge conveyed to Ronnie Judy the 9.29 and 10.9 acre tracts, which he now attempts to claim were "rightfully owned" by his son, Todd.

c. As to the 1998 conveyance by Ronnie to Todd of the lands described above under the paragraph "the remote conveyances" (page 3 of this Brief), the evidence will show the following:

(1) On or about December 18, 1995, a lawsuit was filed against Ronnie Judy by Larry Thomas Mills (Case No. 95-CP-18-924), which resulted in judgment against Ronnie on July 22, 1997, for the sum of $9,424. Ronnie filed an appeal to the South Carolina Court of Appeals from the judgment and the appeal was ultimately dismissed by the Court of Appeals on May 15, 1998. As previously stated, on November 16, 1998, Ronnie conveyed the lands to Todd Judy on November 16, 1998, only six months following dismissal of his appeal from the Mills judgment.

(2) On August 31, 2006, Ronnie Judy borrowed the sum of $100,000 from The Citizens Bank in St. George. Bank records will show that Ronnie represented to the bank that he has a net worth, as of July 24, 2006, of $1,309,000. He further represented to the bank that he was an active farmer. Bank records at the time reflect the balances of other farm loans owned by Ronnie to the bank to be $50,076 and $48,460, both of which are secured by "farm equipment;" and a loan for $8,030, unsecured.

(3) Evidence at trial will show that Ronnie Judy has dealt with numerous farm brokers and suppliers for many years, selling produce and buying

supplies in his own name for farming activities; and that he has sold timber from the forested acres and received the proceeds in his name.

(4) Evidence at trial will show that Ronnie Judy has received monies from the Federal Farm Subsidy Program in his own name at least for the period from 1996 through 2006, in excess of $50,000.

3. The legal issues involved.

a. The Statute of Elizabeth is codified in South Carolina Code Sections 27-23-10, et seq, and provides, in relevant part: "Every...conveyance of land...made to or for any intent or purpose to delay, hinder, or defraud creditors and others of their just and lawful actions...must be deemed...to be clearly and utterly void..."

b. An action to set aside a transfer as fraudulent pursuant to the Statute of Elizabeth is an action in equity. *Albertson v. Robinson*, 371 S.C. 311, 638 S.E.2d 81 (Ct.App. 2006); *Future Group II v. Nations Bank*, 324 S.C. 89, 478 S.E.2d 45 (Sup.Ct. 1996).

c. If a cause of action is equitable, there is no right to a jury trial. *Loyola Federal Savings Bank v. Thomasson Properties*, 318 S.C. 92, 456 S.E.2d 423 (Ct.App. 1995); *Defender Properties, Inc. v. Doby*, 307 S.C. 336, 415 S.E.2d 383 (Sup.Ct. 1992).

d. Conveyances may be set aside for both existing creditors as well as subsequent creditors. *Mathis v. Burton*, 319 S.C. 261, 460 S.E.2d 406 (Ct.App. 1995).

(1) Existing creditors. As for existing creditors, conveyances can be set aside in two instances:

i. First, where the challenged transfer was made for a valuable consideration, it will be set aside if the Plaintiff establishes that (1) the transfer was made by the grantor with the actual intent of defrauding his creditors; (2) the grantor was indebted at the time of transfer; and (3) the grantor's intent is imputable to the grantee.

ii. Second, where the transfer was not made on a valuable consideration, no actual intent to hinder or delay creditors must be proven. Instead, as a matter of equity, the transfer will be set aside if the Plaintiff shows that (1) the grantor was indebted to him at the time of the transfer; (2) the conveyance was voluntary; and (3) the grantor failed to retain sufficient property to pay the indebtedness to the Plaintiff in full – not merely at the time of transfer, but in the final analysis when the creditor seeks to collect his debt. *Mathis v. Burton, supra,* 319 S.C. at 264, 265; citing *Durham v. Blackard*, 313 S.C. 432, 438 S.E.2d 259 (Ct.App. 1993).

(2) For subsequent creditors a conveyance may be set aside when (1) the conveyance was "voluntary," that is, without consideration and (2) it was made with a view to future indebtedness or with an actual fraudulent intent on the part of the grantor to defraud creditors. *Mathis v. Burton, supra,* 319 S.C. at 265; citing *Gentry v. Lanneau*, 54 S.C. 514, 32 S.E. 523 (1899); *Parker Peanut Co. v. Felder*, 200 S.C. 203, 20 S.E.2d 716 (1942). Subsequent creditors must show "actual moral fraud" rather than legal fraud. *Gentry v. Lanneau, supra.*

e. Transfers to members of the family shifts the burden to the transferee. In the case of *Windsor Properties, Inc. v. Dolphin Head Construction Co., Inc.*, 331 S.C. 466, 498 S.E.2d 858 (Sup.Ct. 1998), the South Carolina Supreme Court

first reiterated that where a transfer is not made on a valuable consideration, no actual intent to hinder or delay creditors needs to be proved. As for the family nature of a conveyance, the Supreme Court stated, "It is well established that: Where transfers to members of the family are attacked either upon the ground of actual fraud or on account of their voluntary character, the law imposes the burden on the transferee to establish both a valuable consideration and the *bona vides* of the transaction by clear and convincing testimony." 331 S.C. at 471.

f. Finality of judgment is not a prerequisite to a cause of action under the Statute of Elizabeth. The Court of Appeals has held that the protections of the Statute of Elizabeth extend to both creditors "and others." "Others" in the statute refers to "persons who, like creditors, have causes of action which may be prejudicially affected by a transfer of assets by one against whom the right of action exists." *Brown v. Butler*, 347 S.C. 259, 264, 554 S.E.2d 431 (Ct.App. 2001), citing 37 Am.Jur.2d Fraudulent Conveyances Section 118 at 618 (2001).

4. **A Listing of Exhibits and Witnesses.**

Plaintiffs have premarked Exhibits, consisting of recorded deeds, pleadings in related cases, orders of the Probate Court, orders from the Court of Appeals and the Supreme Court, together with a copy of the will of the late Vesta Rumph.

Plaintiffs Jimmy Judy and Bobby Judy will likely testify in Plaintiffs' case. Plaintiff may call one or more of the Defendants as witnesses, or may introduce portions of their deposition testimony.

5. **Unusual Problems Relating to Evidence:** None are anticipated.

6. **Unusual Questions or Matters.** Defendants are unrepresented. In other

court matters Ronnie Judy has attempted to represent his sons.

Respectfully submitted,

BARR UNGER & McINTOSH

Capers G. Barr, III, Esq.
11 Broad Street
Charleston, SC 29401
Telephone: (843) 577-5083
Facsimile: (843) 723-9039
ATTORNEYS FOR PLAINTIFFS

Charleston, South Carolina
July 1, 2011

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Pretrial Brief on the *pro se* Defendants by placing a copy of same in the United States mail with sufficient postage attached thereto and addressed as follows:

Ronnie F. Judy
Wanda B. Judy
1872 Sandridge Road
Dorchester SC 29437

J. Todd Judy
119 Fairway Drive
St. George, SC 29477

Ryan C. Judy
122 Kayla Drive
St. George, SC 29477

CERTIFIED COPY
2011 JUL -5 PM 4:30
CLERK OF COURT
DORCHESTER COUNTY

Paralegal to Capers G. Barr, III

Charleston, SC
July 1, 2011

STATE OF SOUTH CAROLINA)
COUNTY OF Dorchester, S.C.)
James T. Judy, Bobby Judy, Kevin Judy)
Plaintiff,)
vs.)
Ronnie T. Judy, Todd Judy, Ryan Judy, Wanda Judy)
Defendant.)

IN THE COURT OF COMMON PLEAS
____ JUDICIAL CIRCUIT

CASE NO. 2007-CP-18-1794

MOTION AND ORDER INFORMATION FORM AND COVERSHEET

FILED - RECORDED
2011 DEC 29 AM 11:16
CLERK OF COURT
DORCHESTER COUNTY

Plaintiff's Attorney:	Defendant's Attorney:
_____, Bar No. _____	_____, Bar No. _____
Address:	Address:
_____	_____
Phone: _____ Fax _____	Phone: _____ Fax _____
E-mail: _____ Other: _____	E-mail: _____ 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: _____
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.

Ronnie T. Judy Pro-se 12-29-2011
Signature of Attorney for ☐ Plaintiff /☒ Defendant Date submitted

SECTION III: Motion Fee

☒ PAID – AMOUNT: $ 25.00
☐ 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: _____

JUDGE'S SECTION	
☒ Motion Fee to be paid upon filing of the attached order.	JUDGE CODE _____
☐ Other: _____	Date: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____
☐ MOTION FEE COLLECTED: $ _____
☐ CONTESTED – AMOUNT DUE: $ _____

SCCA 233 (11/2003)

STATE OF SOUTH CAROLINA)	**IN THE COURT OF COMMON PLEAS**
)	
COUNTY OF DORCHESTER)	CASE NO: 2007-CP-18-1794
)	
James T. Judy, Bobby Judy,)	
Kevin Judy)	
Plaintiffs)	**MOTION TO RECONSIDER**
)	and
)	
)	**REQUEST FOR NEW TRIAL**
vs.)	
)	
Ronnie F. Judy, J. Todd Judy)	
Ryan Judy, Wanda Judy)	
Defendants.)	
)	

FILED-RECORDED
2011 DEC 29 AM 11:01
CLERK OF COURT
DORCHESTER COUNTY

Ronnie F. Judy, et al makes Motion for Reconsideration of the Order the Honorable Martin R. Banks, dated December 16, 2011, received by me, Ronnie F. Judy on December 22, 2011 and Request a New Trial in the aforementioned case.

Fact 1. The only tracts that should be restored in J. Todd Judy and Ryan Judy's name are Parcels "A" & "B", per Order of Probate Judge Tiffany Provence on July 29, 2002. See Court Exh.

Fact 2. Parcels "C" through "J" were legally transferred by Attorney Gene Dukes on November 16, 1998. Creditors were not indebted until 2007 which is nine (9) years later.

Fact 3. Several of these parcels were partitioned by the Dorchester Master in Equity, Patrick R. Watts, and the Plaintiffs brought NO action at that time regarding ownership by J. Todd Judy.

Parcel C – Book 475 pg 323 TMS 104-00-00-065
Parcel D – Book 4425 pg 221 – TMS 077-00-00-009
Parcel F - Book 4813 pg 66 – TMS 057-00-00-107
Parcel G – Book 4813 pg 66 – TMS 044-00-00-128

All transferred to Todd and Ryan Judy in 1998.

Fact 4. See S.C. Code of Law of S.C. SC 27-23-10

"A proceeding to set aside a deed upon the ground of fraud, where the party seeking so to do is in a position to institute an action for that purpose, must be commenced within six years from the time when the facts constituting the fraud are discovered by the aggrieved party." Walter J. Klein Co. v. Kneece (S.C.1962) 239 S.C. 478,123 S.E. 2d 870.
Fact 5. James T. Judy admitted in Court in July 2011 to knowing Ronnie had deeded property to sons, Todd and Ryan Judy on November 16, 1998.

Fact 6. On July 18, 2011, James T. Judy denied knowledge of trading partial D (River Front Property) for parcel C (Home Place). This was a lie. I demand perjury charges be brought against James Judy. (This information was blatantly discussed during a telephone call on January 8, 2009, noted on the Detailed Fee Transaction File List presented by Barr.)

Fact 7. According to the Detailed Fee Transaction File List, page 2, entry 01/08/2009, James Judy's Attorney Barr had a conference call with Ronnie and James Judy stating to Ronnie, "Give us a recordable deed to the 119 acres on the river and I'll get them to settle everything against you. That's the two appeals and the current case that we're going to hearing on January 20, 2011."

Fact 8. James T. Judy has wanted the Edisto River Property owned by Todd Judy (transferred to him in 1998) at the very beginning of these fabricated law suits by James Judy. This property is in the middle of James T. Judy's "White Bluff Hunting Club". I demand Perjury charges be brought against James T. Judy denying what was stated in Fact 7.

Fact 9. During the Hearing on July 18, 2011, 80% of the evidence and/or exhibits were denied by Judge Banks with no explanation. This action was detrimental to a potential appeal.

Fact 10. Ronnie F. Judy requested a jury trial regarding the July 18, 2011 Hearing but was denied by Judge Dickerson stating it was a Masters' in Equity Matter.

* See Amendment VI of the U.S. Constitution stating, " In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

* See Amendment VII of the U.S. Constitution stating, "In Suits at Common Law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law."

Fact 11. A bill was received by Ronnie Judy from Attorney Capers Barr for $44,386.97. This was not included in the letter directing Attorney Barr to draft a proposed order in this case (see attached) dated August 5, 2011 by The Honorable Martin R . Banks. The amount ordered is $7,800.00.

Fact 12. During the July 18, 2011 Hearing, Banks stepped down as Master-In-Equity and became "Special Referee". During the trial he accused Ronnie Judy of cursing in his court room. After consulting the Plaintiff's Attorney, Barr, he was made aware Ronnie had not cursed. No apology was given to Ronnie Judy - An apology is requested.

Fact 13. S.C. Civil Procedure Rule 53 states both parties must agree on appointment of a special referee pertaining to the above mentioned case. The Defendants were denied that right.

Ronnie F. Judy Pro Se
Ronnie F. Judy, et al
1872 Sandridge Road
Dorchester, S. C. 29437
(843)563-3630

December 29, 2011

Other Counsel of Record:

Attorney Capers Barr, III
11 Broad Street
P.O. Box 1037
Charleston, S. C. 29402-1037
(843)723-9039
Attorney for Plaintiff

In The Matter Of:

James T. Judy, et al v

Ronnie F. Judy, et al

Trial

July 18, 2011

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Min-U-Script® with Word Index

STATE OF SOUTH CAROLINA
COURT OF COMMON PLEAS
COUNTY OF DORCHESTER

JAMES T. JUDY, BOBBY T. JUDY, AND KEVIN JUDY,

Plaintiffs,

vs. CASE NO. 2007-CP-18-1794

RONNIE F. JUDY, J. TODD JUDY, RYAN C. JUDY AND WANDA B. JUDY,

Defendants.

MASTER-IN-EQUITY TRIAL BEFORE

THE HONORABLE MARTIN R. BANKS

DATE: July 18, 2011

TIME: 9:20 A.M.

LOCATION: Calhoun County Courthouse
902 South Huff Drive
St. Matthews, SC

REPORTED BY: LORI S. MORTGE,
Certified Court
Reporter, CCR

A. WILLIAM ROBERTS, JR., & ASSOCIATES

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Myrtle Beach, SC (843) 839-3376
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Greenville, SC (864) 234-7030
Charlotte, NC (704) 573-3919

APPEARANCES OF COUNSEL:

ATTORNEYS FOR THE PLAINTIFFS
JAMES T. JUDY, BOBBY T. JUDY,
AND KEVIN JUDY:

BARR, UNGER, MCINTOSH, LLC
BY: CAPERS G. BARR, III
11 Broad Street
Charleston, SC 29401
(843) 577-5083
cgb@barrungermcintosh.com

RONNIE F. JUDY, J. TODD JUDY,
AND RYAN C. JUDY, PRO SE

(INDEX AT REAR OF TRANSCRIPT)

THE COURT: Please start by saying who it is on the record. I'm not usually one to be late, I apologize for being late this morning. I had something come up at the last minute and my intern failed me. So that being said, I think the Defendants benefitted from it a little bit because I would usually start no later than ten after so y'all were lucky this morning.

Let's see. Start with this. This is -- case caption is James T. Judy and Bobby T. Judy and Kevin Judy versus Ronnie F. Judy, J. Todd Judy, Ryan C. Judy and Wanda B. Judy. This is a case out of Dorchester County, it's 2007-CP-18-1794. It appears to be a suit under the statute of Elizabeth and we have a pretrial brief filed by the Plaintiff in my possession, an amended complaint filed June 22nd, 2009. This case is four years old, and that's one reason we wanted to get it done this week.

And that's all I have in my possession. If there's any other documents that the Plaintiff would like me to see, like the original complaint -- I don't know if that's necessary, or if the Defendants have any -- not evidence documents but anything that was filed with the Court that I happened to not receive, because this is a

Dorchester County case, and because it's a Dorchester County case they did not send me their court file. And there may be no answer or anything else but if there was something filed, like a letter or anything else, I have nothing from the Defendant. What do you have for me?

MR. BARR: Yes, Your Honor. May it please the Court, for the record, my name is Capers Barr and I represent the Plaintiffs, James, Bobby and Kevin Judy. For the record, this is Bobby Judy next to me, and Jimmy Judy there, and Kevin Judy is -- I'm representing him, but he's not present for the trial today. And the record should reflect that Ronnie Judy is the gentleman in the green shirt, Todd is in the white shirt and Ryan is in the yellow shirt.

I do have -- I would like to present to the Court, because I don't think I sent this originally with the original summons, lis pendens and complaint, if I may hand this up to the Court.

THE COURT: Sure.

MR. BARR: I think all I sent you was the amended one. And I think I have a copy of the Defendants' pro se answer, Your Honor. Suffice it to say, all of the salient allegations of the

complaint have been denied in the pro se answer, so that's -- there's no dispute but that the Defendants are disputing the contentions of the complaint. And I'll put my hands on that in the course of the proceedings.

THE COURT: All right.

MR. BARR: And present it to the Court. Your Honor, I've also handed up to the Court Reporter, and the Defendants have a copy from the previous court appearance which was continued, a two-volume set of exhibits. And I'd like to hand this to the Court because the witnesses will be referring to the tabs as we -- as we present testimony.

THE COURT: These are not yet in evidence; is that right?

MR. BARR: No, sir. I will say that the lion's share of the exhibits are certified copies from either the Dorchester County Clerk of Court's office or the Register of Deeds office. And then as to the others, the witnesses will be introducing them in the course of the case.

Your Honor, if I may assume that Your Honor's had a chance to at least review the pretrial brief, I won't take up the time of making any kind

of statement.

THE COURT: All right. That would be much appreciated. I have not only reviewed the pretrial brief but had my summer intern make it into a skinny form as well. And he did an awfully good job of that, I might say.

MR. BARR: Thank you, Your Honor.

THE COURT: You may begin your case.

MR. BARR: Well, if that's the case, then, we've subpoenaed a number of witnesses who are going to be short. As Your Honor knows, this makes for a somewhat disjointed presentation, but I'd like to get their testimony on the record and for the Court's benefit and we can release them and call the principal parties in the case.

THE COURT: Sure.

MR. BARR: So if I may do that, I'd like to first call Mr. West.

THE COURT: Do you have an objection, Mr. Judy?

MR. RONNIE JUDY: No, but I've got several motions I need to be heard before we --

THE COURT: All right. Hold one second. Before we start, I'd like to ask you a question. Have you represented yourself in court before?

MR. RONNIE JUDY: Yes, sir.

THE COURT: Okay. So I didn't want -- I have a little introductory speech --

MR. RONNIE JUDY: I'm not perfect.

THE COURT: If you've done that before, you've probably heard my spiel more than once. All right. What do you have for me, Mr. Judy?

MR. RONNIE JUDY: Well, my first motion is dismiss the summary judgments on Tract A and B because Judge Goodstein has already tried it and rendered an order on it. She denied summary judgment on Tract A and B so, therefore, it's done been tried and they did not appeal the order. So it's the law of the case and to try it again, Judge, that's double jeopardy.

THE COURT: What do you have for me on that, Mr. Barr?

MR. BARR: Well, Your Honor, the summary judgment motion is interlocutory and is not appealable. I couldn't have appealed it even if I wanted to. It's not binding on the Court. It's simply a declaration by the Court that a trial on the merits is needed before a decision can be made.

THE COURT: And Mr. Barr is absolutely correct on that, Mr. Judy. What do you have next?

MR. RONNIE JUDY: All right. Next --

THE COURT: So I deny your motion.

MR. RONNIE JUDY: Yes, sir. On Mr. Barr's pretrial brief, he is misleading the Court because he said the Larry T. Mills judgment was dismissed six months prior to these transfers November 18, '96. That is not so, because it was appealed to the Appellate Court and Supreme Court and it was dismissed on 20 -- '99.

THE COURT: So what is your motion?

MR. RONNIE JUDY: To sanction him for putting in a false brief.

THE COURT: You would like Rule 11 sanctions against Mr. Barr for misleading the Court on a fact contained in his brief?

MR. RONNIE JUDY: That's correct.

THE COURT: Is that what you're asking the Court to do?

MR. RONNIE JUDY: That's correct.

THE COURT: Mr. Barr?

MR. BARR: Well, Your Honor, I'm not familiar with what counsel -- I mean, Mr. Judy is talking about. But what I have in the notebook is the Mills -- the Mills record from the Clerk of Court's office and it's going to speak for itself.

THE COURT: Sure.

MR. BARR: And if I stated anything inaccurate --

THE COURT: We haven't heard any evidence in any form other than your brief; is that correct?

MR. BARR: Correct.

THE COURT: What I'll do -- I'll let you renew that motion after we hear that sort of testimony and see the documentation that either supports or denies it. I'll let you renew that motion. For the moment, it is denied because it's premature; all right?

MR. RONNIE JUDY: This case, when they filed partition -- I mean, a petition to partition this property, they claimed that I had an interest in it and that was in 2000 -- 2001. In 2000 -- I mean, August the 6th, 2001 Judge Rodney Peeples ruled that I had no interest in none of this property. And now I am getting property in my name.

THE COURT: I understand that. I believe that's what this entire action is about, is it not, Mr. Barr?

MR. BARR: It is, Your Honor. And if that's Mr. Judy's contention, it's his burden to

prove it.

THE COURT: That's exactly right. To explain a little further, your motion is basically the heart of the case. That's what this case is about --

MR. RONNIE JUDY: Yes, sir.

THE COURT: -- right now, and I wouldn't -- I wouldn't question Judge Peeples in any way. But at the time he made that ruling, I believe he made the correct ruling as the facts were in front of him.

MR. RONNIE JUDY: That's correct.

THE COURT: And that's what brings this case about today. This case is brought to see what the underlying facts are that may have -- may change the dynamics of the ownership of the property. And so, in a sense, you're making a summary judgment motion which would be denied; all right?

Anything else from the Defense?

MR. RONNIE JUDY: No, sir.

THE COURT: And the Plaintiffs?

MR. BARR: No, Your Honor. We're prepared to go forward. We call Frank West.

FRANK WEST

being first duly sworn, testified as follows:

EXAMINATION

BY MR. BARR:

Q. Have a seat, Mr. West. If you'll state your full name, please.

A. Frank Howard West.

Q. You need to speak up. I'm not sure that amplifies --

THE COURT: It will.

BY MR. BARR:

Q. It will? And would you state your age and address, Mr. West?

A. Age is 44.

Q. Where do you live?

A. St. George.

Q. In St. George? And by whom are you employed, Mr. West?

A. Meherrin Ag & Chemical Company.

Q. You need to speak up a little louder. We can't hear you back here. Is there a switch on there -- there you go. You're employed by Meherrin what?

A. Meherrin Agricultural & Chemical Company in Bowman.

Q. In Bowman?

A. Right.

Q. And tell the Court, what is Meherrin?

A. We're a supplier of fertilizer and ag chemical and seed.

Q. And that's to serve the farming industry; is that correct?

A. That's correct.

Q. All right. Can you tell us whether or not, Mr. Meherrin (sic), you're acquainted with Ronnie Judy?

A. I have sold Mr. Ronnie in the past, yes, sir.

Q. Okay. And do you know his sons Todd or Ryan?

A. I've seen them before but, I mean, I don't know them personally.

Q. Have you ever done business with them?

A. No, sir.

Q. You haven't?

A. They may have picked up some stuff previously, but I've never done any business with them personally, no.

MR. BARR: Okay. If I -- I have one additional exhibit, Your Honor. I'd like to ask the Reporter to mark this as Plaintiff's Exhibit 44.

(PLF. EXH. 44, Meherrin Fertilizer, Inc.

Credit Application, dated February 7, 2000, was marked for identification.)

BY MR. BARR:

Q. Mr. Meherrin, the Court Reporter is handing you an exhibit, it's been marked Exhibit 44.

MR. BARR: May I hand a copy to the Court so you can follow along, Your Honor?

THE COURT: Sure.

BY MR. BARR:

Q. Mr. West, can you identify what the first page of that Exhibit 44 is?

A. It's a credit application, company credit application.

Q. And from whom was this credit application received?

A. Excuse me? Say that again.

Q. Beg your pardon?

A. Ask me that again, please.

Q. From whom was this received? In other words, who made out this credit application? Who signed it on the second page?

A. Ronnie F. Judy.

Q. Okay. And what date did Mr. Judy make this credit application of Meherrin?

A. February the 2nd -- 7th, 2000.

Q. Okay. Now, is this credit application a document that is regularly used by Meherrin in the course of its business?

A. It is.

Q. And is the copy in front of you a copy that's taken from your records?

A. Yes, sir.

Q. All right, sir. Now, on the subsequent pages of this exhibit, Number 43 (sic), can you tell the Court what that reflects?

A. Those were sales from when he started doing business with us.

Q. Okay. Now, let's go back to the first --

MR. BARR: I would offer Exhibit 43 into evidence, Your Honor.

THE COURT: Objection?

MR. BARR: I'm sorry. It's 44.

MR. RONNIE JUDY: No objection.

THE COURT: No objection. It's in evidence as Plaintiff's Exhibit 44.

MR. BARR: It's in evidence, Your Honor?

THE COURT: Yes.

MR. BARR: Thank you.

(PLF. EXH. 44 in evidence.)

BY MR. BARR:

Q. Now, why do you take a credit application like this, Mr. West, before you undertake to sell supplies to a farmer?

A. It's a company policy, company procedure, before we can set up a new account we have to have a credit application filled out and signed.

Q. Okay. But why would you want that?

A. Well, once we receive them we mail them in to our home office and our credit department handles it from there. But everyone has to be approved.

Q. All right. So does -- does Meherrin rely upon this credit application before extending credit to a farmer?

A. They do.

Q. Okay. Now, I would like to invite your attention to the first page. And how many acres did Mr. Judy represent that he owned?

A. 554.

Q. And how many did he represent that he farmed?

A. 250.

Q. All right, sir.

MR. BARR: Your Honor, at this time I would invite the Court and the witness to Tab 42 of the notebook.

Q. Mr. West, I'm going to open this to Tab 42 -- Tab 42 over there in your black notebook.

MR. BARR: Your Honor, I can represent to the Court that Tab 42 in the copy that I've handed the Court Reporter is a certified copy from Cheryl Graham, Clerk of Court of Dorchester County, on March 29, 2010 and would offer this in as a certified copy under the rules of evidence.

THE COURT: Any objection?

MR. RONNIE JUDY: No objection.

THE COURT: All right.

(PLF. EXH. 42 in evidence.)

BY MR. BARR:

Q. Are you aware, Mr. West, that Meherrin filed a suit against Mr. Judy back in 2006?

A. Yes, sir.

Q. And are you aware that Meherrin obtained a judgment against him on December 17, 2008 for the sum of $27,295.33?

A. Yes, sir.

Q. Is that correct?

A. That's correct.

Q. And Mr. Judy represented to Meherrin that he owned 554 acres; is that correct?

A. That's correct.

MR. BARR: I have no further questions of this witness, Your Honor.

THE COURT: Mr. Judy, any questions of this witness?

EXAMINATION

BY MR. RONNIE JUDY:

Q. Mr. West, on this credit application, it says I was approved for 10 to $15,000; is that correct?

A. Yes, sir.

Q. All right, sir. You filed a complaint, you said I owed 28,000; is that correct?

A. Yes, sir.

Q. And when we questioned it in court, some of your witnesses could not tell -- could not tell where the product was delivered to; is that correct? What I'm saying, as far as I know it could have went to Charleston. Do you remember him saying that?

A. Yes, sir. I do.

Q. Yeah, I know you do. And isn't it true that y'all went to court, it was tried and a verdict was rendered for $2107? Do you remember that?

A. Yes, sir.

Q. Then you come back and got another -- another trial; is that correct?

A. That's correct.

Q. Why did you come back to get a second trial? I mean, double jeopardy.

MR. BARR: Your Honor --

THE WITNESS: That was out of my hands --

MR. BARR: Excuse me. I realize Mr. Judy is a lay person, but what he's trying to do is impeach a verdict and judgment that is final. And this is --

THE COURT: The question was argumentative. The last question was argumentative, Mr. Judy.

MR. RONNIE JUDY: Yes. I got a copy of the judgment that was rendered.

THE COURT: Is this the same as Exhibit 42?

MR. RONNIE JUDY: No, sir.

THE COURT: This is an old judgment that's been returned --

MR. BARR: What happened was there was a trial and the jury awarded $2100, the judge set it

aside and granted a new trial. What's in the tab is the result of the new trial, and that's what counsel -- that's what Mr. Judy is trying --

THE COURT: I'm going to sustain his objection. You can continue to question him, but on this subject of an old judgment that's been replaced by this one I believe it's going to be irrelevant.

MR. RONNIE JUDY: I can put this in as an exhibit as Plaintiff -- I mean, Defense.

THE COURT: You can show that to Mr. Barr.

MR. BARR: I do object. Once again, Your Honor, this is -- what Mr. Judy is putting in is a part -- A, is trying to impeach a verdict that's final because if Mr. Judy had gotten the full record he would also provide to Your Honor, out of the spirit of candor, the order that granted a new trial from that $2107. Once again, Mr. Judy is trying to impeach a verdict that's final.

THE COURT: Yes, sir. And I would sustain his objection to the entrance of that into evidence, so that's not --

THE WITNESS: It can't go into evidence?

THE COURT: It's not coming in, Mr. Judy, but you can continue to question this

witness.

MR. RONNIE JUDY: I have no further questions.

THE COURT: And let me state just for procedural reasons. I take it that Ronnie Judy is sort of taking the lead role among the defendants. And if I'm assuming wrong, it might lengthen this trial considerably. What I'm going to do is designate Mr. Judy as the counsel, for lack of a better word, to do any examination/cross-examination but I'll be lenient, if necessary, and allow some additional questions by the other two defendants out of an abundance of caution.

But if you have something to ask of the witness and you're not Mr. Judy, stand or something and give me a signal that you want -- that he didn't cover it as well as you might have wanted him to. Does that make sense to you guys?

MR. TODD JUDY: It does.

THE COURT: Is that all right with you, Mr. Barr?

MR. BARR: Well, I have no objection as long as I think the record should reflect whether Ryan and Todd object to that.

THE COURT: Yes, okay. All right. And

I think I got a nod out of one of you --

MR. TODD JUDY: This is Todd.

THE COURT: Is that agreeable to you both?

MR. RYAN JUDY: Yes, sir.

THE COURT: And I think it's probably the most equitable way to handle this.

MR. RONNIE JUDY: Under Section 40-5-50, I can represent them as long as I don't receive no fee.

THE COURT: Exactly. All right. And you're done with this witness?

MR. RONNIE JUDY: Yes, sir.

THE COURT: Any redirect?

MR. BARR: No, Your Honor. May this witness be excused?

THE COURT: He certainly may.

(Witness excused.)

MR. BARR: I call Mr. Cantley.

THE COURT REPORTER: Please state your name.

MR. CANTLEY: David Videau Cantley.

THE COURT REPORTER: Middle name?

MR. CANTLEY: Videau, V-I-D-E-A-U.

THE COURT REPORTER: Last name?

MR. CANTLEY: Cantley, C-A-N-T-L-E-Y.

DAVID VIDEAU CANTLEY

being first duly sworn, testified as follows:

EXAMINATION

BY MR. BARR:

Q. Mr. Cantley, will you tell us your age and your place of residence?

A. I'm 48 years old. I live in Holly Hill, South Carolina.

Q. And what is your business?

A. Holly Hill Farm Center. It's a fertilizer plant and ag chemicals and seed.

Q. And how long have you been engaged in that business?

A. I've been there for 24 years.

Q. All right, sir. Do you own it?

A. My family does, yes, sir.

Q. Your family does? Well, thank you for being with us here this afternoon -- I mean, this morning. And your company is Holly Hill Farm Center --

A. That's correct.

Q. -- is that correct? Would you -- let's see. Did I give you a small -- yeah, here it is. I'm going to refer you to the smaller notebook here

and I invite you to turn to Tab F.

MR. BARR: Your Honor, I'm referring to the smaller notebook that has lettered exhibits.

Q. Would you look at those documents that are under the Tab F in the small notebook, please?

A. Yes, sir.

Q. Can you identify those?

A. These are invoices from our company.

Q. All right. And with whom was the company doing business for the purposes of these invoices?

A. Ronnie Judy.

Q. All right. How long -- are you currently -- is Holly Hill Farm Center currently doing business with Ronnie Judy?

A. No, sir.

Q. When did you last do that?

A. July of 2009.

Q. July. And for how many years until July of '09 did you do business with him?

A. Approximately two years.

Q. About two years?

A. Mm-hmm.

Q. And did you ever do business with Todd Judy?

A. No, sir.

Q. Did you ever do business with Ryan Judy?

A. On occasion Mr. Judy -- Ronnie would ask us to put Ryan's name on the ticket instead of his own.

Q. On the ticket? All right, sir. But predominantly which of the Judys did Holly Hill Farm Center do business with?

A. Mr. Ronnie Judy.

Q. And this was providing farm supplies for the purpose of conducting a farm operation?

A. Yes, sir.

Q. Now, are the records that are contained within Tab F, do they appear to be copies of records from your -- your business?

A. Yes, sir.

Q. Are those records kept in the ordinary course of business?

A. Yes, sir. They are.

MR. BARR: All right. Your Honor, I would offer the Holly Hill Farm Center documents under Tab F as an exhibit. And I guess if it's okay with Your Honor and the Court Reporter, we'll just call it Exhibit F.

THE COURT: Any objection, Mr. Judy?

MR. RONNIE JUDY: No, sir.

THE COURT: Exhibit F entered into evidence.

MR. BARR: Mr. Cantley, thank you very much --

THE COURT: Mr. Barr, can we get that marked?

MR. BARR: Oh, I'm sorry. You know what happened? We just -- we just marked the copy. Let's put the tab on -- he has the original. Actually, the original -- I have it right here, ma'am. Why don't you just initial this, Ms. Reporter? Just initial and date.

THE COURT REPORTER: Okay.

(PLF. EXH. F in evidence.)

MR. BARR: Thank you very much. I think I have no further questions.

THE COURT: All right. Any questions, Mr. Judy, of this witness?

EXAMINATION

BY MR. RONNIE JUDY:

Q. Mr. Cantley, some of your records -- tickets were shown as products were sold to Ryan C. Judy; is that correct?

A. That's correct.

Q. Everything was paid up until July 17th when I came over and got chemicals and put on 100 and some acres of soybean and it wiped them out; is that correct?

A. No, sir. That's not correct. It did not kill those soybeans.

Q. You had -- isn't it true that you had the Solicitor prosecute me for a fraudulent check?

A. Yes, sir. It is.

Q. And the jury found me not guilty; is that correct?

A. Yes, sir. That is.

Q. So the jury believed that the chemical killed 100 acres of soybeans?

MR. BARR: Your Honor, I object. I don't think this has any relevance to the issues in this case.

MR. RONNIE JUDY: Yes, sir. It does.

THE COURT: I'm going to let him continue. Sustained -- I mean, overruled. Go ahead.

BY MR. RONNIE JUDY:

Q. How much --

THE WITNESS: Do I have to answer that question?

THE COURT: I thought you did.

THE WITNESS: No, I did not.

THE COURT: Yes.

THE WITNESS: The jury said that you were not criminally liable for that check, but they did not say that it killed the soybeans.

BY MR. RONNIE JUDY:

Q. It was entered into evidence pictures of the dead soybeans, Mr. Cantley. Do you recall?

A. It was entered into evidence, but it was never certified that those pictures came from the beans that you sprayed.

Q. But the jury considered them; right?

A. Yes, sir. They did.

Q. Okay. So, evidently, they believe the chemical killed the soybeans?

A. They found you not guilty, yes, sir.

Q. That's right. You put the Solicitor up to do y'alls work at the taxpayer's expense. How much business did the Judy Farms do over there with y'all?

A. I have no idea on -- off the top of my head, sir.

Q. I think you testified in criminal court less -- less than $20,000.

A. As I said, I do not have that figure in front of me and I do not know that off the top of my head.

Q. Would you say it's in excess of over $50,000?

A. I would not think so, no, sir.

Q. You wouldn't think so?

A. No, sir. I do not think it's over 50,000.

Q. If receipts and bills tally that, would you believe it?

A. If the receipts and bills tally whatever they tally, I would believe that figure.

Q. All right, sir. We've got them. But you never have had any problem with getting your money until this incident; is that correct?

A. Until the last check, yes, sir.

Q. And you all were paid?

A. Yes, sir. We were.

Q. And I think you sent over $28,000 worth of fertilizer to put on oats, spreading. And I came over there with a certified check with the Citizens Bank and paid you for it?

A. Every bill you paid except the last one that we had, yes, sir.

Q. That's correct.

MR. JUDY: I have no further questions.

THE COURT: All right.

MR. BARR: Nothing further, Your Honor. May Mr. Cantley be excused?

THE COURT: Yes, certainly. Have a good day, Mr. Cantley.

(Witness excused.)

MR. BARR: I call William Utsey.

THE COURT: Mr. Utsey? Thank you. How are you doing, Mr. Utsey? Have a seat. Come around, have a seat, bring that microphone around to you. Would you spell your last name?

MR. UTSEY: U-T-S-E-Y.

THE COURT REPORTER: Can you state your full name for the record?

MR. UTSEY: William M. Utsey, Jr.

WILLIAM M. UTSEY, JR.

being first duly sworn, testified as follows:

EXAMINATION

BY MR. BARR:

Q. Mr. Utsey, will you please tell us your age and your place of residence, please?

A. Look at me when you talk.

Q. You don't have to give us your age.

A. As I said, I do not have that figure in front of me and I do not know that off the top of my head.

Q. Would you say it's in excess of over $50,000?

A. I would not think so, no, sir.

Q. You wouldn't think so?

A. No, sir. I do not think it's over 50,000.

Q. If receipts and bills tally that, would you believe it?

A. If the receipts and bills tally whatever they tally, I would believe that figure.

Q. All right, sir. We've got them. But you never have had any problem with getting your money until this incident; is that correct?

A. Until the last check, yes, sir.

Q. And you all were paid?

A. Yes, sir. We were.

Q. And I think you sent over $28,000 worth of fertilizer to put on oats, spreading. And I came over there with a certified check with the Citizens Bank and paid you for it?

A. Every bill you paid except the last one that we had, yes, sir.

Q. That's correct.

MR. JUDY: I have no further questions.

THE COURT: All right.

MR. BARR: Nothing further, Your Honor. May Mr. Cantley be excused?

THE COURT: Yes, certainly. Have a good day, Mr. Cantley.

(Witness excused.)

MR. BARR: I call William Utsey.

THE COURT: Mr. Utsey? Thank you. How are you doing, Mr. Utsey? Have a seat. Come around, have a seat, bring that microphone around to you. Would you spell your last name?

MR. UTSEY: U-T-S-E-Y.

THE COURT REPORTER: Can you state your full name for the record?

MR. UTSEY: William M. Utsey, Jr.

WILLIAM M. UTSEY, JR.

being first duly sworn, testified as follows:

EXAMINATION

BY MR. BARR:

Q. Mr. Utsey, will you please tell us your age and your place of residence, please?

A. Look at me when you talk.

Q. You don't have to give us your age.

Just tell us where you live.

A. Sir, look at --

Q. Oh, look at you? I'm sorry, you can't hear me. Tell us where you live.

A. St. George.

Q. In St. George. And what kind of work do you do?

A. Vice president for The Citizens Bank.

Q. Okay. Is Ronnie -- is Ronnie Judy a customer of First -- what bank is it?

A. I'm sorry?

Q. Let me step up.

A. The echo is a little bad in here for me. I apologize.

THE COURT: There's a microphone right there.

MR. BARR: Oh, good. Thank you, Your Honor.

Q. Is Ronnie Judy a customer of your bank?

A. Yes, sir.

Q. And what is the name of your bank?

A. The Citizens Bank.

Q. The Citizens Bank. And is it located in the Town of St. George?

A. That's correct.

Q. And how long has Ronnie been a customer of the bank?

A. 2003.

MR. BARR: Okay. If I may go to the exhibit notebook, Your Honor.

Q. Mr. Utsey, I want to invite your attention to a tab in the notebook in front of you that's Tab Number 39. Can I help you with it? And then within the front sleeve of the notebook is a separate document that's tabbed 39A.

A. I've got it.

Q. Okay. Do you have them with you? All right. Let's look at 39A first. What is -- what is Exhibit 39A?

A. It's a personal financial statement.

Q. Okay. And is this a copy of a personal financial statement from Ronnie Judy?

A. That's correct.

Q. And is this copy taken from your records?

A. Sir?

Q. Is this copy taken from your records?

A. No. It's the same copy.

Q. Beg your pardon?

A. You said is it different from my

records?

Q. Is this a copy of a record from the bank's files?

A. Yes, sir.

Q. Yes, sir. And is this copy taken in the ordinary course -- and maintained in the ordinary course of business at the bank? Is this financial statement, Exhibit 39A, is this something that's kept by your bank in the ordinary course of business?

A. That's correct.

Q. Is this something you take from every customer who borrows money from you?

A. We require for certain amounts.

MR. BARR: Okay. Your Honor, I would offer Exhibit 39A.

THE COURT: Any objection, Mr. Judy?

MR. RONNIE JUDY: No, sir.

THE COURT: All right. It's admitted as Number 39 and do you want to call it 39A?

MR. BARR: Yes, sir.

THE COURT: And we should mark it.

(PLF. EXH. 39A in evidence.)

BY MR. BARR:

Q. Mr. Utsey, for what purpose was Exhibit

39A taken from Mr. Judy?

A. Normally a financial statement is required for amortizing a person's overall financial ability and their ability to borrow money. In some cases it may be a formality, it depends on what the situation is. We have a number of times that we're doing a workout of debt and there might not be as much emphasis placed on financial information as when a person is entering into a new agreement with the bank. But the true purpose of the financial statement is to determine a person's overall financial stability.

Q. Okay. And when was Exhibit 39A taken?

A. The date on this statement is January 20th of '06.

Q. January 20th, 2006. And the signature on the bottom is Ronnie Judy's?

A. That's correct.

Q. As of January 20th, 2006, what did Ronnie Judy represent to the bank was his net worth?

A. $1,309,540.

Q. All right. And of that net worth, how much did he represent was real estate?

A. $1,075 -- I mean, 1,000,075.

Q. 1,075,000. All right. Now, on the

reverse of the financial statement is the location of the real estate detail?

A. Right.

Q. And what is the location of the real estate as detailed on that statement?

A. 1872 Sandridge Road, Dorchester.

Q. Is that Mr. Judy's home? Is that his home?

A. Yes, sir.

Q. Okay. And then what?

A. And 257 acres and 168 acres of which he identified a half-interest.

Q. All right, sir. And in reliance upon this financial statement, did the bank make a loan to Mr. Judy?

A. We already had debt with Mr. Judy at the time of this financial statement.

Q. There already was a loan at this time?

A. Well, we had prior -- we had prior financial statements on record, probably not identifying a lot different than what this one represent. But the extension of debt that we're referring to of which a copy is in the file.

Q. Okay. Let's go to that, then. Why don't you take a look now at Exhibit 39, which is

the one associated with 39A, and tell the Court what that is.

A. I've got it.

Q. Are you with me?

A. All right.

Q. What is 39 -- Exhibit 39?

A. Exhibit 39 is a copy of the note extended to Ronnie Judy where we restructured some debt for him, combining some debts with the bank for $100,000.

Q. And what was the date of that?

A. Sir?

Q. What was the date of Exhibit 39?

A. The date of the transaction was August 31st, '06.

Q. And did you rely on Exhibit 39A, the financial statement, when you extended this credit reflected on 39?

A. Correct.

Q. All right, sir. And is Exhibit -- is Exhibit 39 a true copy from the records of the bank?

A. That is correct.

MR. BARR: I would offer Exhibit 39, Your Honor.

THE COURT: Any objection?

MR. RONNIE JUDY: No, sir.

THE COURT: So admitted, it's been marked.

(PLF. EXH. 39 in evidence.)

MR. BARR: If I may have a moment, Your Honor. (Reading.)

Thank you, Mr. Utsey. Please answer any questions from Mr. Judy.

THE COURT: Mr. Judy?

EXAMINATION

BY MR. RONNIE JUDY:

Q. Mr. Utsey, I've been doing business with you since 2003?

A. Correct.

Q. And what is my standing with y'all at the bank today?

A. Fine.

Q. Getting back to this $100,000 note that was mortgaged, isn't it true that Chicago Title Insurance done a title search on this property that you got a mortgage on and come to a conclusion that Todd Judy still owns it and that's the reason you said Todd would have to sign the mortgage along with me; is that correct?

A. That's correct. Any time we have a

different owner than the borrower or if we have co-owned property, both people will sign the mortgage instrument for identification purposes for our filing. The borrower's name is going to appear on the mortgage whether he has ownership interest or not. That's just for filing purposes at the bank.

Q. Yes, sir. In other words, when they do a title search through the RMC office.

A. Title search was done and the closing attorney required Todd to sign the mortgage also.

Q. Why did Todd have to sign it?

A. Because he identified him as a --

Q. Beg your pardon?

A. He identified him as either an owner or part owner of the property.

Q. Yes, sir.

MR. RONNIE JUDY: I ain't got no further questions.

THE COURT: I have one or two unless you've got.

MR. BARR: No, sir.

EXAMINATION

BY THE COURT:

Q. Did Todd fill out one of these?

A. Sir?

Q. Did Todd fill out one of these?

A. No, he didn't.

Q. That's Exhibit --

A. Todd was not on the debt, but Todd was identified as either owner or co-owner of the property.

THE COURT: Let the record show I was referring to 39A. That's it. That's all I have.

MR. BARR: Thank you. I have nothing further, Your Honor. May the witness be excused?

THE COURT: He certainly may. Any objection to that?

MR. RONNIE JUDY: No.

THE COURT: You may be excused. Thank you.

(Witness excused.)

MR. BARR: I call Barbara Dantzler, Your Honor.

THE COURT: Come around, Ms. Dantzler. How are you this morning?

THE WITNESS: I'm great. How about yourself?

THE COURT: Doing great -- sitting in court doing great. How about that? All right. Have a seat, pull the microphone around, place your

left hand on the Bible. Pull the microphone around, now raise your right hand.

THE COURT REPORTER: Please state your full name.

MS. DANTZLER: Barbara P. Dantzler.

BARBARA P. DANTZLER

being first duly sworn, testified as follows:

EXAMINATION

BY MR. BARR:

Q. Ms. Dantzler, where do you live?

A. I live in Harleyville.

Q. And do you have a business?

A. I do, in St. George.

Q. I beg your pardon?

A. In St. George.

Q. In St. George. And what is the nature of your business?

A. I do bookkeeping and income taxes.

Q. And what is the name of it?

A. Dantzler's Bookkeeping and Tax Service.

Q. How long have you done that?

A. I've been doing taxes itself since 1975.

Q. Okay. Now, have ever done any taxes -- tax return work for any of the Defendants Judy?

A. Yes, I have for all of them.

Q. Okay. I'd like to invite your attention -- and let me help you with some of that stuff up there in front of you.

MR. BARR: All right. For the record, Your Honor, we're going to begin at Tab 23 of the exhibit notebook. Tab 23.

Q. I've turned the exhibit notebook to Tab 23 and the document purports to be a tax return from Ronnie Judy. Do you recognize it?

A. Yes, sir. I signed it.

Q. Beg your pardon?

A. I said my business signed the return, yes.

Q. Okay. So is that a tax return that you prepared for Ronnie Judy for the tax year of 2004?

A. One of the women that worked for me prepared it.

Q. Correct, but under your supervision?

A. Oh, yes.

Q. All right. Let's go to 24, Exhibit 24. I'll ask you the same question. Is that a copy of a tax return prepared by your business under your supervision?

A. It is.

Q. Okay. I go to Exhibit 25 and ask you is

that a copy of -- for the record, Exhibit 24 was for the tax year 2005. I'll go to Exhibit 25 purporting to be for the year 2006. Same question, is that a copy of the tax return prepared --

A. It is.

Q. -- for Ronnie Judy for 2006?

A. It is, yes.

Q. Go to Exhibit 26. Is that a copy of the tax return prepared for Ronnie Judy for the year 2007?

A. Yes.

Q. Go to Exhibit 27. Is that a copy of the tax return prepared for Ronnie Judy for the year 2008?

A. Yes.

Q. And I'm going to stop there for the time being. So are the copies that you just identified, Exhibits 23, 24, 25, 26, 27 and 28, are these kept as records in the ordinary course of your business?

A. Yes.

Q. And these are copies of them?

A. Yes, sir.

MR. BARR: I would offer Exhibits 23 through 28 into evidence, Your Honor.

THE COURT: Any objection?

MR. RONNIE JUDY: No, sir.

THE COURT: So admitted.

(PLF. EXHS. 23 - 28 in evidence.)

THE COURT: All right. Continue, Mr. Barr.

BY MR. BARR:

Q. Ms. Dantzler, have you also done tax preparation for Todd Judy?

A. I have.

Q. Okay. Let me invite your attention now to Exhibit 28. Now, do you recall that you produced these documents for me after receiving a subpoena?

A. Yes, sir.

Q. Yeah. And as -- as for Exhibit 28, it purports to be for the year 2005, but I take it you had no return for that year for Todd Judy?

A. For 2005?

Q. Yes, ma'am. You can check your envelope, I know you brought some back-up stuff with you.

A. I think I did have a return. (Reading.) There was a return.

Q. Okay. Do you have a copy that you can leave with us?

A. Yes.

Q. Okay. Let's -- let's add that if we can.

A. Let me make sure of the pages.

THE COURT: Is that the only copy in the room?

THE WITNESS: That's the only copy I have, yes.

THE COURT: I can get my intern to make one, two, three -- three copies.

MR. BARR: That would be helpful, Your Honor.

THE COURT: Can you hand me that?

MR. BARR: While we're doing that I'll move on to the next one.

THE COURT: Sure.

BY MR. BARR:

Q. Will you take a look at Exhibit 29, Ms. Dantzler? Or Tab 29.

A. Yes.

Q. Is Exhibit -- or Tab 29 a 2006 tax return for Todd Judy prepared by your office in the ordinary course of business?

A. It is.

Q. All right. If you'll go to Tab 30. Is Tab 30 a copy of the tax return of Todd Judy for the

year 2007 prepared by your office in the ordinary course of business?

A. It is.

Q. Go to Tab 31. Is Tab 31 a copy of the tax return of Todd Judy for the year 2008 prepared by your office in the ordinary course of business?

A. It is.

MR. BARR: Your Honor, I would offer the Todd Judy tax returns which are...

THE COURT: 29, 30 and 31.

MR. BARR: Exactly. Twenty-nine, 30 and 31 into evidence.

THE COURT: Any objection?

MR. RONNIE JUDY: No.

THE COURT: So admitted. Do we need to mark them?

(PLF. EXHS. 29 - 31 in evidence.)

BY MR. BARR:

Q. Now, Ms. Dantzler, have you ever done any tax return work for Ryan Judy?

A. A few years, yes.

Q. All right. In fact, I think if you'll take a look at Tab 32, do you recognize that? That's not your work, is it?

A. No. No, it's not.

Q. And 33?
A. That's not mine.
Q. What is 33, generically? Do you recognize it, the form of it?
A. I'm not sure of what company did it, but there are a lot of tax preparer companies that just give you a basic format.
Q. Okay.
A. You know, and they don't really provide the copy of the return.
Q. All right. Tab 34 -- does Tab 34 reflect your work?
A. If I signed it. (Reading.) No.
Q. Tab 35. Does Tab 35 reflect your work?
A. No.
Q. The answer is no?
A. I'm thinking -- no, that's not to my knowledge. No.
Q. Tab -- the answer is no?
A. No.
Q. Tab 36. Does Tab 36 reflect your work?
A. That's not mine, either.
Q. The answer is no?
A. No.
Q. Okay. Tab 37. Does Tab 37 reflect your

work?

A. It is.

Q. All right. What is Tab 37?

A. It's the tax return for 2008.

Q. I beg your pardon?

A. It's a tax return for 2008. The form itself is an electronic form.

THE COURT: Go ahead, I'm sorry.

BY MR. BARR:

Q. Is Tab 37 a copy of the tax return for Ryan Judy for the year 2008 prepared by your office?

A. It is.

Q. And this was taken from your records?

A. Yes.

MR. BARR: All right. Your Honor, we would offer Exhibit -- Tab 37 as an exhibit. That would be as to Ryan.

THE COURT: Any objection? And I'll ask you, Mr. Judy, and Ryan.

MR. RONNIE JUDY: No, sir.

MR. RYAN JUDY: No.

THE COURT: All right. And I failed to ask Todd about 29, 30 and 31. Do you have any objection to those?

MR. TODD JUDY: No.

THE COURT: All right.

MR. BARR: Could we have the Court Reporter mark 37?

(PLF. EXH. 37 in evidence.)

THE COURT: We have these copies of the 2005 Todd Judy tax return.

MR. BARR: Thank you, Your Honor. So for the record, these are copies of the 2005 return for Todd Judy that Ms. Dantzler produced from her envelope.

THE COURT: Right.

MR. BARR: And if I may, I would like to offer these as Exhibit 28, since that's where the tab was where the 2005 information was.

THE COURT: Twenty-eight?

MR. BARR: Yes, sir. If you look at Tab 28 --

THE COURT: Don't we have 28 -- oh, I see. So it will part of the 28?

MR. BARR: Yes, sir.

THE COURT: And just procedurally let me -- I want to caution you, Mr. Barr. The ones that we reviewed but she failed to identify, that would be 32 through 36, they all include Social Security numbers so --

MR. BARR: I'll get that redacted and take it up when Ryan Judy...

THE COURT: All right.

MR. BARR: So I'm going to hand the Reporter the copy of the 2005 return to mark as Exhibit 28.

(PLF. EXH. 28, IRS Tax Return for Jeffery T. Judy and Heather T. Judy, dated 2005, was marked for identification.)

BY MR. BARR:

Q. Ms. Dantzler, now that these exhibits are in the record let me help you with your copy of the notebook. We're going to flip back to Tab 23. Tab 23, I believe, is a tax return from Ronnie Judy -- or the tax return from Ronnie Judy for the year 2004; is that correct?

A. Yes.

Q. All right. Can you tell the Court how much was reported for Ronnie Judy for farm income for the year 2004?

A. The farm income itself was $42,405.

Q. All right. And how much -- how much did he take in expenses for that year?

A. $50,938.

Q. So he actually showed a farming loss for that year; is that correct?

A. Yes, sir.

Q. On -- at least on the tax records?

A. Yes.

Q. Now, of the expenses for the year 2004, how much was taken for depreciation?

A. $3466.

Q. Now, both for the purposes of this -- the record of this case and perhaps for my edification, what would represent a depreciation in the context of a farm tax return?

A. Any of their farm equipment.

Q. Okay.

A. That would have been depreciated anywhere from five -- three to five to seven to ten years.

Q. Okay. All right. So for '04 Ronnie Judy reported 42,405 in farm income and 50,938 in expenses; correct?

A. Correct.

Q. Okay. If you could turn to Tab 24 now for 2005. And I guess the farming P&L statement is usually the third page in, I think, on these documents, just to help everybody.

A. Well, on this one it is, yes.
Q. Ma'am?
A. On this one. Not all the time, but on this one it is.
Q. So on Exhibit 24 for 2005, how much did Ronnie Judy report in farm income?
A. $27,006.
Q. And how much in expense?
A. 49,357.
Q. Of which how much was depreciation?
A. $2576.
Q. All right. Go to Tab 25, then. For 2006 how much did Ronnie Judy report in farm income?
A. $16,111.
Q. And how much did he report in expense?
A. 24,381.
Q. Of which how much was depreciation?
A. $1982.
Q. A thousand-982; correct?
A. Yes.
Q. Go to Exhibit 26. For the year 2007 how much did Ronnie Judy report in farm income?
A. $20,688.
Q. And for that year did he also show some timber sales, if you look to the previous page?

A. Yes.

Q. And how much did he sell in timber?

A. $22,772.

Q. And how much did he show in expenses for the year 2007?

A. For the farm $52,733.

Q. And how much did he show in depreciation?

A. 9,700.

Q. All right. Do you have any independent memory or recollection as to why the depreciation would have shot up for 2007 as it did?

A. There would have been a new piece of equipment purchased.

Q. New piece of equipment. That would not be related to the timbering activity, would it?

A. It shouldn't be, no. No.

Q. Okay. But if I'm reading it correctly the total of the expenses, including depreciation for farming, was sufficient to offset both farming and timbering for that year?

A. Yes.

Q. I invite your attention to the year 2008. How much did Ronnie Judy show in farm income in 2008?

A. $22,220.

Q. And did he also timber that year?

A. $12,177.

Q. And how much were his expenses?

A. 39,390.

Q. Of which how much was depreciation?

A. $4222.

Q. Now, how could we reconcile -- or maybe it's not even a correct question. The difference between the $9,000 depreciation the previous year but only 4,000 this year?

A. It's an IRS ruling and their percentage.

Q. Beg your pardon?

A. It's IR -- the Internal Revenue Service, they give a guideline for the rate of percentage that the piece of equipment is to be depreciated at and showed on the return.

Q. But typically, though, isn't the depreciation spread out over several years?

A. It is. Normally the second year is the largest, but then you have to remember that the IRS had what they call -- oh, gosh, it was a massive deduction. In other words, you could write off an entire piece of equipment.

Q. Oh, I see.

THE COURT: Was it Section 179?

THE WITNESS: That's it. Sorry, I couldn't remember.

THE COURT: I do taxes.

THE WITNESS: Oh, you do?

BY MR. BARR:

Q. All right. So I think we just summarized Ronnie Judy's farming reports on his tax returns. Did you do Ronnie Judy's returns in '09?

A. I did.

Q. Or '10?

A. I did.

Q. Did you happen to bring those?

A. No.

Q. I guess it's been that long ago that we subpoenaed these.

A. Right.

Q. Let's turn now to Exhibit 28, which would be Todd Judy's return for '05; is that correct? And that's going to be the one we added --

A. This one?

Q. Right, the one you brought. What did Todd Judy show as farm income for '05?

A. He showed $100 of income.

Q. And what did he show in depreciation?

A. $8,592.

Q. Okay.

A. And that is allowable by the IRS regulations.

Q. What do you mean by that, by the way? What is allowable?

A. In other words, if you get a piece of equipment -- I don't know his circumstances right now without going back and looking at all the other returns. But he could have held income, I'm not sure. But if he inherited or received a piece of equipment, then he would have been allowed to write -- or if he purchased a piece of equipment he would have been able to take the depreciation in that year.

Q. Okay. All right. Let's go then to Exhibit 29, which is Todd Judy's tax return for 2006, and tell us how much was shown from farming for that year. Farming income.

A. It was $100 also.

Q. And how much was the expense that year?

A. 8592, all depreciation.

Q. All. Same as the previous year?

A. Yes.

Q. Would that signify that another piece of

equipment was purchased?

A. It could have been a part of the equipment that was written off in 2005.

Q. Okay. So this could have been a very large expense?

A. Could have, yes.

Q. All right. Well, let's go to Exhibit 30, which is Todd Judy's return for the year 2007, and I'll ask you the same question. How much farm income did Todd Judy report for 2007?

A. It was $100.

Q. And how much did he show in depreciation?

A. 8592.

Q. $8,592. Now, in order to depreciate a piece of equipment, do you have to show some income?

A. Yes, sir. You have to show some income, yes.

Q. Okay. Let me invite your attention then to Exhibit 31, which is Todd Judy for 2008. Same question. How much was shown for 2008 --

A. It was $100.

Q. -- in farm income?

A. 100.

Q. $100. And how much was shown in

expense?

A. $8,592.

Q. Once again, all depreciation?

A. Yes.

Q. Okay. I think that's the last of what we had obtained for Todd Judy. And I think as to Ryan Judy Tabs 32, 33, 34, 35 and 36 were not your work. I think 37 is your work; correct, Exhibit 37?

A. Yes.

Q. All right. And that's Ryan Judy for the year 2008; correct?

A. Yes.

Q. And how much did Ryan Judy show for farm income for the year 2008?

A. $90,536.

Q. Okay. And against that, how much did he show in expense?

A. $95,081.

Q. Of which how much was depreciation?

A. $14,556.

MR. BARR: Okay. If I may have a moment, Your Honor?

THE COURT: Yes, sir. While you're doing that, I'm going to ask her a question.

MR. BARR: Yes, sir. By all means.

EXAMINATION

BY THE COURT:

Q. And it's going to take a moment for you. Could you look through the tax returns that we just looked at, 2005 through 2008, for all the ones that you prepared so that would be the one from Ryan in 2008, all of them for 2005 to 2008 for Ronnie and Todd, and tell me who deducted taxes.

A. Who deducted the taxes?

Q. Yeah. Who deducted the taxes and tell me what those taxes would be, represent.

A. I have no clue what they represent, now. They would have -- I mean, they would have something to do with the farm itself.

Q. Like farmland?

A. Yes, but I have no clue otherwise what it is.

Q. Who deducted the taxes?

A. That's 2007. Let me go back a little more. In 2004, Ronnie deducted $2,021 (sic) of taxes.

MR. BARR: Where are you pulling that from, Ms. Dantzler?

THE COURT: It would be the right-hand column of the farm --

THE WITNESS: The farm schedule itself.

THE COURT: About halfway down.

EXAMINATION

BY MR. BARR:

Q. So for '04, that was $221?

A. For 2004. In 2005 it was $153 that Ronnie deducted. 2006, $3,090. 2007, $3500. 2008, $1174. 2000 -- that's Todd's. That was 2008. That was the end of Ronnie's, yeah.

Q. And then the same thing for Todd?

A. Todd is -- well, he had no taxes on the -- on his returns. All he showed was the depreciation.

Q. So there were no --

A. I believe that was all the years.

Q. So no taxes on his. And then what about for the one you did for Ryan?

A. His taxes went on his personal return -- personal side. 2008 for Ryan, no taxes.

Q. Would ad valorem real estate taxes be deductible in that column of the farm land?

A. Well, it could be, yes, I mean, but sometimes they go -- you know, all depends on whether they go there or on the personal side of the tax return.

MR. BARR: Okay. Anything further, Your Honor?

THE COURT: Yes. I'd like to follow up, actually.

EXAMINATION

BY THE COURT:

Q. Now, did Ryan have a Schedule A?

A. In 2000...

Q. In 2008.

A. No. He had one, but he didn't have any deductions there.

Q. So if he had a farm and he had a Schedule A, he could have deducted farm taxes on Schedule A?

A. Yeah. But if he had had the farm, it should have gone --

Q. On the farm?

A. Yes.

Q. Right. It's preferable if you have a farm, farm land taxes go on the farm schedule?

A. Yes.

Q. That's actually probably the rule.

A. Right. But the taxes roll from one year to another.

Q. True, true.

A. Okay.

Q. So -- and did Ronnie have a Schedule A?

A. No, he did not.

Q. So if he wanted to deduct his land taxes on -- any land taxes on the farm, he'd have to do it on Schedule A?

A. He should have deducted on the Schedule F. And if he had personal taxes, if he didn't need the Schedule A to use on the tax return we would not have prepared it for him.

Q. Right. And so if he wanted the utmost deduction and he didn't have a Schedule A.

A. Right.

Q. He wanted to put that tax expense on the farm schedule?

A. As long as it was farmed, yes.

THE COURT: I don't have anything else.

EXAMINATION

BY MR. BARR:

Q. So, Ms. Dantzler, let me see if I've got... (Displaying chart.)

A. I can't see that far.

Q. I'm going to bring it over. Let me ask you, this chart is --

MR. BARR: Can you see it, Your Honor?

THE COURT: Yes.

BY MR. BARR:

Q. Is that consistent with what we just heard you --

MR. BARR: Gentlemen, if you all would like to see it, I'm sure the Judge wouldn't object if you walked over. Just offering.

Q. So if we sort of laid out pictorially the three returns, Ronnie's here, Todd's here and Ryan's here, with the year running down this column and these numbers represent exhibit numbers. So for the year '04, Ronnie showed $42,000 of farm -- $42,000 of farm -- 42,405 of farm revenue, 50,938, and we now know that Todd showed $100, I think. That might have been the one -- no, that's not correct. We don't have that one. Todd's was for the next year. We don't have one for Todd and we don't have anything for Ryan yet.

For the year 2005, Ronnie's revenue was $27,006 against expenses of 49,357. That's the one we now know Todd's income was 100, the one you just produced this morning. And we don't have anything yet for Ryan.

For the year 2006, Ronnie showed farm income of 69,111 (sic) against expenses of 24,381.

Todd shows income of $100 and the depreciation right off of 8592.

For the year 2007, Ronnie had timber sales of 22,772, plus farm revenue of 20,688 against expenses of 52,733. Todd again showed revenues of only $100, we don't know about Ryan.

For the year 2008, Ronnie showed timber revenues of 12,177, farming revenues of 22,220 against expenses of 39,390. Todd again showed $100 against his depreciation right off of 8592. And in that year, Ryan had farming income of 90,536 against expenses of 95,081. Does that sort of summarize what we've just seen?

A. I think these were the figures.

MR. BARR: Ms. Dantzler, thank you for your patience and for educating me. I have no further questions at this time and would turn the witness over for some cross.

THE COURT: Mr. Judy and, of course, since this is your tax returns feel free obviously to question -- but go ahead, Mr. Judy.

EXAMINATION

BY MR. RONNIE JUDY:

Q. Ms. Dantzler, can you explain to the Court how Mr. Barr received copies of our income

taxes?

A. He subpoenaed me and I produced them.

Q. He subpoenaed you?

A. Of the ones I had, yes.

Q. And who did you send those to?

A. I sent them to his office.

Q. To his office?

A. (Witness moves head up and down.)

Q. You don't know who signed for them or what happened?

A. I have no clue, no.

Q. Could you explain to the Court how three black men got a hold of Todd's income tax, come to my house with a .38 wanting a heap sum of money?

MR. BARR: Your Honor, I object.

MR. RONNIE JUDY: It's on the police record.

MR. BARR: I object. It's not relevant.

MR. RONNIE JUDY: It is relevant. He violated a subpoena privilege.

THE COURT: Just hold it a minute. I'm going to give you a little leeway here because I don't know if she knows anything about it, what you're asking, but I'm going to give you a little leeway.

MR. RONNIE JUDY: She's aware of it because I called her.

THE WITNESS: He called.

THE COURT: Well, I'm going to give you a little bit of leeway; all right? So I'm going to sustain the objection for now. Just a little bit.

BY MR. RONNIE JUDY:

Q. Mr. Dantzler, didn't you receive a call from me about three black guys --

A. Yes.

Q. -- had a copy of Todd's income tax?

A. You called, yes, but I was not aware of it at all. I would have no way of knowing and I, myself, would never give a copy of anyone's tax return to anyone but I -- without a gun in my face.

THE COURT: She just testified that she has no knowledge independent of your phone call. So if you want -- I'm going to stop your questioning about that right here and if you want to testify to that later on you certainly may -- or one of your sons, whoever was involved, any and all of you can testify to what happened. But she just testified she didn't have any knowledge of it, so move on to another line of questioning.

BY MR. RONNIE JUDY:

Q. Ms. Dantzler, if you want a transcript of your tax return where do you receive them from?

A. As far as you or --

Q. As far as I.

A. You would ask me and I'd produce it for you. Now, if you wanted a certified copy from the IRS, you'd have to go through the IRS regulations.

Q. Okay. But, in other words, you can get a transcript copy of your tax returns back -- recent years; is that correct?

A. Yes. I can make you -- produce a copy from the computer, yes.

Q. I'd like for you to read this to the Court.

THE COURT: Is this...

THE WITNESS: You want me to read it all?

BY MR. RONNIE JUDY:

Q. Who is that letter from?

A. It's from the Internal Revenue Service.

Q. Where about?

A. Memphis, Tennessee.

Q. And it states --

THE COURT: Before you read that, I want you tell me who the letter is to.

THE WITNESS: It's addressed to Ronnie, Ronnie Judy.

BY MR. RONNIE JUDY:

Q. When, the date?

A. May of 2011.

Q. Okay. It shows a transcript of my tax returns back from 1990 --

MR. BARR: Your Honor --

BY MR. RONNIE JUDY:

Q. -- to 2008.

THE COURT: We have an objection.

MR. BARR: Your Honor, I have an objection. First of all, I don't know what the witness is being shown. Perhaps I should look at it so I could frame some intelligent position about it. But it seems that Mr. Judy is presenting to the witness a document he got from the IRS, and I don't know how he can examine this witness about it.

THE COURT: That's my -- that was going to be my point. That's why I asked her who the letter is to.

This is a piece of evidence that you may have that you might want to introduce if you choose to testify or called to testify. So she's not -- she doesn't have any knowledge of this, this would

be in or around the rules of evidence, so I'm going to sustain the objection. And if you want to admit it in some other fashion, through some other witness, you may at a later time you can admit it.

THE WITNESS: (Tendering.)

MR. RONNIE JUDY: Thank you. I've got no further.

THE COURT: All right.

MR. BARR: I have nothing further, Your Honor. Ms. Dantzler, thank you very much. You may be excused --

THE COURT: She's excused for the day? Any objection to that?

MR. RONNIE JUDY: No.

THE COURT: Any other questions from the other defendants? Because I know this had some of your tax returns involved.

MR. TODD JUDY: No.

MR. RYAN JUDY: No.

THE COURT: Nothing? All right. You may be excused. Have a good day.

(Witness excused.)

MR. BARR: Call Jimmy Judy, Your Honor.

THE COURT: All right. Mr. Judy, come around. If you would step up, pull the microphone

close. You might get the drill down by now. And if you'd like to put the Bible over here and put your left on it -- there you go.

THE COURT REPORTER: Please state your full name.

MR. JAMES JUDY: James T. Judy.

JAMES T. JUDY

being first duly sworn, testified as follows:

EXAMINATION

BY MR. BARR:

Q. Would you state your full name and address, Mr. Judy?

A. James T. Judy. 161 Riverfront Drive, Reevesville, South Carolina 29471.

Q. And you're a brother of the Defendant Ronnie Judy?

A. That's correct.

Q. And your co-plaintiff Bobby Judy?

A. That's correct.

Q. Can you tell the Court, Mr. Judy, whether or not you had occasion to file suit against your brother in 2004?

A. Yes, I filed a suit against him on 9/10/04 and refiled a suit in 11/28/05.

Q. All right. Let me invite your attention

to Exhibit -- to Tab 17 in the notebook in front of you.

MR. BARR: That's the exhibit notebook, Your Honor.

THE WITNESS: Okay.

BY MR. BARR:

Q. All right. Is the first summons and complaint the '04 case that was filed?

A. That's on Tab 17?

Q. Yeah. I think you might have the wrong tab there. There you go, it's behind --

A. Behind it. Got you.

MR. RONNIE JUDY: What number is that?

MR. BARR: Seventeen.

THE WITNESS: That's correct. September 10th of 2004.

BY MR. BARR:

Q. So the first pleading is a suit filed on September 10th of 2004?

A. That's correct.

Q. And is it correct that that was nonsuited and then refiled on November 28th of 2005?

A. That's correct.

Q. And is that the second pleading in this same exhibit section? Pull the whole thing over,

the whole stapled section -- there you go. Does that second part have a 2005 number at the top? Look at the very top of the page.

A. Yes, it does.

Q. Okay. So that's the refiled case?

A. Yeah, that's correct.

MR. BARR: Your Honor, this is a certified copy from the Clerk of Court's office. I would offer Exhibit 17 into evidence.

THE COURT: It appears that the '05 case is the only certified copy that I see.

MR. BARR: That's correct. The witness has identified the '04 one.

THE COURT: As the predecessor. Mr. Judy, any objection?

MR. RONNIE JUDY: What was that?

THE COURT: Any objection to the admission of these two summons and complaints in Plaintiff's 17?

MR. RONNIE JUDY: No, sir.

MR. BARR: If I may continue, I'll have the witness identify several and then we can have the Reporter mark.

THE COURT: All right.

BY MR. BARR:

Q. Did that case go to trial in April of 2007?

A. Let me check my notes. (Reading.) I don't see nothing on April.

Q. Well, let me restate the question. When did that case first come up for trial?

A. It came up for trial on January the 29th of 2007.

Q. And what happened on that occasion?

A. We appeared with our witnesses and found out that the Defendant had been admitted to the hospital and the case was continued.

Q. Okay. When did it next come up for trial?

A. It come up for trial on March the 5th of 2007.

Q. And did we appear with our witnesses?

A. And we appeared with our witnesses and the Defendant moved that Judge Goodstein excuse herself because he had filed a case against her.

Q. He had filed a complaint against her?

A. He had filed a complaint against her, yes.

Q. And so --

A. Against her in the Supreme Court, that's

correct.

Q. Okay. And so was the case continued again?

A. It was.

Q. And then when did it finally go to trial?

A. It went to trial 4/11/07.

Q. Okay. So let me invite your attention to Exhibit 18. Is Exhibit 18 a judgment signed by Judge Roger Young in that case?

A. That's correct.

Q. Then what happened to that case on appeal?

A. It went to the Appeals Court and they overturned it. And then 6/20 of 2011 the Supreme Court overturned it.

Q. So the Supreme Court affirmed the reversal of the case by the Court of Appeals?

A. That's correct.

Q. All right. And have you filed a petition for rehearing with the Supreme Court?

A. I have.

Q. And is that now pending?

A. That is pending.

Q. That's not been decided yet?

A. That's correct.

MR. BARR: Your Honor, I would offer now Exhibits 17, 18 -- and I have marked Exhibit 19 which is when the Supreme Court granted cert, but that was -- I had this notebook prepared for another trial. They've since ruled, so I'll put that in but the record should reflect --

THE COURT: We already have 17 without objection. So 18. Any objection to 18, Mr. Judy?

MR. RONNIE JUDY: Yes, sir.

THE COURT: Was that -- you have an objection?

MR. RONNIE JUDY: No, sir.

THE COURT: All right. So admitted. Let's get -- do we need to mark them now or are you going to continue?

MR. BARR: I'll get -- then 19 as well, Your Honor.

THE COURT: Okay. And 19 is the writ of cert. Any objection to 19? I think that's on your side there, Mr. Judy.

MR. RONNIE JUDY: Yes, it is. I want to stay on that side.

THE COURT: I hear you. Any objection to 19 coming in?

MR. RONNIE JUDY: No, sir.

THE COURT: I didn't think so.

MR. BARR: May we have the Reporter now mark 17, 18 and 19?

THE COURT: Yes.

(PLF. EXHS. 17 - 19 in evidence.)

BY MR. BARR:

Q. Now, Mr. Judy, in the case that we are currently trying before Judge Banks, when did -- when did you and Bobby file this case?

A. Let me see. When did Bobby and I file the case?

Q. I can find -- I think I had --

A. I don't know the exact date of it.

Q. The first summons, just a minute. Let me find it for you -- I've got it right here. Let me restate the question maybe.

The record in this case reflects that the summons and complaint -- lis pendens and complaint in this case were filed September the 27th of 2007 and, of course, named Ronnie --

A. That's correct.

Q. It names your brother Ronnie and your nephews Todd and Ryan. Why are Todd and Ryan named as parties with Ronnie?

A. Because in 2007 Ronnie, Todd -- Ronnie put the 9.29 acres into Todd's name and the 10.98 acres into Todd's name for $5 love and affection. And the '98 deeds was in Todd and Ryan's names, so we included all of them.

Q. All right. Well, let's take that, then, one at a time. Let me invite your attention to Exhibit -- or Tab 15 of the notebook.

MR. BARR: Your Honor, I will represent to the Court it's not depicted on the copy that's in front of you, but in the original notebook I have a sealed copy of that as certified by the Recorder of Deeds in Dorchester County so that I would offer Exhibit 15 on the basis of it being a certified record.

THE COURT: Any objection, Mr. Judy, to the admission of Plaintiff's Exhibit 15 into evidence?

MR. RONNIE JUDY: No objection.

THE COURT: All right. So admitted. Do you want to mark it now?

MR. BARR: Well, I guess we should, yes, sir.

(PLF. EXH. 15 in evidence.)

BY MR. BARR:

Q. I think what I asked you was why you named Ronnie and Todd, and you said because of some conveyances. And is this deed one of them?

A. This deed is one of them, mm-hmm.

Q. Okay. And this deed was recorded -- I'm sorry, was signed February the 7th of 2007; is that correct?

A. That's correct.

Q. And at that time the lawsuit that you had filed against Ronnie was pending; is that right?

A. That is correct.

Q. And it had just been called up for trial the week before; is that correct?

A. That's correct.

Q. And Ronnie was in the hospital?

A. That's right.

Q. Is that correct? Now, did you name Ryan and Todd because of other conveyances as well?

A. Yes. Because of the 1998 conveyance.

Q. All right. Well, let me invite your attention to Tab 3. I guess while I'm at it, let me invite you to look -- and for Messieurs Judy to look at Tabs 3 and 3A.

Do Tabs 3 and 3A reflect conveyances from Ronnie Judy to -- Exhibit 3 is to Todd of a

number of tracts in Dorchester County that would -- the deed was filed November the 16th of 1998, and Exhibit 3A is of a number of tracts in Dorchester County from Ronnie to Todd and Ryan, also filed November the 16th of 1998?

A. That's correct.

MR. BARR: Your Honor, I would offer Exhibits 3 and 3A into evidence.

THE COURT: Any objection?

MR. RONNIE JUDY: No, sir.

(PLF. EXHS. 3, 3A in evidence.)

BY MR. BARR:

Q. Now, Jimmy --

MR. BARR: If I may call him by his first name, Your Honor. I think it makes it -- we've got so many Judys.

THE COURT: Yeah. I was going to mention that at the beginning of this case, but certainly you may.

BY MR. BARR:

Q. Jimmy, you first filed this lawsuit against Ronnie and Todd and Ryan, and you then amended it to name Wanda. Why did you amend it to name Wanda?

A. By the deed that he -- that Todd

transferred it to -- the 9.29 acres and the 10.9 acres to Wanda in 12/31/08.

Q. All right. Let me invite your attention then to Exhibit 16 in the notebook. Is Exhibit 16, Tab 16, the deed by which Todd, then, transferred the 9.29 and 10.9-acre tracts to Wanda?

A. That's correct.

Q. And was that for $5 love and affection?

A. $5 love and affection.

MR. BARR: I would offer Exhibit 16, Your Honor.

THE COURT: Any objection, Mr. Judy?

MR. RONNIE JUDY: No, sir.

THE COURT: What about the 10.9?

MR. BARR: I think they're both in the same deed, Your Honor.

THE COURT: Is this --

MR. BARR: There's a second page. On the first page is the 9.29 and the second page is the 10.29 (sic).

(PLF. EXH. 16 in evidence.)

BY MR. BARR:

Q. Now, when did this case, the case that Judge Banks is hearing, Jimmy, first come up for trial?

A. It first went up for trial on August the 9th of 2010.

Q. Was it tried on that day?

A. No, it wasn't. The Defendant was in the hospital and the case had to be continued.

Q. All right. And was it then rescheduled?

A. Yes. Judge Watts ordered the trial for 11/29/2010 and also wanted the Defendant to bring a copy of his hospital record.

Q. You mean from the August --

A. From the August trial.

Q. Okay. Then what happened next?

A. On 10/14/2010 the judge -- Judge Watts filed an order recusing himself.

Q. Okay. And that's what brings us over here to Calhoun County in front of Judge Banks?

A. That's what brings us here, correct.

Q. Now, Jimmy, let me -- let me ask you about the 1998 deeds that we're asking Judge Banks to set aside and restore title to Ronnie Judy, and those are Exhibits 3 and 3A. How were you and Ronnie getting along back then in 1997 and 1998?

A. We were getting along good.

Q. All right. And what events -- do you get along well now?

A. No.

Q. And was there any event t]
say sort of began the deterioration of your relationship?

A. Yes. When my daddy died March 2nd of 1999, and we approached him about let's straighten up the division of the land and we've had to go to court ever since.

Q. Okay. So let's go back to the better times, then, in 1997 and 1998. In 1997 were you, yourself, having some legal things going on?

A. Yes. I was having a marital problem and I went and talked to an attorney, Gene Dukes at that time, and he advised me to take my land out of my name and put it into my children's name.

Q. And that land -- how did you acquire that land?

A. I acquired that land through an inheritance.

Q. So Mr. Dukes, your lawyer, advised you to transfer to your children?

A. Transfer it out.

Q. Did you ever have a conversation with Ronnie about that?

A. Yes, I did. And Ronnie asked me, he

said, can you do that? And I said, well, the judge -- I mean, the attorney told me I could do that, and so that was it right then.

Q. Okay. Now, are you aware of whether or not in 1997 Ronnie was also in court about anything back then himself?

A. Yes. He was involved in a title case with Larry Mills.

MR. BARR: And let me invite the Court's attention now to Tab 40 -- Tab 40, Mr. Judy. And let me say, Your Honor, this, I think, was the matter that I think Mr. Judy was trying to address pretrial.

Your Honor, in the original notebook, Tab 40, just as you see it in your copy, is certified by the Clerk of Court for Dorchester County as a true copy from its records. So I would introduce the entirety of -- I would introduce the entirety of Exhibit -- Tab 40 as Exhibit 40 as being an authenticated and certified record from the Clerk of Court's office.

THE COURT: This is in the case from 1995 between the Defendant and Mr. Mills?

MR. BARR: That's correct.

THE COURT: This is the entire court

file?

MR. BARR: Yes, sir.

THE COURT: Any objection?

MR. RONNIE JUDY: It was decided by the Appellate Court in '99 is what you're referring to?

MR. BARR: It's got --

MR. RONNIE JUDY: After the transfer --

THE COURT: I think what -- I think what he's putting it in for is to show that you had some court issues prior to a discussion that he talked about a moment ago about transferring land. I think that's where he's going.

MR. RONNIE JUDY: Yes, sir, but he wasn't -- he wasn't addressing all the appeals involved.

THE COURT: I don't think he's going that far. You can certainly take it further.

MR. RONNIE JUDY: Yes, sir.

THE COURT: If necessary. Is that -- if that was an objection I would sustain -- I mean, I would overrule it and have it admitted as 40. But you're free to cross-examine, you're free to add or subtract to it in your own testimony.

(PLF. EXH. 40 in evidence.)

BY MR. BARR:

Q. So Jimmy --

MR. BARR: I'll say now, Your Honor, Exhibit 40 has now been marked as an exhibit and admitted.

Q. Jimmy, so how do you tie the pendency of the Mills case against Ronnie, which is Exhibit 40, to your conversation with him about what your lawyer advised you about transferring property?

A. He was questioning me about that, and then in '98 he had a combine case against him and -- which he went to trial and it was for taking a combine off of somebody's land or something, and then he burnt the motor up in it and he went to trial and he got off.

Q. He was acquitted?

A. He was acquitted.

Q. Okay.

A. But in '98, when he asked me about -- at that time he said, you know I'm going to take this land out of my name because I'm afraid that they are going to come out a civil suit for the combine engine, which was a $10,000 damage.

Q. Okay.

A. And at that time I asked Ronnie, I said, Ronnie, can you trust your boys if something happens

you can get your land back? He said, don't worry about that. I'll have deeds already made up and signed and all I've got to do is date them.

Q. And so were you aware, then, after he had done it that Ronnie, in fact, had transferred the lands to Todd and Ryan?

A. Yes. He did it in the Fall of '98.

Q. Okay. Now, of the lands that we're asking Judge Banks to restore to Ronnie's name, let me invite your attention back to Exhibit 3, Jimmy.

A. Okay.

MR. BARR: I believe Exhibit 3 is in, Your Honor. Yes, Exhibit 3 is in.

Q. The first -- the first tract of land described in that deed from Ronnie to Todd describes 259 acres, which is bounded on the south by the Edisto River. And, of course, it conveys to Todd only a one-half undivided interest and then it recites a conveyance of the other half to you; is that correct?

A. That's correct.

Q. And, ultimately, were those lands divided? That is to say, was that 259 acres ultimately divided between you and then Todd who was holding the title?

A. That's correct. We went through court and divided it.

Q. So that leaves -- in terms of what we're asking the Court to restore here today, that would be the parcels that are described in the lis pendens as the 119-acre parcel; correct?

A. That's correct.

Q. And then the other 10.529 acres -- I don't remember the exact fraction; is that correct?

A. That's correct. That would be half of -- their part on the river.

MR. BARR: Jimmy, thank you very much. Answer questions that Ronnie may have for you.

THE COURT: Mr. Judy?

EXAMINATION

BY MR. RONNIE JUDY:

Q. Jimmy, didn't you tell the Court that you got inherited property out of your name going through your divorce? Is that what you just said?

A. Yes, I did.

Q. Isn't it true some of that property you bought while you was married to Peggy?

A. No.

Q. Included -- the tract down there as you come in off the river?

A. What tract coming off the river?

Q. The 100 and some acres you bought from TC Kensey (phonetic), Kensey Farms. Wasn't that purchased during your marriage?

A. It might have been.

Q. Yes, it was.

A. That was me and Bobby bought that piece of property, that's correct.

Q. Yeah.

A. I stand to be corrected.

Q. That's not a fraudulent conveyance?

A. I did what my attorney --

Q. Get property out of your name --

A. I did what my attorney said I could do.

Q. And isn't true back in 1999 your son and daughter deeded it back to you after the divorce?

A. No. It was deeded back to me before the divorce, I think. I don't know.

Q. No, 1999. I got --

A. Well, I don't know. I don't have the records with me on that. But that is back in my name, that's correct.

Q. Twenty-two and 23. What is the deed on them?

A. July the 20th, 1999.

Q. That was after you obtained your divorce, wasn't that correct?

A. I don't know. I don't know what month I obtained my divorce in 1999. I do not know. I know it was sometime in '99, but I do not know whether it was before or after.

Q. It was after your divorce because --

A. I don't know that.

Q. -- the Family Court records show that.

A. I don't know. If you've got some records, I can look at it.

Q. Some of that property there was property that was bought during the marriage; right?

A. There was one piece. The...

Q. You testified -- you testified a while ago it was inherited property.

A. Well, I overlooked that section.

Q. Oh, yeah, overlooked.

MR. RONNIE JUDY: Put that into evidence.

THE COURT: Any objection?

MR. BARR: I'll take a look at them. (Reading.) We don't have any objection.

THE COURT: All right. Then that will be Defendant's 1. Unless you'd rather -- I think he

called it 22 and 23. If he'd rather maintain that -- would you rather that be called your first exhibit or 22 and 23 as you referred to it?

MR. RONNIE JUDY: Yeah.

THE COURT: Twenty-two and 23?

MR. RONNIE JUDY: Number 1 and 2.

THE COURT: Let's make it Number 1 and 2. Put them in order, the one out of Jimmy and then the one back into Jimmy. That will be 1 and then 2.

(DFT. EXHS. 1 and 2 in evidence.)

THE COURT: Continue, Mr. Judy.

BY MR. RONNIE JUDY:

Q. Back in 2004, didn't you have the Solicitor's office bring criminal charges against me for this dam case?

MR. BARR: Your Honor, I object.

THE COURT: Mr. Judy, did you just swear in my courtroom? Did he say damn?

MR. BARR: He's referring to a pond dam.

THE COURT: Oh, a pond dam. A pond dam. I apologize. I was about ready --

MR. RONNIE JUDY: I know that. I wouldn't have said that. I don't slip up.

THE COURT: I don't tolerate it. Your objection was what?

MR. BARR: It's not relevant.

MR. RONNIE JUDY: Yes, it is. He --

THE COURT: I think I'm going to give him some leeway. It sounds like impeachment to me so I'm going to give some leeway.

BY MR. RONNIE JUDY:

Q. Why did the Solicitor's office prosecute me for destroying the dam?

A. I have no idea.

Q. Isn't it true that when Solicitor Pascal came in he throwed (sic) it out because there wasn't nothing but a bunch of hog wash?

A. I do not know that.

Q. He throwed it out; is that correct? It wasn't tried.

A. No, they never pursued it because they didn't dig into the information enough. That's correct.

Q. But you had me arrested for that, though, didn't you?

A. I did not have you arrested.

Q. I was in jail. Matter of fact, Jimmy, you put me in jail 17 times.

A. I'd like to see the list.

MR. BARR: Your Honor, I object to

Mr. Judy trying to testify.

THE COURT: I understand. And --

MR. BARR: And to the relevance.

THE COURT: If you make that in the form of a question, I think it would be admissible. Could you rephrase your question, Mr. Judy?

BY MR. RONNIE JUDY:

Q. Isn't it true that you had me arrested 17 times?

A. No.

Q. If we go back to the Clerk of Court and pull the records, it wouldn't show it?

A. No. Not to my knowledge, no.

Q. We'll have that done.

A. Okay.

Q. And I think you have sued me what, seven, eight times on different things?

A. Only to get all this land resolved through the Court system, whatever, yes. I don't know whether it's seven or eight times, I do not know.

Q. But isn't it true while you are here today you want that tract of -- 118-acre tract of land in the middle of your hunt club on Edisto River?

A. No.

Q. Why did you tell Mr. Barr that you would drop all the charges if Todd would deed that 118 acres over to you?

A. Just to get my money back that you owe. It don't make no difference which piece it is.

Q. Jimmy, the Appellate Court said I don't owe it, the Supreme Court done ruled that I don't owe it. Now, how are you going to come back into court saying I owe you?

A. Who's saying this is over with?

Q. The Supreme Court does not undo what they have already done, I can tell you that.

A. Amazing.

Q. This property was partitioned between you and Todd; is that correct?

A. Because you claimed you had no ownership.

Q. Right.

A. That's correct.

Q. Judge Peeples ruled August 6th, 2001 that I had no interest in it; is that correct?

A. I don't know the date.

Q. You don't know -- okay. I've got the date. I think on February the 8th you filed a

partition to -- I mean, a petition to partition the property; is that correct? That's when Judge Peeples dismissed me as owning any property?

A. In what year?

Q. 2001, February the 8th.

A. Somewhere -- when we started --

Q. That time frame.

A. When we petitioned to divide the property, that's correct.

Q. And it was divided by the Master-in-Equity between you and Todd. There was no creditors at that time, was there?

A. What year? It wasn't divided until later.

Q. 2004/2005.

A. Yes, there were creditors you had.

Q. You wasn't a creditor?

A. No, I wasn't a creditor, but you had creditors.

Q. You was not a creditor at the time that Parcel C through J was transferred, was you?

A. What's C through J? I don't know.

Q. The balance of the property from A and B.

A. I don't know. I don't know -- A and B

don't tell me what --

Q. A was the home place, the Rumph place.

A. A --

Q. In other words, I was personal representative of the Rumph estate; is that correct?

A. From '83 to 2001, yes. I think it was 2001.

Q. That's right. And why was I not filing for discharge from that estate? Can you tell the Court?

A. I guess to keep me from getting my part.

Q. Isn't it true that I was asking SLED -- the FBI and SLED to investigate the fake doctor's death, John K. Sykes (phonetic)?

A. I don't know what you were doing.

Q. And when I wouldn't do that, you had me removed, and then you had the probate judge to give you the bulk of that estate?

A. I had the probate judge to divide that estate.

Q. Was it divided equally?

A. In her way it was done, yes.

Q. In her way?

A. In the Court's way. The Court did it, I didn't do it.

Q. In other words, it was three tracts of land. It was -- you had your appraiser to appraise it at $555,000.

MR. BARR: I object.

BY MR. RONNIE JUDY:

Q. That's the order --

THE COURT: Hold on, there's an objection.

MR. BARR: Your Honor, this is -- I object to relevancy. This is really going way, way far field. If your question here is one of whether there's a fraudulent conveyance and how -- how this land was divided in a case long ago heard, opportunities for appeal have expired, there have been collateral decisions by the Court of Appeals and now the Supreme Court somewhat related to it but has no bearing on the question of whether or not the land -- ten tracts to say that the lis pendens were fraudulently conveyed by this Defendant.

THE COURT: Mr. Judy, I've given you a lot of leeway on this and I'm actually willing to give you a little more, but you're going to have to explain yourself for a second here. How is -- his objection is, how is this relevant? How is what happened that far back relevant to this case today

and the issues that are involved in this case? I'm giving you a chance to explain, and if you give me an adequate explanation I'll let you go some more.

MR. RONNIE JUDY: It's part of one of the parcels that they're trying to set aside.

THE COURT: You're trying to get testimony from your brother about part of one of the parcels that we're dealing with? Is that what you're saying?

MR. RONNIE JUDY: Yes, sir.

THE COURT: And your cross-examination at this point is trying to make what ultimate point with the Court? What is your ultimate point?

MR. RONNIE JUDY: My ultimate point is the property was in Todd's name.

THE COURT: In 1998? Is that what you mean?

MR. RONNIE JUDY: Yes, sir. And in 2001, when I sold the property to Todd and Ryan, the probate judge issued an order saying that the August 20th deed was a valid deed. Signed, sealed, put in the file in the Probate Court. And somehow or another the other side didn't like it, so they sent up a proposed order with another order for her to sign and pulled that one out -- out of the file and

put it in the trash can. And I was just fortunate to find it in the trash can, one of the employees brought it to my attention and I have that here today.

THE COURT: I tell you what. I'll give you a few more minutes on this issue, but I want to caution you. I don't need the same question asked. If he doesn't answer it the way you like it, you get one crack at that question; all right? And if he doesn't -- if you don't like his answer, I'm not going to let you ask him the same question again because that's going to be an objection for asked and answered. That's a standard objection in this court. So I'll let you go a little further but you better -- if you don't like the answer -- I don't think you're going to like any of his answers, but I'll give you a few more.

BY MR. RONNIE JUDY:

Q. Jimmy, the deed that Daddy give me on the 259 acres, do you recall Daddy asking me to give you half-interest in it?

A. Daddy told you to give me half-interest in it.

Q. That was the agreement when Daddy transferred the property, that he had the right to

change -- make decision -- make changes throughout the rest of his life; is that correct?

A. In 1965, when Daddy beat that surveyor very seriously, that he was worried about a lawsuit and he took all the property out of his name, put it into yours and Bobby's name with the agreement that he had lifetime use of that property until he died. And that's exactly the way it went.

Q. What happened when he asked y'all to give up the half-interest in the home place out there?

A. My daddy never asked me for any of it back. That half of that -- that 259 acres on the river, he never asked me about it.

Q. You didn't tell him that he would have to buy you out?

A. No, I did not.

Q. Why did --

A. That -- we never had a conversation about the property.

THE COURT: I'm going to stop you right there. Is this 259 acres part of this property?

MR. RONNIE JUDY: Yes, sir.

THE COURT: All right. Go ahead.

BY MR. RONNIE JUDY:

Q. So you never did tell him that he would have to finance the property back from you?

A. No, I did not.

Q. Why did he get his shotgun one Saturday afternoon, was coming to the river for you and Bobby?

MR. BARR: Objection.

THE WITNESS: You're the only person I heard that from.

MR. BARR: Objection, Your Honor. This is -- I realize Mr. Judy is not a lawyer, but among other things he's making an assertion rather than asking a question. This really has nothing to do with whether or not the '98 conveyance and the '04, whenever this conveyance, was fraudulent.

THE COURT: I think I'm going to finally sustain it. I've given you a lot of leeway on this issue, Mr. Judy, and I think I've gotten the point. I really do think I have the point.

BY MR. RONNIE JUDY:

Q. You testified a while ago --

THE COURT: I'm sustaining the objection, so move over to a different line of questioning.

BY MR. RONNIE JUDY:

Q. The conversation you said about the combine. Where did that conversation take place at?

A. That was back in '98. We could have been at the river or we could have been out there on the farm. But I remember the conversation very well --

Q. You don't remember --

A. -- what you told me.

Q. -- because it never happened.

A. Well, I said it did. We had that discussion, because you told me you had the deeds already made back up to put in your name and signed. All you had to do was date them.

Q. Have you seen -- have you seen those deeds?

A. No, I haven't. I was just going by your word -- what you told me.

Q. You can't prove that?

A. Other than what you told me.

Q. I didn't tell you that.

A. I can take a lie detector test to it.

Q. In other words, you was not a creditor on November 16, 1998 on none of this property; is that correct?

A. No.

Q. Huh?

A. No. Not in '98, no. Other people were.

MR. RONNIE JUDY: We've got no more.

THE COURT: Is that all you have for this witness?

MR. RONNIE JUDY: Yes.

MR. BARR: Nothing further.

THE COURT: You may be excused. I think you're going to hang around.

(Witness excused.)

MR. BARR: I call Bobby Judy.

THE COURT: Mr. Judy, come on up. Now, these two nice ladies back there, are they your wives?

MR. BARR: Bobby's wife and a sister.

MR. BOBBY JUDY: My wife's sister.

THE COURT: Mr. Judy, if you'll come around. Pull that microphone around, left hand on the Bible, right hand in the air.

THE COURT REPORTER: Please state your full name.

MR. BOBBY JUDY: Bobby Judy.

BOBBY JUDY

being first duly sworn, testified as follows:

THE COURT: Pull that microphone close

to you -- that is great. Make it a little higher.

EXAMINATION

BY MR. BARR:

Q. All right. May we have your full name, Mr. Judy?

A. Bobby Judy.

Q. And how old are you?

A. Sixty-five.

Q. And where do you live, Bobby?

A. Clover, South Carolina and Jersey City, New Jersey.

Q. Okay. And how are you living in Jersey City -- how is it that you're living in Jersey City?

A. Terrible. I have -- I'm employed up there right now.

Q. And who do you work for?

A. Bell Energy Company.

Q. And what kind of work do you do for them?

A. I'm a construction manager for them.

Q. Okay. We had a conference call with the judge the other day and you're the one that had the nonrefundable plane tickets; right?

A. Yes, sir.

Q. And, of course, you're brother of Ronnie

and Jimmy; correct?

A. Yes, sir.

Q. And what is the age relationship? Who's the oldest and the youngest here?

A. There's two years between Ronnie and I and two years between Jimmy. I'm in the middle.

Q. So Ronnie in the oldest, then you come and then Jimmy?

A. Yes, sir.

Q. Now, Bobby, did you have occasion to file a lawsuit against Ronnie in September of 2004?

A. Yes, sir.

Q. Let me invite your attention to Tab 20 of the notebook there. Tab 20. I'll help you flip it over, it's hard.

A. Tab 20? Okay.

THE COURT: All right. Proceed.

BY MR. BARR:

Q. Does Tab 20 reflect the first filed lawsuit in September of '04 and the refiled lawsuit in November of '05 that you brought against Ronnie?

A. Yes.

Q. I mean, against -- yes, against Ronnie?

A. Yes, sir.

Q. And what was the underlying basis for

this lawsuit?

A. Division of the property.

Q. Now, this is a lawsuit against Ronnie.

A. Oh, okay. This is for the corn crop damage.

Q. Correct. What was the underlying -- what happened that caused you to sue him?

A. Basically I had -- was farming along with my brother as well as my second cousin, their property, and had approximately 40 acres of corn that was destroyed by his equipment. And he was found by the Court to be liable for that damage.

Q. All right. So let me invite your attention to Paragraph -- I'm sorry, to Tab 21. Is that the -- Tab 21, is that the judgment in the case?

A. Yes, sir.

MR. BARR: And Tab 22, I'll represent to the Court, Your Honor, that's -- I have a certified copy in the file that was admitted from the Court of Appeals signifying that that is a final judgment in the case.

At this time, Your Honor, I would offer Exhibits 20, 21 and 22. And I believe I'm correct when I say that the refiled complaint under Tab 20,

the judgment under Tab 21 -- no, I withdraw what I was about to say.

The summons and complaint are certified from the Court -- the Clerk of Court's office. The judgment and the Letter of Remittitur are only copies. I would offer them nevertheless as exhibits.

THE COURT: Any objection, Mr. Judy?

MR. RONNIE JUDY: No.

THE COURT: All right. That will be 20, 21 and 22.

MR. BARR: Yes.

THE COURT: Both files.

MR. RONNIE JUDY: Wait a minute. I do object to that because Bobby Judy was not owner of that corn field. Kevin Judy was the owner.

THE COURT: And that's your basis of your objection?

MR. RONNIE JUDY: Yes, sir.

THE COURT: Overruled.

(PLF. EXHS. 20 - 22 in evidence.)

BY MR. BARR:

Q. Now, Bobby, if I can invite your attention to the deed at Tab 5. This deed is signifying a conveyance from Blease Judy. Who was

Blease Judy?

A. That's my father.

Q. To you and to Ronnie of 133 acres jointly, and it was signed on April the 18th of 1966. Do you remember that conveyance?

A. Yes, sir.

Q. And is this one of those that Ronnie and Jimmy were just talking about when Jimmy was testifying?

A. Yes, sir.

MR. BARR: Okay. Your Honor, I have a certified copy from the Register of Deeds of Exhibit -- of Tab 5. I'd like to offer that into evidence.

THE COURT: Any objection?

MR. RONNIE JUDY: No, sir.

THE COURT: So admitted as Plaintiff's 5.

(PLF. EXH. 5 in evidence.)

BY MR. BARR:

Q. Now, this deed recites that what was conveyed to you and Ronnie was 133 acres. Was there ever a resurvey of it that determined that it was on different acreage?

A. Yes, sir. The resurvey, not counting

the 25 acres -- I believe it's 25 for the Interstate-95 was around probably 170 acres, 85 on either side of the interstate.

Q. So it turned out that that was more like how much?

A. Actually around 200 acres.

Q. Almost 200 acres?

A. Yes, sir.

Q. And did you say that that land ultimately was divided, split when I-95 came in?

A. Yes, sir. Eighty-five acres on either side.

Q. Okay. Now, did there come a time when that land was partitioned or divided?

A. Yes, sir.

Q. Okay. And you got a part of it?

A. I got a part of -- both sides I got a part, half.

Q. You mean on both sides of I-95?

A. Yes, sir.

Q. And then who got the other part?

A. Todd.

Q. And is that because that was one of -- some of the lands that were conveyed by Ronnie to Todd in 1998 that we're asking this Court -- the

Court in this case to restore back to Ronnie; is that correct?

A. Yes, sir.

Q. Okay. Let me invite your attention to Tab 6, then, the next one over. Is Tab 6 the partition deed that was exchanged -- that was signed by you, and Todd signed another one -- signed by you, Todd signed another one to you of the division of this property?

A. Yes, sir. Both sides -- it's 36 acres, I don't see -- yes, sir. That's from both sides.

MR. BARR: Okay. That's also a certified copy in your original, Your Honor, and I'd offer Exhibit 6.

THE COURT: Any objection?

MR. RONNIE JUDY: No, sir.

THE COURT: So admitted as Plaintiff's Number 6.

(PLF. EXH. 6 in evidence.)

MR. BARR: Bobby, thank you very much. Answer any questions that Ronnie may have.

THE COURT: Mr. Judy, any questions of this witness?

MR. RONNIE JUDY: Yes, sir.

EXAMINATION

BY MR. RONNIE JUDY:

Q. Bobby, on that summons and complaint, you were not the owner of that corn; is that correct?

MR. BARR: Objection, Your Honor. That's --

MR. RONNIE JUDY: He testified he -- he testified in court he wasn't.

MR. BARR: Objection. My objection is he's trying -- Mr. Judy is trying to impeach a judgment that's final.

THE COURT: That's right and that's against the rules, Mr. Judy.

MR. RONNIE JUDY: Okay.

THE COURT: It is what it is, and it doesn't matter of the facts anymore. It's a judgment that's on the books, that's where it stands, so a different line of questioning.

BY MR. RONNIE JUDY:

Q. That judgment was based on admissible of the evidence on the pond dam; is that correct? In other words, the evidence from --

MR. BARR: I object.

BY MR. RONNIE JUDY:

Q. -- the pond dam was admissible?

MR. BARR: Once again, he's trying to impeach that judgment.

THE COURT: What was -- repeat your question for me.

BY MR. RONNIE JUDY:

Q. The evidence that was presented on the corn complaint was based on the evidence from the pond dam; is that correct?

A. What do you mean based on?

Q. It was admissible. They used the evidence off the pond dam to find judgment for you on the corn field.

THE COURT: I think he might be going toward a land issue here.

MR. BARR: What happened -- what happened was this, Your Honor. The Court of Appeals has ruled on this, it's the law of the case. The two cases, as you probably picked up --

THE COURT: Yes.

MR. BARR: The pond dam and the corn case were filed in November of '05. The pond dam case was tried first in April of '07 and the jury found, by clear and convincing evidence, that Ronnie Judy destroyed the pond dam and awarded actual and punitive damages to Jimmy. In later -- in April of

'07 and into early May the corn crop case was tried, and Judge Williams permitted us to introduce under 404(b) as similar acts to prove the identity of the wrongdoer who cut out the corn crop.

THE COURT: I got you.

MR. BARR: The jury's finding in the pond dam case.

THE COURT: Got you. I see what you're saying.

MR. BARR: And that went to the Court of Appeals, the Court of Appeals sustained that as admissible 404(b) evidence, and now Mr. Judy is trying to make some issue of the fact that the pond dam case was reversed. The pond dam case was reversed and overturned, but I realize that's an uphill battle.

THE COURT: Sure.

MR. BARR: It was reversed because the Supreme Court and the Court of Appeals determined that it was barred by res judicata. What they're saying is we should have tried all of that in the Probate Court to begin with, that being the pond dam case.

THE COURT: Right.

MR. BARR: But the fact remains that the

jury in Dorchester County found, by clear and convincing evidence, that Ronnie Judy is the one who destroyed the pond dam and that can't be reversed.

THE COURT: Yeah, I agree with him.

MR. BARR: So all of this is not relevant.

THE COURT: Yeah. And I think that's the ultimate question, is it relevant. What we're doing, Mr. Judy, is going back to the issues in this case and, of course, those have been tried and decided to some extent, some of them finally, some of them still have another bite at the apple possibly, and I'm going to sustain his objection as to going into the facts of the cases that's already been decided; all right?

Unless there's something about -- earlier you talked about land and -- this piece of land and so forth. I'm not talking about the tort that was committed or not committed. I'm trying to limit you if you're going to go into anymore about the land itself.

MR. RONNIE JUDY: Yes, sir.

Q. Bobby, during the partition wasn't it agreed on that we deeded 119 acres to your part on the home place? Did you agree to it, had Gene Dukes

make up the papers?

A. I'm sorry. Tell me what you said again.

Q. Wasn't it agreed upon, during the partition, that Todd would deed the 119 acres on the river to you, that you would deed him the home place out there, had Gene Dukes to make up the papers and two days before the deadline to move all that equipment you refused to sign?

A. That is not the case.

Q. It is the case.

A. No. Prove it.

Q. I've got the paper Gene Dukes made.

A. Did I sign it?

Q. No, you wouldn't sign it. You waited two days knowing that we could not move all that equipment in two days. These two --

THE COURT: Mr. Judy, make it a question; okay? Make it a question. He's testifying, you're asking the questions.

BY MR. RONNIE JUDY:

Q. But you reneged on that -- swapping that, didn't you?

A. In no way did I renege on that deal.

Q. I can prove it.

A. I said, prove it.

Q. You were not --

A. The judge made the ruling you had till August --

THE COURT: Stop.

MR. BARR: I object.

THE COURT: Respond to the questions.

MR. BARR: Object to the relevance. This has to do with -- question of whether --

THE COURT: He's in his own way trying to impeach this witness. And I'm going to let him continue. I respect that, but I'm going to overrule you. Go ahead, Mr. Judy.

BY MR. RONNIE JUDY:

Q. Bobby, isn't it true you let Jimmy partition the one on the river where he could keep all his buildings and stuff and we wait to come in, then when he got it in his name then you filed a petition to partition the home place?

A. What's your question?

Q. When you partitioned -- when you wanted half the home place, you wanted every piece of farm -- I mean, the building, shed, green building and everything; is that correct? Couple of hundred thousand dollars worth of buildings out there?

A. If I remember correctly, you're the one

that had first choice of both sides of the property in the division of the property, so...

Q. We did, but that was included in your partition, didn't you?

A. That was what the judge --

Q. You had your eyes on that?

A. That's what the judge ruled.

Q. Yeah, I know the judge ruled.

A. Okay.

Q. You was not a creditor on November the 16th, 1998 when this property was transferred; is that correct?

A. No, sir. That's correct.

MR. RONNIE JUDY: I've got no further questions.

MR. BARR: I have nothing further.

THE COURT: You may be excused.

THE WITNESS: Thank you.

(Witness excused.)

MR. BARR: I call Ronnie Judy.

THE COURT: All right. Mr. Judy, it's your turn to testify. Come around.

MR. RONNIE JUDY: Are you finished?

THE COURT: Beg your pardon?

MR. RONNIE JUDY: I'll testify to what I

have to say.

THE COURT: He's calling you -- he's calling you to testify right now. And before you come up, if there's any notes or records or whatever that you need, it might be best to go ahead and bring them up; okay?

All right, Mr. Judy. Set those papers down, left hand on the Bible, right hand in the air.

THE COURT REPORTER: State your full name.

MR. RONNIE JUDY: Ronnie F., stands for Frederick, Judy.

RONNIE F. JUDY

being first duly sworn, testified as follows:

THE COURT: If you will pull that around to your -- there you go. Thank you, sir. All right, your witness.

EXAMINATION

BY MR. BARR:

Q. Mr. Judy, will you tell the Court where you reside, what's your address?

A. I reside in 1872 Sandridge Road.

Q. Now, is it correct that on February the 7th of 2007 you conveyed to Todd that property where you live, at 1872 Sandridge Road, together with a

nearby 10.9-acre tract?

A. Yes, sir. I transferred it because I was transferring it back to the rightful owner.

Q. Okay. And --

A. Todd was the owner in '98 --

Q. -- let me direct your attention to Tab 15 in the notebook in front of you, please.

A. All right, sir.

Q. Is that a copy of the deed by which you conveyed it to Todd?

A. That was -- restored it back to the rightful owner.

Q. Now, after you had conveyed this land to Todd, is it correct that you owned no more real estate?

A. No, I didn't own no more real estate.

Q. Okay. So this was the last of the real estate that you ever owned once you conveyed it to Todd; is that correct?

A. Yes, sir, because it wasn't mine. I don't want stolen --

Q. Now, isn't it correct that you conveyed it to Todd, it being this 10.99 -- .29 acres the week after the pond dam case was first called for court you were in the hospital?

A. I was just getting around to putting it back in Todd's name like it should have been from 1998.

Q. Okay. Isn't it also correct that the reason that you conveyed all of your other lands to Todd, and to Todd and Ryan jointly as established in Exhibits 3 and 3A, you did that back in 1998 it was for the purpose of avoiding your creditors?

A. No, sir.

Q. You deny that?

A. No, sir. Because I had Mr. Gene Dukes to do the paperwork and he done the title search and said that the Larry T. Mills judgment was still on appeal, that when the appeal was affirmed that that judgment would have to be paid. And it was paid in 2000.

Q. Okay. Let me invite your attention to Tab 38 in the notebook in front of you, if I may. If I can help you, that's kind of hard to turn.

A. Yeah, I'm kind of injured when I fell.

Q. I'll turn to it so you can look at it. Do you recognize what Tab 38 is?

A. Yes, I do.

Q. What is it?

A. That's a receipt of $5 cash, all farm

equipment, combine and everything when I done the land surveyance.

Q. And what's the date of it?

A. November 16th, 1998.

Q. So on the same day that you conveyed -- by two deeds you conveyed lands to Todd alone.

A. That's correct.

Q. And then to Todd and Ryan, you also gave them all of your farm equipment; is that correct?

A. That's correct.

Q. And that's what 38 reflects? That's what that exhibit reflects; correct?

A. Yes. Equipment at that time.

MR. BARR: I would offer that as an exhibit, Your Honor.

THE COURT: Number 38. Any objection, Mr. Judy?

MR. RONNIE JUDY: No, sir.

(PLF. EXH. 38 in evidence.)

BY MR. BARR:

Q. The deed that you -- we looked at a minute ago of the 9.29 acre -- acres, that's where you live, isn't it?

A. That's where I'm living at the time of the deed.

Q. And the deed on record shows that that's owned by Todd, doesn't it?

A. Back in '98 it does.

Q. He didn't own it in '98?

A. He had half-interest in the Rumph place at that time.

Q. Well, let's talk about 2004. In 2004 when you conveyed it to -- I'm sorry, in 2007. In 2007, when you conveyed it to Todd, the deed on record in St. George shows that Todd is the owner of the house you live in; is that right?

A. He was -- he was the owner of it because that was the half-interest I got in the Rumph place.

Q. I'm not asking you that. I'm asking you whether or not after you filed that deed in February of 2007 Todd is the owner on the record of the place where you live; is that true? The deed is in his name?

A. He got property back that he owned.

Q. Do you pay him any rent?

A. No, I don't pay him no rent.

Q. Do you pay the taxes on the 9.29 acres?

A. I think Todd -- Todd been paying that.

Q. Todd pays the taxes. That's your testimony?

A. I got -- I've got a copy of the paid -- paid tax receipts.

Q. And you borrowed $100,000 from Bill Utsey on that land, didn't you?

A. Yes, sir. Because y'all had filed so many lawsuits against me, Mr. Barr, and I had hired so many lawyers I had spent in excess of $100,000.

Q. Okay. Who's paying that mortgage back?

A. Either me or Todd.

Q. Either you or Todd, but which one of you are? Who makes the monthly payments?

A. We all make it.

Q. We all make it meaning who?

A. Whoever got the money in the bank.

MR. BARR: Mr. Judy, thank you very much. I have no further questions.

THE COURT: Before you go sit down, Mr. Judy, would one of you like to cross-examine your -- or examine -- this is your father; right?

MR. TODD JUDY: Yes. (Shakes head from side to side.)

THE COURT: Have a seat.

(Witness excused.)

THE COURT: This is one of those unusual situations when we have somebody representing

themselves in court. This is your opportunity to testify, so within some bounds I will allow you now to -- now that you're under oath to testify to whatever you want to testify to, or I will allow you to wait until after he rests his case.

The only reason I'm offering for you to do it now is because of expediency sake, and it actually looks like we're in real good shape time wise so I don't think that's really an issue. It may be more prudent if you would wait --

THE WITNESS: I'll wait.

THE COURT: Okay. Very good. I think that would be more prudent. So whatever you carried up here, carry back with you.

And Mr. Barr, do you have any other witnesses?

MR. BARR: I don't, Your Honor. I don't believe I do, but let me look -- I'm going to go over the exhibit notebook at this time, Your Honor.

The exhibits that may not have been formally -- I'm going to flip through them as I speak. A number of exhibits have not been formally admitted and I would like to do so at this time and I think if -- if I get to one that's not so I'll certainly state that. But they're all true copies

from the Register of Deeds or the Probate Court or wherever as the case may be.

THE COURT: Weren't there some other tax returns as well?

MR. BARR: I'm not offering them yet. They were produced by Ryan.

THE COURT: Yes.

MR. BARR: And if he testifies or I'll let him put it in. I simply marked them and if they don't come in we'll just remove them from the book.

THE COURT: All right. And so you're offering now some deeds and other court filings; is that it --

MR. BARR: Yes, Your Honor --

THE COURT: -- and they're all certified?

MR. BARR: They would be Exhibits 1 and 2.

THE COURT: Mr. Judy, he's offering 1, 2 -- in your book there, 1, 2.

MR. BARR: Four. One, 2, 4, and the reason I skipped the others is they're already in.

THE COURT: Yes.

MR. BARR: Seven, which is the Rumph will and, again, is a certified copy from the

Probate Court. Eight, which is the -- a deed from Vesta Rumph to Ronnie and Jimmy of 143 acres. That's a part of what we have here.

MR. RONNIE JUDY: I object to that, Your Honor.

THE COURT: So so far we're good at accepting -- you don't have any objection until you reach this one here; is that right?

MR. RONNIE JUDY: Yes, sir. Number 8.

THE COURT: Number 8.

MR. BARR: So we're okay at 1, 2 -- I've already forgot my numbers.

THE COURT: One, 2, 4.

MR. BARR: One, 2, 4, 5, 6 -- no, 6 is -- 5 is already in. One, 2, 4 and 7 are okay.

THE COURT: So no objections to 1, 2, 4 and 7; is that right?

MR. RONNIE JUDY: No, sir.

THE COURT: All right. And...

MR. BARR: All right. Now I was offering 8, and there's an objection.

THE COURT: Number 8, give me a formal offer from you there. You're offering it as what?

MR. BARR: Your Honor, Exhibit -- Exhibit 8 is a deed from -- let me get it straight.

THE COURT: Who's Vesta Rumph?

MR. RONNIE JUDY: She was a friend of mine.

THE COURT: Okay.

MR. BARR: Vesta Rumph was an elderly lady who left her property to Ronnie and Jimmy, and 134 acres of it included the pond dam that was destroyed. The home where Ronnie lives now was included in the Rumph estate as was a 10.9-acre tract which is a part of what was -- we're challenging here today.

THE COURT: So this just purports that they received this together, half-interest each in these two tracts? Is that all you're putting it in for?

MR. BARR: This is the deed of distribution that Ronnie filed. Really what I'm putting in, Judge, as much as I can replicate it is the complete history of --

THE COURT: Of the property?

MR. BARR: Of the property because what happened was, and these deeds will reflect it, that Ronnie -- Ronnie signed Exhibit 8 that he's objected to now, this is the certified copy from the Probate Court, on February 12th of '01, and then the next

exhibit he's selling the same land to these two boys for $15,000. And Exhibit 10 is an order from the Probate Judge, certified copy, setting it aside, saying you can't do that.

MR. RONNIE JUDY: No, sir. We got another order.

MR. BARR: And Exhibit 11 is another order.

THE COURT: I got you.

MR. BARR: And so --

THE COURT: Is 8 a certified copy? Because mine is not.

MR. BARR: Yes, it is, Your Honor.

THE COURT: Okay. It's certified. All right. And your objection to Number 8, Mr. Ronnie Judy, is what?

MR. RONNIE JUDY: It was improperly filed and the statute said it had to have been copied by an affidavit from a lawyer, approved by the Probate Judge, and it was neither one.

THE COURT: Are you saying that the deed of distribution is -- is not proper in its form as filed?

MR. RONNIE JUDY: That's correct.

THE COURT: Because of -- what year is

this?

MR. RONNIE JUDY: Because I was told by their lawyer, since we had already deeded the property over to the boys and James deeded his to his children, that they just needed that for information in Probate Court.

THE COURT: I understand. In fact, I do these myself and you're absolutely correct in the necessity of having the affidavit and whatnot. They actually have since changed that rule, I believe the rule was changed in 2010 or might have been earlier this year.

MR. RONNIE JUDY: 1987 when they changed it.

THE COURT: No, I think they changed it back where you don't need to do all that anymore.

MR. RONNIE JUDY: But during this time you had to do it.

THE COURT: I'm going to overrule your objection on 8. While you're correct technically, I don't think it affects the document itself. It's still a certified copy of what's on file in the Dorchester County Courthouse, so I'm going to overrule that objection on Number 8.

MR. BARR: We also offer 9.

THE COURT: Any objection on Number 9, Mr. Judy?

MR. BARR: And the copy is certified.

MR. RONNIE JUDY: No, sir.

MR. BARR: We offer -- we offer 10, which is one of the orders in the Probate Court.

THE COURT: Can you hear, Mr. Judy? I'm just making -- he's going through a few more.

MR. BARR: I'm offering 10, I'm offering 11, another copy of another order, 12, another order, and 13, another Probate Court order.

THE COURT: These are all certified in the Probate Court --

MR. BARR: Yes, sir.

THE COURT -- by the Probate Court.

MR. RONNIE JUDY: Did you say 11?

MR. BARR: Ten, 11, 12 and 13.

MR. RONNIE JUDY: Okay. We've got another order certified by the Probate Court.

MR. BARR: Well, you can offer -- if I may say -- I don't mean to address the party, Your Honor. He can offer evidence when it's his turn. I'm just trying to get my evidence in and he can put his exhibits in later.

THE COURT: Mr. Judy, it's kind of a

record keeping issue at this point. We're going -- unless you have an objection I'll put it in -- we'll put these in. And, of course, like I said more than once, if you've got anything that changes this, if you want to offer it whenever your turn comes, I'm all for that.

MR. RONNIE JUDY: All right.

THE COURT: I want a complete record, that's what I'm shooting for. I'm not trying to make you sit down, either. If he's got something he's offering, I want to hear if you have an objection. If you've got something that you want to offer, we'll get into that.

MR. BARR: So we're in on 1, 2, 4, 7, 8, 9, 10, 11, 12 and 13.

THE COURT: He said 13. Did you hear that one, Mr. Judy?

MR. RONNIE JUDY: Yes, sir.

MR. BARR: That's another Probate Court order.

THE COURT: So far I have not heard any objections except for 8; is that right?

MR. RONNIE JUDY: That's correct.

THE COURT: And I overruled that one.

MR. BARR: I'm offering 14, which is a

certified copy from the Register of Deeds of a traditional deed.

THE COURT: All right. Now he's at 14. Any objection to that?

MR. RONNIE JUDY: No, sir.

THE COURT: Okay.

MR. BARR: Fifteen is already in.

THE COURT: Yeah.

MR. BARR: Sixteen is in.

THE COURT: Yeah.

MR. BARR: Seventeen is in.

THE COURT: Yeah.

MR. BARR: Eighteen is in, 19 is in.

THE COURT: And 20 is in.

MR. BARR: Twenty is in, 21 is in, 22 is -- 22 is in.

THE COURT: And then 23 through 28 and 29 through 31.

MR. BARR: Correct, 23 through 28 -- I mean, 23 through 28 -- 30, 31, correct.

THE COURT: Mm-hmm. Then I think we skipped --

MR. BARR: You're right, 32, 33, 34, 35.

THE COURT: And 36.

MR. BARR: And 36 are not being offered

at this time.

THE COURT: Right.

MR. BARR: Thirty-seven is in.

THE COURT: Thirty-nine and 39A.

MR. BARR: 38 is in and 39A and 39, correct, are in. Forty is in, 41. I would offer 41, it's the original is --

This is a White's Sales case, Ronnie, and does yours show the stamp? But 41 is a certified copy from the Clerk of Court of an action and a judgment against the Defendant.

THE COURT: Yes, we have a certified here.

MR. BARR: So 41 is offered.

THE COURT: Any objection to Number 41? That's the judgment from White's Sales.

MR. RONNIE JUDY: No, sir.

THE COURT: No objection there?

MR. RONNIE JUDY: No, sir.

THE COURT: All right.

MR. BARR: Forty-two is offered, that's the Meherrin judgment.

THE COURT: Isn't that in?

THE WITNESS: I think -- I think the witness testified about it, but I don't think I

actually put in.

MR. RONNIE JUDY: There were two -- two judgments on that one.

THE COURT: I think 42 is in.

MR. BARR: It's what, Your Honor?

THE COURT: I have it in.

MR. BARR: Okay.

THE COURT: We might not have marked it.

MR. BARR: I think we must not have marked it.

THE COURT: So, still, the only objection I've heard is Number 8; right?

MR. RONNIE JUDY: Right.

THE COURT: And are you hearing what he's saying as he goes?

MR. RONNIE JUDY: Yeah.

THE COURT: Okay. I just wanted to make sure.

MR. BARR: Your Honor, I would offer 43. I now realize I neglected to ask Jimmy Judy -- Ronnie Judy about it.

This is the timber deed, Ronnie, from Kiser, in August of '01.

THE COURT: Is it certified?

MR. BARR: No, this one is not

certified.

THE COURT: That's 43?

MR. BARR: Yes, sir. I asked him about it in his deposition.

MR. RONNIE JUDY: I object to that.

THE COURT: All right. I think I'll sustain that.

MR. BARR: Okay. And then 44 is in, which is the Meherrin credit application.

THE COURT: It's in. And I think the only one I remember from this is F.

MR. BARR: Is F. Is F, correct.

THE COURT: All right.

MR. BARR: So Your Honor, with that, having proffered them all, and I realize the Court Reporter has a lot of endorsing to do here.

THE COURT: We'll make her work through lunch, how about that?

MR. RONNIE JUDY: Pay overtime.

MR. BARR: I think -- I think I've now covered the notebook. So it stops at 14 and I think it picks up at 41 that she'll need to mark. So if my notes are correct, what's now been admitted is 1, 2, 4, 7, 8, 9, 10, 11, 12, 13, 14, 41 and 42.

THE COURT: I think that's right.

MR. BARR: All right. And Exhibit F is already in. So with that having been said, we rest.

THE COURT: All right. Since he's rested, any motions?

MR. RONNIE JUDY: Yes, I'll make a motion for a direct verdict. They haven't proved their case.

THE COURT: All right. Is that all you have?

MR. RONNIE JUDY: Yes, sir.

THE COURT: All right. I find that they have -- you know, the burden of proof is actually on you to establish that he has not brought enough evidence that's in the light most favorable to the Plaintiff, so I would find that he has. So we have enough information here that he's brought to the Court that we can go forward, and you can produce your side of the case.

I think it's probably a proper time to take a lunch break, and why don't we come back at 1:30? That's an hour and 15 minutes, that should be a generous amount of time for y'all to do any preparation you need, eat lunch and give you some time to do what you need to do. And so why don't we come back at 1:30 and be prepared to present your

side of the case?

MR. RONNIE JUDY: All right.

THE COURT: All right. Very good.

(PLF. EXHS. 1, 2, 4, 7, 8, 9, 10, 11, 12, 13, 14, 41 and 42 in evidence.)

(A luncheon recess transpired.)

THE COURT: All right. Are we ready to proceed? Any motions or anything else we need to hear?

MR. BARR: No, sir.

THE COURT: All right. Mr. Judy, it is now your case to present, so you may proceed. Call your first witness.

MR. RONNIE JUDY: I'm going to testify.

THE COURT: All right. Do you have the same paperwork you need?

MR. RONNIE JUDY: Yes, sir.

THE COURT: So I'm going to remind you you are still under oath from earlier today, so have at it.

MR. BARR: I believe the witness was previously sworn, Your Honor?

THE COURT: He was.

MR. RONNIE JUDY: What?

THE COURT: He just repeated what I

said. So you're still under oath, where would you like to begin?

RONNIE F. JUDY

being previously duly sworn, testified as follows:

STATEMENT

MR. RONNIE JUDY: I'm going to try to start at the start. Back in 1965, my daddy give me interest in the 259 acres and give the home place to me and Bobby together. In '79 he asked me to give Jimmy half-interest in the 259, and I told him to go ahead and get Gene Dukes to make out the papers and I'll sign it, and that's what I did. But when he give us the property, he --

THE COURT: Let me stop you right there. As you're going through, if you have some papers that you want to present as evidence of what you're referring to, it might be more expedient to do that as you go. I don't mean to interrupt you, it's just a thought --

MR. RONNIE JUDY: Yeah. I'm just going to have to go through them. We'll have to go back through later, I'll get these in as an exhibit.

So '79 I give Jimmy half-interest in the 259 acres. In 1997 Daddy wanted Bobby to give up his half-interest in the home place, but -- a

third-interest on the river and Bobby told him no. And when he approached Jimmy, Jimmy told him that he would have to buy him out. And that's when my daddy got drunk, loaded up a shotgun, he knew both of them was at the river. And he said, his boys is not going to lie to him like his sister lied to his daddy to get the land she got.

So, anyhow, when he died, he left the will -- the balance of what he had left to me. But on his death bed he said he had some cash money in a caboose and in the back of his truck, to get that and divide it six ways and we did just that. Nobody knew that but me and that man up above. And I put my head on the pillow, I'm going to sleep at night. And I -- me and two sisters divided -- got the money and divided it up.

So in 1998 I deeded all my property over to my two sons, and just like Granddaddy deeded it over to my daddy and my daddy deeded it over to us boys, and when we got in our '50s we done the same thing. I deeded it over to my sons, Jimmy deeded it over to his son and daughter.

So anyhow, they -- on February the 8th, 2001 they filed a partition for -- petition to partition over the property. And when I answered

it, I said that I had no interest in the property now. So they made a motion before Judge Rodney Peeples to have me dismissed of having any interest in it, in the property.

So after that happened, they turned around and took two pieces out of the Rumph place out of -- out of the partition. The reason they done that because Jimmy could not charge me for 18 years of rent at $950 a month. And when it was partitioned, he had it appraised at 555,000 which would have been 275,000 apiece. But anyhow, the judge awarded him $280,000 worth of rent in property value, and soon after that he sold his part for 1.28 million but...

So we was trying to settle up the estate, I would not sign off as personal representative of the Vesta Rumph estate until SLED and the FBI and the Justice Department investigated this fake doctor that was murdered on May the 10th, 1985 who came down and testified in Probate Court that he was a doctor. Well, I got to digging into it, come to find out he was a security guard and the Probate Judge's uncle was one of them involved in it. So that's how James Judy got the bulk of the Rumph property.

And so we had a hearing in Probate Court on a deed that I, the personal representative of the estate of Vesta Rumph, give my two sons. And on July the 29th, 2002 she signed the order saying that it was a valid deed, the August 20th deed. But 19 days -- 18 days later she sent a note -- I mean, a secretary sent a note to McIntosh Law Firm with another order, see if that suited them.

Well, the first order was pulled out of the file and throwed in the trash can, and one of my friends who worked in the Probate Court brought it to my attention. And I went and received it, and I still got it here today. That order has never been rescinded, amended or modified. So, therefore, it's the law of the case. It can't be changed. So the August 20th, 2001 deed is a valid deed giving it to Todd and Ryan, and it's never been appealed or anything.

But in 2004 a dam -- high water was running across the dam and the dam broke, and a fisherman had come to my house saying water was running across the dam. So I took a backhoe and went down and got a scoop of dirt and put over the dam to keep it from running over so we could find it -- find the discharge pipe the next morning.

Well, the next morning the pond was dry midways, quarter mile dam. And there's no way a sensible person would take a backhoe and go in and break a dam midways. Because once that dam break, you've got a split second to get off of there or you're history.

So in 2006 I went to the bank to borrow -- to get $100,000 and we had to put up the Rumph place. And when they done a title search, they found out Todd still had -- still owned it through the RMC office. So, therefore, Todd had to sign the mortgage note along with me. And when they partitioned it on August the 8th, 2001, Judge Rodney Peeples said that I had no interest in none of that property. And that order has never been rescinded, amended or appealed.

So how can they come back and say that the land belonged to me? I mean, what they are trying to do is steal the property from Todd, and it boiled back down to after Daddy died they wanted this 119 acres in the middle of their hunt club on the Edisto River. And we offered a trade, but two days before we was supposed to move the equipment they reneged on us. So we had to work around the clock to get most of the equipment out off of our

property. We left a bunch of property up there. Brand new stuff that I paid a fortune for was loaded up in a pickup truck and carried to the junk man. That's -- that's how much they appreciate me.

But I've been arrested 17 times by them two brothers -- ex-brothers I call them now, and sued eight or nine times, and something got to -- something got to come to a halt. I think that's all I got to say.

THE COURT: All right. Thank you. Any cross-examination?

MR. BARR: Yes, sir.

EXAMINATION

BY MR. BARR:

Q. Ronnie, let me invite you to the smaller notebook there in front of you, if you will, please. See the small black one to the left? Let's begin by looking at Tab A. Are you there?

A. I'm here.

Q. All right. Now, isn't it correct that between 1995 and 2006 you were paid $50,111 in farm subsidies by the USDA?

A. Well, but my two sons had...

Q. Isn't it correct that you were paid this money?

A. Yeah, I was paid it.

Q. Okay. That's from your farming operations, isn't it?

A. Our farming operation.

Q. You maintain that this does not include them?

A. Say what?

Q. Beg your pardon?

A. Well, some of them were made out direct to me and some of them made out to them.

Q. Will you read the heading here? It says Ronnie Judy received payments --

A. Total.

Q. For the record, I'm reading from the web site publication from the USDA: Ronnie Judy received payments totaling $50,111 from '95 through '96.

A. Okay.

Q. Doesn't say Todd, it doesn't say Ryan, it says Ronnie, doesn't it?

A. But that was my part.

Q. That's your part, isn't it?

A. That's correct.

Q. Okay. Now, let me invite your attention over to Tab B. Are you there?

A. I'm here.

Q. All right. You go beyond my letter to Mr. Dempsey. Let me ask you, first of all, do you know Dempsey Wood Products in Rowesville?

A. Yes.

Q. You grow and sell timber through them?

A. I sure do.

Q. Isn't it correct that this reflects from maybe February 10th of '07 through December of '07 sales from Dempsey in your name; isn't that correct?

A. That's correct.

Q. And it totals $12,176.58?

A. That's correct.

Q. Is that right?

A. That's right.

Q. That's your activity, isn't it?

A. Yes, it is.

Q. Well, let me -- I stand corrected. If you'll go to -- go to Page -- the fourth page. The gross settlement amount was $22,771.83 from timber sales?

A. That's correct. That's what I included on the income tax.

Q. And there was $6,000 in deductions, so you netted 16,771.83; correct?

A. That's correct.

Q. And then there was a second harvest where you netted -- where there was a gross of 12,176; correct? And you netted that same amount; isn't that --

A. Yeah.

Q. Sir?

A. That's correct.

Q. Okay. I invite your attention to Tab C, and that's showing the $90,000 of '08 sales in Ryan's name; is that correct?

A. That's correct.

Q. I invite your attention to Tab D -- I think -- no -- yeah, Tab D. And Tab D is showing the activity with Godley Auction Company in Cope; is that right?

A. That's correct.

Q. And this is for the sale of equipment, isn't it?

A. No. I think that's equipment we bought.

Q. That's purchased equipment, okay. I stand corrected.

A. I bought for Ryan and Todd.

Q. Okay. And it shows you bought -- there's a handwritten notation of 2/24/07. You

bought 4,000 -- you wrote a check for $4,750 for a JD 320 (sic), John Deere 320; is that correct?

A. Where you at?

Q. I'm on the second page, Invoice 88 up at the top of the page.

THE COURT: John Deere 3020?

MR. BARR: Yeah, 3020, I might have misspoke.

Q. Do you see it? Let me get you there.

A. That's correct.

Q. Okay. Then the next invoice is for about $170, and the next invoice is for about $335, the next one for $280, I'm looking now at Invoice 28. Invoice 66 you purchased equipment for $3,865 -- I stand corrected, that's in Todd's name; is that correct?

A. That's correct.

Q. Okay. Go over to Invoice 197 on February 23rd of 2008. Tell me when you're there.

A. Invoice what?

Q. 197.

A. Okay.

Q. And you wrote a check for $6,030 for the equipment there described, didn't you?

A. That was Judy Farms.

Q. I understand that, but it's in the name of R.F. Judy, isn't it?

A. That's right.

Q. Now, on the property where you live, isn't it correct that you've got equipment on that nine acres all over the place?

A. Todd and Ron got that equipment.

Q. Well, isn't it correct that there's equipment there? Let's agree on that part.

A. That's where Todd and Ryan stored equipment.

Q. This equipment that you bought from Godley you would drive and park there, wouldn't you?

A. Do what?

Q. When you bought from Godley, you would take the equipment there, wouldn't you?

A. Yeah, because that's the only place it's safe.

Q. Okay. And you're saying it's Todd and Ryan's; right?

A. Correct.

Q. But this Invoice Number 197 is made out to R.F. Judy, isn't it?

A. That's right, because when I go to the sale I didn't have Todd and them's checks. So we

went to the bank and switched over.

Q. Okay. Let's look at the next invoice, 269. You bought equipment for $1,647; correct?

A. That's correct.

Q. Invoice 84 you bought equipment for $2,400; correct?

A. That was in parts.

Q. All right. In parts, but it's a John Deere 3020 in parts?

A. I bought it for Todd and Ryan.

Q. I understand that's your explanation, but this invoice is not in their name. It's in your name.

A. I can't help that.

Q. Is it correct, that the invoice is in your name?

A. I bought it, but not for myself.

Q. Well, didn't you see earlier where there were invoices in Todd's name; right?

A. That's -- that's when I had a check from Todd.

Q. Okay. I understand that's your explanation. Go to Invoice 33.

A. Okay.

Q. You purchased the equipment there

described for $5,490 on June 28th of '08; correct?

A. That was Judy Farms. Todd and Ryan.

Q. Flip over several pages more, May 29th of '09, Invoice 64.

A. All right.

Q. You wrote a check for $10,500, didn't you?

A. Yes, I did.

Q. For a Caterpillar motor grader?

A. Yes, sir. Matter of fact, Todd has got a mortgage at the Citizens Bank for $10,000 on that.

Q. We'll let him explain that. The next one -- well, I'm trying to not take up too much of the Court's time, they speak for themselves.

Then let's go to Tab E. These are -- these are sales of soybeans, aren't they, to Carolina Soya?

A. Yes, it is.

Q. And it's made out to Ronnie Judy, 1872 Sandridge Road; right?

A. That's correct.

Q. On December 18th of 2008; right?

A. That's correct.

Q. For $2570.27?

A. That's right.

Q. And all of these -- all of these settlement statements under Tab -- well, let me see. I stand corrected. The first three are in the name of Ronnie Judy; correct?

A. That's correct. And --

Q. For 2570.27, 3826.92 and --

A. And 1 --

Q. Let me finish. And 7513.05; is that correct?

A. That's correct.

Q. Then there's one in Ryan's name; correct?

A. And money was deposited in Ryan or Todd Judy's farm account.

Q. The next three are in Ryan's name; is that correct?

A. That's correct.

Q. Okay. Tab F we've already introduced through the gentleman from Holly Hill, Holly Hill Farm Center, so we now go to Tab G which is Orangeburg Milling. And that's for the sale of yellow corn; correct? Are you caught up with me?

A. No, it couldn't have been yellow corn because they had --

Q. I beg your pardon?

A. Couldn't have been corn because we didn't have no corn planted yet -- yeah, it is. It's corn. Must have been some corn that we had bought and resold.

Q. Well, that's a ticket from Orangeburg Milling on January the 2nd of 2009.

A. That's correct.

Q. Actually, this might be the gross activity from January of '97 to December of '09. Do you agree with me?

A. Yeah.

Q. And it's reflecting a total of 76,080 pounds; correct?

A. Right.

Q. For a total of $2,293.44; right?

A. Yeah.

Q. Made in the name of Ronnie Judy; correct?

A. That's correct.

Q. The next page shows your activity in oats; correct?

A. Right.

Q. Then we go to Tab H, which is Orangeburg Stockyards. This is the purchase and sales of livestock, isn't it?

A. That's correct.
Q. This is in your name, isn't it?
A. Yes, it is.
Q. January 21st of '09 shows sales of some livestock. It doesn't tell us what. Was it cattle?
A. Cattle or hogs, one of the two.
Q. On the same day there's other sales from Ryan; correct?
A. Correct.
Q. We see Ryan selling some and you selling some; right?
A. That's correct.
Q. And you told me in your deposition all you were doing was putting up fences; is that correct?
A. What?
Q. You told me in your deposition that you weren't farming, the boys were farming, and all you did was help them with the fences.
A. I helped with the maintenance.
Q. Helped with the maintenance?
A. Right.
Q. But here we see you selling cows; right?
A. That's right.
Q. In your name?

A. In my name.

Q. On the same day Ryan is selling them in his name in the same place?

A. Not on the same date.

Q. Well, you tell me if January 21st, '09 isn't the same day as the second January 21st, '09.

A. That must have been the second load. A lot of times we go up there we put them --

Q. I stand corrected. I do think -- I do think that -- I'm misreading the statement, Mr. Judy. I do think that they're entering the dates in the middle of the document. January 21st of '09 just must be the date they prepared it, so I stand corrected.

So what Orangeburg Stockyards has done is they've shown us the activity on the first page in your name for '07/'08. They're showing the activity in Ryan's name for '03, '06 and '07. They're showing the activity in Judy Farms' name on the next page -- do you see that? So they're showing the sales from you and the sales from Ryan and the sales from Judy Farms are all separate.

A. Just because the checks are made out to me, I deposited the money in their farm account out of that.

Q. Did you bring that with you?
A. No, I didn't.
Q. All right. Let's take a look under Tab I. Do you know Weathers Farm Supply?
A. Yes, I do.
Q. You do business with them?
A. Been doing business with them the last 45 years and don't owe them a dime to date.
Q. And without suggesting --
A. Paid my debt.
Q. Without suggesting that you do, the documents here show that you're purchasing farm supplies in your name; isn't that correct?
A. Well, I was the only one that had an account there, is the reason for that. And then they changed the account over to Ryan's -- Ryan's name.
Q. Now, let's then look at the final one, which is Tab J, and that's Farmers Milling & Supply.
A. That's correct.
Q. And do you know Virl Brenner -- Bruner? Who's the person at Farmers Milling in Holly Hill?
A. I don't recognize that name.
Q. But you did business with them as well, didn't you?

A. I done some business over the years, sure.

Q. And tell -- tell Judge Banks what you did with Weathers.

A. Weathers?

Q. I'm sorry, Farmers Milling. This outfit right here.

A. I delivered crops over there to them.

Q. For sale?

A. For sale.

Q. And that's -- if you look at the last pages, this is showing the delivery and what was received, isn't it?

A. Well, I been doing business with them all them years and they was unaware that Todd and Ryan took over the farm.

Q. But the account remained in your name; isn't that correct?

A. Yes, it did, I guess.

Q. When the checks were paid, they were paid to you, weren't they?

A. That's right. And we went to the bank and some of it went into Todd and Ryan's farm account.

Q. All right, sir. Now, Mr. Judy, the fact

of the matter is, isn't it, that on November 16th of 2008 -- I'm sorry -- November 16th of 1998 you signed one deed to Todd conveying multiple pieces of land to him?

A. That's the way my daddy wanted it.

Q. And then on the same day you signed another deed to Todd and Ryan combined?

A. That's correct.

Q. And then on the same day you signed over all of your farm equipment?

A. That's right. What was in my possession.

Q. And you're saying that's the way -- that's because you wanted to do it the way your daddy did it?

A. Both my granddaddy did it, Daddy did it, we did it, Jimmy did it, and Todd and Ryan are going to do the same thing to their children.

Q. And your daddy actually took the property out of his name because he was afraid of being sued by the surveyor?

A. No, sir.

Q. He was not?

A. Not to my knowledge.

Q. You deny that?

A. I got no knowledge of that.

Q. But -- so your daddy wanted you children to have it when he turned 50?

A. In our 50s.

Q. And you wanted your children to have it when you turned 50?

A. That's correct.

Q. How old were you in 1998?

A. 1998 I was...

Q. What year were you born?

A. '55.

Q. All right. Well, how old were you in 2007 when you conveyed the nine acres you live on and the other ten to Todd?

A. I deeded that property back to Todd because it belonged to Todd. Chicago Title Insurance Company said it belongs to Todd.

Q. Now, Mr. Judy, that's the property -- or that's part of the property you inherited from Vesta Rumph, isn't it?

A. Yes, it is.

Q. Okay. And isn't it correct that in 2001 you signed a deed of distribution conveying all the lands -- strike that -- confirming that all of the land of the Vesta Rumph estate were vested in you

and Jimmy as tenants in common? Didn't you do that?

A. I was forced to do that. McIntosh -- Jimmy said that McIntosh said I had to do a deed of distribution.

Q. You did it, didn't you?

A. It's a Probate Court record.

Q. You did it?

A. Yeah. They went and filed it in the RMC office.

Q. But you did it, didn't you?

A. Yes, I signed.

Q. Okay. And then isn't it correct that you tried to sell all of the lands of the Vesta Rumph estate for your sons for $15,000?

A. Jimmy and I had -- had an agreement. He'd take -- he'd take one part and I would take the other part and he reneged on it. And we could not agree, so the will in Vesta Rumph's estate said that I had sole discretion to sell, lease or whatever at my discretion. And since we couldn't agree, I sold the sucker.

Q. Okay. So you were exercising your right of sale under the will of Vesta Rumph?

A. That's correct.

Q. By -- by selling the lands to your sons

for $15,000?

A. Yes, sir. And he also had an appraiser appraise his for 200 -- $255,000 and turned around and sold it for 1.28 million.

Q. But that same property that Jimmy sold part of for over a million dollars, you sold to Todd and Ryan for $15,000; is that what you're telling the Judge?

A. I took bids on it, Mr. Barr, and Todd and Ryan were high bidder on it.

Q. Who else bid on it?

A. Let me think of the guy's name. He lives in Norris Shider's (phonetic) house. I can't -- I can't recall the name of it, but I got copy of his bid in my file.

Q. So you conveyed to them the ten acres plus another 143 acres for $15,000?

A. That's correct.

Q. Because you had the right to do that as personal representative under the will?

A. That's why -- that's why people write wills.

Q. And you were appointed in 1983; isn't that right?

A. That's correct.

Q. And you sat on that estate until 2001 and didn't distribute?

A. Yes, sir. The reason -- I'm glad you asked that, because I was trying to get SLED -- SLED, the FBI and the Justice Department to look into why John K. Sykes is laying in the cemetery today, Mr. Barr, because of this Probate Court.

Q. And that's --

A. And her uncle -- her uncle was one of the doctors involved that brought that fake doctor down there to get burned.

Q. I'm not even going to ask you what that has to do with this case.

A. It does a lot.

Q. All I'm going to say, that's your story and you're sticking to it?

A. That's the reason -- that's my tale.

Q. That's your tale?

A. That's my tale.

Q. Okay, that's your tale. And that took you from 1983 and you still hadn't accomplished that in 2001?

A. No, sir. I was determined not to close that estate until some justice was brought to Ms. Rumph, but Jimmy sold his soul out to get what

he want and help the Probate Judge.

Q. Okay.

A. And get her uncle out of trouble.

Q. So then the Probate Judge removes you in 2001; right?

A. That's correct.

Q. But before the Probate Judge could do that, you leased the pond that you later destroyed, you leased the pond to Dewey Cowart, didn't you?

A. Yes, sir. Dewey Cowart spent thousands of dollars restocking that pond and fertilizing it.

Q. And you --

A. If they wanted to take it away from me, I give him a new lease on it.

Q. And you knew that that was the share that Jimmy was expecting to get under your agreement back in '83.

A. Well, he was supposed to get the whole -- the 143 acres and I was supposed to get the other 143 acres.

Q. Right. But when Vesta Rumph died in '83, you moved into her house, didn't you?

A. That's correct.

Q. You got --

A. People were stealing the furniture out

of it. My responsibility to do -- take whatever steps I needed to protect the assets.

Q. But, anyhow, you got a house out of it, out of Vesta Rumph's estate, and so you sat on it and didn't distribute the estate -- even in '01 when you were removed except you tried to sell it to your sons; isn't that right?

A. Since we could not agree on it, I sold it under the last will and testament.

Q. In any event --

A. If you look at that will, it should have been brought out. It wasn't Jimmy the heir, it was my wife.

Q. In any event, the Probate Judge set aside those deeds that you had tried to sell to your sons, didn't she?

A. No, sir. Here's a copy -- is that a copy -- here's a copy we received, Mr. Barr. Why was that taken out of the file and replaced with another one, I don't know. You just don't do that, but you do different things down in Dorchester County. Sometimes you get by with it.

MR. BARR: Your Honor, may I invite the Court's attention and the witness' attention, please, to Tab 11?

Q. Are you at Tab 11? It's in the bigger book, Ronnie. All right. You see Tab 11 there, which is now Exhibit 11. Do you see that?

A. Yes, sir. I do.

Q. And you've handed me a copy of a document where in the final version we see here, Exhibit 11, Judge Provence, who was then the Probate Judge, holds that the August 20th, 2001 deed is invalid. Isn't that what it says?

A. That's the August 16th. This -- this is Judge Provence's own handwriting. Void transaction, hold valid August 20th, 2001 deed or title back into the estate. Judge -- the Probate Judge's own handwriting, Mr. Barr.

Q. And you appeared before her and presented that to her, didn't you?

A. No, I did not.

Q. Isn't correct you got it out of her trash can?

A. Yeah, because one of the employees told me they had tooken (sic) it out of the file and put it in the trash can. They called me at my house and I got in my truck and went straight on out there.

Q. And didn't Judge Provence say, Mr. Judy, if you ever present that in any court I'm going to

hold you in contempt? Didn't she say that to you?

A. No, sir.

Q. You deny it?

A. I want to see that. Matter of fact, hey --

Q. Wait a minute.

A. Oh, yes, sir.

Q. Isn't it correct that you never tried to appeal this, Mr. Judy? Mr. Judy.

A. Wait a minute.

Q. Ronnie.

A. Say what?

Q. Isn't it correct that you never took to the Court to correct, as you say, Exhibit Number 11 -- Exhibit 11? The filed order --

A. She already had -- had a certified file.

Q. You got it out of the trash can.

A. Yes, sir. And here's another order signed on the same day, I want that put into evidence, that she didn't sign that saying it was invalid. But, yet, she come back on the 16th and said it's invalid.

Q. But you got it all out of her trash can?

A. Yes, I did.

Q. And you never said, Judge Provence --

A. Yes, I did.

Q. You never went back to Judge Provence and said, Judge, we've got to straighten this out?

A. No. You've to get an appointment with her.

Q. And today, the only order in this subject matter on the record of the Probate Court in St. George is Exhibit 11; isn't that correct? Your order isn't on the record --

A. That order was in the record because it was a certified true copy. It's down -- it's down on there. Read it. I want that put into evidence.

Q. Well, you can offer it as an exhibit, but I want to caution you about the penalties of perjury --

MR. BARR: If Your Honor will permit me just to say that.

THE WITNESS: You can perjure all you want to.

MR. BARR: I'm going to attack that.

THE COURT: We already have 11 in; is that right?

MR. BARR: Sir?

THE COURT: Eleven is in evidence; right?

MR. BARR: Eleven is in evidence.

THE COURT: I just heard Mr. Judy proffer something into evidence. Do you want to have something --

THE WITNESS: Yes, sir. This here and this here.

THE COURT: These two items here, have you seen the handwritten -- what's purported to be -- I'm not sure.

MR. BARR: I've seen it before, yes, sir.

THE COURT: And this is -- is this the precursor of this and then she --

THE WITNESS: Yes, sir. That's correct.

MR. BARR: Your Honor, Mr. Judy has testified that he pulled these documents out of the trash can.

THE COURT: Both of these?

THE WITNESS: Yes, sir.

MR. BARR: Of the Probate Judge's office.

THE WITNESS: And this.

MR. BARR: So if we want to mark them, that's -- that's fine. I object to their relevance because they're not genuine by this witness' own

testimony, he having said that he pulled them out of the trash can. I don't know how anyone could suggest that a document pulled out of the trash can --

THE WITNESS: An employee out there called me and brought it to my attention what went on, Mr. Barr.

BY MR. BARR:

Q. What is the name of that employee?

A. It's a gentleman.

Q. What is his name?

A. I have talked --

Q. State his name on the record, please.

A. I don't know his name. I know it, but I cannot recall it. But I can get that name. This is the other record that she didn't sign that.

THE COURT: So this is another one that came out of the trash can?

THE WITNESS: Yes, sir.

THE COURT: There's three pieces of paper that came out of the Judge's trash can?

THE WITNESS: That come out, that come out -- all four of them come out -- let me see. No, this didn't come out. This replace this.

THE COURT: You know, let me tell you.

I have a number of issues with putting any of these three in, and let me explain why. First of all, this handwritten order, it's been -- not only it's been highlighted, but it's been written on after what I would consider -- if it was taken out of the trash can somebody else has written on it and it's been highlighted. Not only that --

THE WITNESS: It was highlighted --

THE COURT: -- it has to be authenticated. I understand where you say you got it, but it would have to be authenticated by I believe the Judge herself, that that is her handwriting.

THE WITNESS: She's already admitted that.

THE COURT: Not in this court.

THE WITNESS: No, not in this court.

THE COURT: I would need her to sit right there and say, yeah, that's my handwriting.

THE WITNESS: She can verify that.

THE COURT: Well, she's not here to do that. If you can get her here in the next two hours, maybe you can. I'm going to just outright deny the handwritten one and you can have that back.

I'm going to deny these two versions

that were pulled out of the trash can simply because this one is unsigned, and if it's a draft it's a draft. And it maybe goes to weight. Even if I admitted it -- even if I admitted this -- in fact, let me think about that for a second because I might...

THE WITNESS: Both of them are certified copy.

THE COURT: Well, this one is not even signed.

THE WITNESS: No, that's not signed.

THE COURT: I think I will -- I'm going to admit the draft unsigned order by the Probate Judge in Dorchester County. It's unsigned, but it is a draft and it's dated July 29, 2002. It's been written upon. I'm going to admit it, but I'm also going to find that the order that has been already admitted into evidence renders it a curiosity at best. And -- because this is the order that has been certified true and signed by the Probate Judge. That's Number 11.

THE WITNESS: This one is certified.

THE COURT: Well, I'm going to get to that one in a minute. I'll admit the -- it's Number 3? Let's put this in as Defense 3 and, again, I

find it marginal at best of its evidentiary weight in any way, but out of an abundance of caution I'm going to put it in. And I do find that Number 11 renders it, like I said, a curiosity at best. Now...

(DFT. EXH. 3 in evidence.)

THE WITNESS: It was 18 days after she signed that they sent Bill McIntosh -- let me see.

THE COURT: Now, this one -- this other one that you submitted is typewritten. It is signed and it is certified true.

THE WITNESS: Yes, sir.

THE COURT: It's also been highlighted and there's been a phrase --

THE WITNESS: I highlighted that. We've got another copy of it.

THE COURT: I'm going to deny it. And, again, regardless of its validity at one time, it still is rendered obsolete by the August 16th order which is dated after it. It's the same order that's been dated after, but here's what I'm going to do for you --

THE WITNESS: She wrote two more orders and she never did refer.

THE COURT: And I tell you what's

curious about this. Again, if she was here she could explain these things and I think we'd have a better chance of relying on what they said and what they meant. But the thing I find most -- that renders it most unreliable is that, again, it's been highlighted and Paragraph 5 has been stricken about halfway through in two different ways. And I find that curious and I find it troubling, so I'm going to deny the admission of this.

So we have the one previous unsigned order in as 3, and you can mark -- I'm going to allow you to mark these as defense exhibits but they are not in evidence. Do you understand? That would be for purposes for -- for purposes to have a complete record.

Is that -- do you have any objection to that, Mr. Barr?

MR. BARR: I understand what you're doing, Your Honor. I don't, but I think -- let's go ahead and do what Your Honor has directed and then I can -- I think I can clear it up a little bit.

THE COURT: Great. That would be helpful.

MR. BARR: But let's mark --

THE COURT: We might should have done

that before.

MR. BARR: Well, Exhibit 12, I think is the next order.

THE COURT: Okay.

MR. BARR: If you look at Exhibit 12, which the Probate Judge signed and maybe this will explain why she did this supplemental order in Exhibit 12, which she signed on May the 29th of 2003, even later than the ones that Mr. Judy is trying to lead us down the rabbit hole about.

THE COURT: I see.

THE WITNESS: Ain't no rabbit.

THE COURT: Let's keep it civil, both of you.

MR. BARR: Yes, sir. Exhibit 12 -- and Exhibit 12 on Page 2, she makes findings and declarations that the deed of distribution was valid in one, that in accordance with the will is sort of obliterated, transferred the property; that subsequent deeds signed by Ronnie had no legal effect. This includes, but is not limited to, the general warranty deed transferring to Todd and Ryan which is the one that Mr. Judy is trying to say is made valid by this stuff he pulled out of the trash can.

THE COURT: Right.

MR. BARR: And, in fact, she then orders that Ronnie reimburse Todd and Ryan, if they ever paid him, the $15,000 that represent the purported consideration. So I think Exhibit 12 clearly --

THE COURT: Yeah.

MR. BARR: -- manifests the intent of the Probate Judge and I think -- well, I can address the remainder in my closing remarks.

THE COURT: And 12 is already in.

MR. BARR: Sir?

THE COURT: I said 12 is already in evidence.

MR. BARR: Yes. Yes, it is.

THE COURT: Maybe I was a little premature on that, but I think 12 definitely clears up --

MR. BARR: Yes.

THE COURT: -- the questions I had or issue.

MR. BARR: Yes.

THE COURT REPORTER: So do I mark these 3 and 4?

THE COURT: Which one is that -- yeah. I think -- let's go ahead and mark them just for --

since I already said that.

MR. BARR: Yes, sir.

THE COURT: We'll mark them anyway. Just they're not in evidence.

MR. BARR: For identification only.

THE COURT: That's right.

(DFT. EXH. 3, Order by Tiffany Provence, Not Signed, dated July 29, 2002, was marked for identification.)

(DFT. EXH. 4, Order by Tiffany Provence, Signed, dated July 29, 2002, was marked for identification.)

(DFT. EXH. 5, Handwritten Order by Judge Provence, was marked for identification.)

THE COURT: Now I've forgotten where we were.

MR. BARR: Your Honor, we were -- I was crossing -- I need to wait on the Reporter.

THE COURT REPORTER: Go ahead.

MR. BARR: Are you caught up with us now?

THE COURT REPORTER: Yes.

MR. BARR: I was cross-examining the witness on his direct testimony assertion about

the -- I believe it was direct, about the documents that he pulled out of the trash can.

THE COURT: Okay.

MR. BARR: I believe it's clear that Exhibit 12, which is the Judge's later supplemental order, rescinded any suggestion that she had intended anything differently and I think, frankly, was filed in response to a similar exchange before her back then.

Q. So Ronnie, you say that you gave these lands to your sons in '98 because it's what your daddy wanted you to do?

A. Yes, sir.

Q. You were in your 50s --

A. Family tradition.

Q. That's a family tradition. And, yet, you continued to farm the lands, didn't you?

A. I helped.

Q. And you continued to harvest the timber; correct?

A. We all work together, Mr. Barr.

Q. But you received revenues, you received --

A. I didn't keep all the revenues.

Q. I'm not asking you if you kept them.

You received the revenues and reported them on your tax returns, didn't you?

A. Some of it was made out to me and reported on my income tax.

Q. And this was how you earned your livelihood, wasn't it?

A. No, sir. I earned my livelihood through retirement from the shipyard.

Q. Oh, is that right?

A. Yeah.

Q. Okay. And that's your disability; right?

A. Please don't tax that.

Q. Sir?

A. Please don't go after that.

Q. So it was your father's wish that the children pass along lands at age 50 but, yet, isn't it correct, Mr. Judy, that in 2007 on the same -- seven days after the pond dam and corn crop cases were first called for trial and you were in the hospital, you conveyed to Todd the ten acres and the nine acres you live on; isn't that correct?

A. Todd told me he wanted his lands back.

Q. He wanted his land back?

A. That's correct.

Q. And that's because you --
A. I deeded it back to him.
Q. The family tradition --
A. No, I was doing what was morally right, Mr. Barr.
Q. Okay. Even though Judge Provence had invalidated that deed, when you say convey it back -- the first time Todd ever owned that land was when you transferred it to him in '98, wasn't it ?
A. That was his one-half interest.
Q. Okay.
A. But my problem -- my problem is why didn't they partition it between Todd and Jimmy? Because they know they couldn't get $208,000 worth of rent out of Todd because Todd wasn't living in it so, therefore, he had to put it back in my name.
Q. And then the next year, in December of 2008, you prepared a deed of the nine acres you live on and the ten acres nearby, and you had Todd sign it to your wife Wanda, didn't you?
A. Wanda wanted her land back.
Q. Her land back?
A. Yeah. She got it -- because she got it titled in 2000 -- in early 2000 for it.
Q. Wait a minute. Let me get this

straight.

A. Okay.

Q. You said you were giving it back to Todd because he -- you were giving it back to him; right? And now you're saying Wanda wants it back.

A. It was Todd's to start with, and then it was Wanda's.

Q. Well, it was Vesta Rumph's to begin with, wasn't it?

A. Yes, it was Vesta Rumph's.

Q. And Vesta Rumph died in 1983, didn't she?

A. That's correct.

Q. And you and Jimmy were named as the beneficiaries under her estate, weren't you?

A. Me and my wife was, not James T. Judy. You look at the will. It says James -- Jimmy, and Ms. Rumph always called my wife Jimmy. We should have questioned that in the probate.

Q. You're saying --

A. Back then.

Q. You're saying that the Vesta Rumph will left the land to you and your wife?

A. She meant my wife. She didn't say anything about James T. Judy, but we let it go as it

was.

Q. And so you were a personal representative appointed in 1983; right?

A. That's correct.

Q. And you were trying to solve this murder from '83 until 2001; right?

A. It was February 11, 1983 when the incident happened, but the murder occurred on May 10th, 1985.

Q. Okay. But --

A. And the man's body ended up laying in Southland Memorial Garden today.

Q. And never once did you go to the Probate Court to say, Judge, I want you to interpret Vesta Rumph's will. She didn't mean to leave it to my brother Jimmy, who was taking care of her with me, she meant to leave it to my wife Jimmy?

A. Our lawyers advised us of that.

Q. Okay. In any event, you knew that when it was filed everybody thought that Jimmy in this will was your brother Jimmy, not your wife Jimmy; isn't that right?

A. Well, she meant my wife, but the paper said Jimmy Judy.

Q. And don't you know out of all these

lawyers you talked to told you when somebody dies and leaves real estate, that title passes right when they die?

A. Automatic.

Q. Automatic.

A. You can deed it out to whoever you want to.

Q. And so --

A. And that's what I did and that's what Jimmy did in '96 and I done it in '98.

Q. So when Vesta Rumph died, the title to her lands automatically went to you and Jimmy?

A. You are correct.

Q. And all the deeded distribution does is confirm who it went to?

A. That's correct.

Q. And, yet, you tried to sell it to your sons for $15,000, same lands; right?

A. McIntosh said they need something -- something from Probate Court to show a chain of title, and that's what I did.

MR. BARR: Okay. Your Honor, thank you for your indulgence. I have no further questions.

THE COURT: All right. I think any -- I guess any redirect of yourself -- do you have

anything else you'd like to say, Mr. Judy?

STATEMENT

THE WITNESS: Well, I'd like to say that there was no -- it was a judgment pending when I transferred this property in '98, but it wasn't settled until 1999 by the Supreme Court. In 2000 I paid -- Gene Dukes told me that I had to pay the judgment off for Todd and Ryan to have clear title to this property, and that's what I did. I got a copy of the thing from the Sheriff's Department showing, you know, that it was paid. I guess I need to go over my exhibits that I wanted to put in. Some of them might be already got in.

MR. BARR: Is the witness still testifying, Your Honor? I can't hear.

THE COURT: I think he's --

THE WITNESS: I'm trying to get --

THE COURT: -- speaking administratively.

THE WITNESS: I think this is already in. I think this is already in. I think the will is already in. I don't think the will is in. (Reading.)

MR. BARR: Is the witness marking some exhibits?

THE COURT: No. He's --

THE WITNESS: I'm going through --

THE COURT: He's looking for a record, I believe.

THE WITNESS: This is from Rodney Peeples that I testified to.

THE COURT: What are you trying to do? She --

THE COURT REPORTER: He's handing them to me, I'm not marking them.

THE COURT: What are you trying to accomplish?

THE WITNESS: I'm trying to get what exhibits that I testified to.

THE COURT: Are you trying to get them admitted into evidence?

THE WITNESS: Yes, sir.

THE COURT: All right. Well, you need to ask me about that, now. You might want to hand me all of those. Now, have you shown these to Mr. Barr?

THE WITNESS: He's got copies of them that I carried down to his office and broke my neck coming down his steps.

THE COURT: The first one is a mortgage

from Ronnie and Todd, First Citizens, dated 2006, $100,000. I think that might already be in.

MR. BARR: I believe that's already in.

THE COURT: Yeah, I believe that one's already in -- oh, it's got a letter on the back, title opinion on the back.

THE WITNESS: Title opinion.

THE COURT: I saw a Chicago Title thing, but I don't know if that was on this or not. This is the title opinion to First Citizens, to Mr. Utsey.

THE WITNESS: Right, as I testified. He testified.

THE COURT: And it doesn't say -- looks like it might be missing something. It doesn't say who it's from. I don't remember you asking Mr. Utsey. Did you ask Mr. Utsey?

THE WITNESS: Yes, I did. It's on record and he said Todd -- the reason Todd had to sign the mortgage.

THE COURT: It doesn't say who it's from and it's to Mr. Utsey. Here, let me show it to you. That's on the back of that mortgage.

Now, this is your daddy's will. We don't have a problem putting his daddy's will in, do

we, Blease Judy?

MR. BARR: First of all, I object to this part letter as not --

MR. RONNIE JUDY: Why would you object to it? Todd had interest in it.

THE COURT: I sustain it because it doesn't say who the letter's from, it doesn't say --

THE WITNESS: It says from the Bank of --

THE COURT: It might should have been something you asked Mr. Utsey --

THE WITNESS: I did ask him that.

THE COURT: And showed it to him and get it admitted at that time. I think we're okay and Blease Judy's will, are we all right with that?

MR. BARR: I have no objection. I don't know that I've ever seen it. Let me share it with my client, Your Honor, to make sure that this is one that they agree to.

THE COURT: If you will mark that as the next exhibit not in evidence.

(DFT. EXH. 6, Title Opinion and Report of Title, was marked for identification.)

THE COURT: This is the verdict form

against Ronnie from Meherrin, and it shows the $2100. I think we had testimony, maybe even some --

MR. BARR: That was the first verdict that we set aside.

THE COURT: Yeah. And I think it was rendered -- this would be rendered moot by the --

MR. BARR: The second one.

THE COURT: -- other one, I think. Is there some reason you need the 2100 in?

THE WITNESS: Yes, sir.

THE COURT: What would you --

THE WITNESS: That's showing --

THE COURT: -- be offering this for?

THE WITNESS: They throw out a jury verdict to get more money. That's what I owed -- that's what the jury ruled that I owed.

THE COURT: As to this one, we can mark it whatever the next number is but not -- it's for identification only. That's not going to be in evidence. I would sustain the objection, consider it moot. Go ahead and mark it.

THE COURT REPORTER: This is Number 7.

THE COURT: Number 7?

(DFT. EXH. 7, Verdict Form, dated December 20, 2007, was marked for

identification.)

THE COURT: This is a judgment, James and Ronnie motion -- Capers, your name is on the bottom of that one. Again, that one may be moot as well. Both of these -- this is probably something you've seen before.

MR. BARR: This is --

THE COURT: Rodney Peeples thing here. I don't know if that is or not.

THE WITNESS: Yeah, that's Rodney Peeples.

MR. BARR: Your Honor, the first one that you said my name, this is the form order denying my motion for summary judgment which Your Honor has already ruled on

THE COURT: Yeah. Yeah, I have. If you want it marked we'll mark it, but I don't see any reason that should come into evidence. And I'm not sure if there's any evidence -- evidentiary value to the Rodney Peeples thing.

MR. BARR: I object --

THE WITNESS: Yes, it is, because he claimed I had no interest in none of this property.

MR. BARR: It doesn't say that.

THE COURT: It doesn't say anything, I

don't think.

THE WITNESS: It says motion to dismiss.

THE COURT: It doesn't say what it -- it doesn't say enough. I'm not --

THE WITNESS: Wait a minute. I've got -- I've got a motion from McIntosh over there to show it to dismiss because I had no interest in the property.

THE COURT: Go get it and I'll look at it and you can mark that one as 8 now; is that right?

THE COURT REPORTER: Yes, sir.

THE COURT: That's for identification only?

THE COURT REPORTER: Correct.

(DFT. EXH. 8, Judgment in a Civil Case Signed by Judge Goodstein, dated January 22, 2009, was marked for identification.)

THE COURT: What is -- (reading.) Were you involved in the Rodney Peeples case?

MR. BARR: I was not, Your Honor, and I don't frankly remember even learning what it might have been about.

THE COURT: That's what my --

MR. BARR: Except -- except that it's clear from just reading what Mr. Judy showed me. What's happened is he was joined because it was alleged he may have an interest. He filed an answer saying I don't.

THE COURT: Right.

MR. BARR: So the Judge dismissed him. I don't --

THE COURT: Yeah. I'm clear on why he's dismissed.

MR. BARR: Right.

THE COURT: But I don't know what the action is.

MR. BARR: I don't think it has any substantive weight.

THE WITNESS: Partition.

THE COURT: It was a partition action.

MR. BARR: But I don't know that there was ever a partition that resulted out of that case.

THE WITNESS: It was February 8, 2001.

MR. BARR: Where is the order?

THE COURT: This is the order of dismissal of him.

MR. BARR: Right, but I don't know -- the case never went anywhere.

THE WITNESS: Yes, it did. It went before Judge Peeples.

THE COURT: Here's what I'm going to do on this one. This is Civil Action 01-CP-18-122, heard before Rodney Peeples. And I'm sorry, Mr. Judy, but I don't find this to be relevant to our case; all right? So the information contained on this is not relevant; all right?

THE WITNESS: It's pertaining to the property that he's tying to set aside, Your Honor.

THE COURT: Yeah, and that is correct. But at this time they weren't -- the action in front of Judge Peeples wasn't -- I mean, if there's a deed at that time, that deed was valid at that time, there's no action before them to disavow a deed as to all the paperwork said at the time.

THE WITNESS: That I had no interest.

THE COURT: At that time. That's probably true at that time.

THE WITNESS: Okay. That's Parcel C through J is the one in the partition.

THE COURT: Yes, sir. But this whole action is bent on uprooting -- not this finding, but the situation through the Court of Equity, because the Court of Law is a little bit different. This is

a Court of Equity where we're actually -- we see what the paperwork says and there might be some underlying factors in equity that would make that paperwork no longer.

MR. BARR: We don't object to the Blease will.

THE COURT: I didn't think so. So the will can be now Defense's...

THE COURT REPORTER: Nine.

THE COURT: Nine, and that one is in evidence.

(DFT. EXH. 9 in evidence.)

THE COURT: All right. What else do you have?

THE WITNESS: Appeal from Larry Mills. This is an appeal from Larry Mills, Judge.

MR. BARR: Judge, that to me would already be in the Larry Mills package -- is that the decision of the Court?

THE COURT: Yeah, Court of Appeals. This is the actual decision --

THE WITNESS: I don't think --

THE COURT: -- affirming it.

MR. BARR: I think it -- I think it might -- let me see if it's not in here.

THE COURT: It's affirming Judge Brown.

MR. BARR: Yes, Mills versus Judy.

THE COURT: And it's a two-page decision --

MR. BARR: May 9 UP 2 -- 208?

THE COURT: I mean, it's --

MR. BARR: Is it an unpublished number, 208?

THE COURT: It's unpublished -- yeah, 99208.

MR. BARR: It's already in here.

THE COURT: Yeah, all right. So this is already in evidence?

MR. BARR: It's a part of Exhibit 40.

THE COURT: Part of Exhibit 40, so we don't need that one.

THE WITNESS: This is the order.

THE COURT: And this is the order on Court of Appeals, motion to strike.

MR. BARR: Is this Mills again?

THE COURT: Yes, it's Mills again. It's -- it's an order of the Appellant's motion to strike and disregard its final -- final brief.

THE WITNESS: That was done in '99.

THE COURT: I think it's superseded by

the final order, wouldn't you say? It appears to me that that's -- this is rendered moot by that. That's just sort of a procedural thing, so I'm going to deny that one.

THE WITNESS: Judgment that was paid.

THE COURT: Oh, okay. Yeah. I think this is not only relevant, it's --

THE WITNESS: Part of the statute --

THE COURT: Show that to Mr. Barr.

THE WITNESS: He might not want -- he might not want to see that.

MR. BARR: (Reading.) I have no objection. I think that --

THE COURT: And I will note that one of the numbers, I can't remember which one it is right now, but one of the things the Plaintiff put in was a Chicago title opinion and it's the exceptions, and I think I still have it out. The exceptions didn't show that judgment, and I wish I could find it right offhand here.

MR. BARR: Right. That loan -- that loan was in '06. You see, this is 2000, it's satisfied.

THE COURT: Yeah. So I don't see --

MR. BARR: I don't object to it.

THE COURT: Yeah, I don't see any problem admitting that. It will be Defendant's 10, so go ahead and put it in.

(DFT. EXH. 10 in evidence.)

THE COURT: What have you got?

THE WITNESS: Taxes paid by Todd and Ryan Judy.

THE COURT: Now, Mr. Barr, these apparently are tax receipts that he's alleging were paid by someone other than him.

MR. BARR: I think, Your Honor, my position would be that evidence of who pays the taxes are relevant, but I don't think these documents prove anything --

THE WITNESS: It shows paid by Todd and Ryan Judy.

MR. BARR: These documents don't prove anything with respect to what it's being paid for.

THE WITNESS: That's the records out of the treasurer's office.

MR. BARR: Let me talk to the judge, Ronnie.

THE COURT: Yeah. I --

MR. BARR: The documents are not self-proving. They don't tell us what properties

these paid the taxes for.

THE COURT: I wholeheartedly agree to that.

THE WITNESS: It shows the number --

THE COURT: Let me hold it. (Reading.) These are tax receipts.

THE WITNESS: Yes, sir.

THE COURT: They don't speak to who paid the taxes. It just says this is a tax bill that's been paid. It doesn't say who paid it. Now, Mary Pearson may be able to tell you with a cancelled check who paid it. Now, I think I'll allow this as one of the -- if either of the boys want to come up and -- pardon, your sons want and this will be the proper time, but I think I'll allow it if they want to get up and testify that they paid these bills or which ones they paid. They may not have paid one or they may have paid all of them. But if they want to come up and testify to this, I will then decide whether I'll put those in.

THE WITNESS: I think they might be already in.

THE COURT: This is deeds...

THE WITNESS: '98.

THE COURT: Yeah, these are already in.

I forget the number, but this is the one Ronnie to Todd.

MR. BARR: Is this '98?

THE COURT: It's 1998, yeah.

MR. BARR: That's Exhibits 3 and 3A.

THE COURT: These are both in already. This is Ronnie to James in 1979. He did testify to this deed.

MR. BARR: Is that the half-interest?

THE WITNESS: Half-interest.

MR. BARR: That's already in.

THE COURT: It's already in?

MR. BARR: That's the half-interest --

THE WITNESS: I don't think so.

MR. BARR: -- on the river.

THE COURT: I'll be honest with you, I don't remember seeing it.

THE WITNESS: No, it's not. I didn't see it in any of the exhibits.

MR. BARR: It's Exhibit 2. October 17th, '79, recorded 442 265.

THE COURT: Yeah, that is Number 2. These are the ones he put in kind of quickly there at the end of his testimony -- or end of his case, so that one's in. And this one is Father to Ronnie.

MR. BARR: Whom to Ronnie?

THE COURT: It's a lease to Ronnie. I think this is in, too. I've seen it, I know I've seen it.

MR. BARR: That's Number 1. Is that the 259 acres?

THE COURT: It's -- yes, it is.

MR. BARR: That's Exhibit 1.

THE COURT: That's already in. This one is Ronnie as to the estate of Vesta Rumph to Todd and Ryan, the $15,000 deed.

MR. BARR: That one is in as --

THE COURT: Is that 4?

MR. BARR: What is it conveying?

THE COURT: The 143, or what's left of it, and the 10.9. Is that 4?

MR. BARR: Is that from '98?

THE COURT: That's from -- I think that was during the death of Vesta. Isn't this part of Vesta's -- yeah. This is part of the Rumph estate 2001.

MR. BARR: May I see it? I think it's in.

THE COURT: I wouldn't see why it wouldn't be. That's the one that was overturned by

the probate judge?

MR. BARR: I think that's -- oh, that's Number 9.

THE COURT: Here it is. Yeah, Number 9. I just found it. That's already in, Mr. Judy. What else have you got?

THE WITNESS: Partition by the Master-in-Equity.

THE COURT: Okay. This is...

THE WITNESS: Part of the --

THE COURT: Yeah. This is a partition deed. Now we're getting into a question of relevance, I think. This is the 9.29 acres that went from the estate.

MR. BARR: Is this from the probate judge?

THE COURT: There's two of them. There's a Master's deed, which is the actual partition deed of the 71.58 acres in 2004, so this is an actual partition deed.

MR. BARR: The Master's deed is in, that's Exhibit 4, the 71.5 acres.

THE COURT: It says 71.58 --

THE WITNESS: 71.58.

MR. BARR: And then the 119.44 and the

10.562, that's Exhibit 4.

THE COURT: All right. So 4 -- yeah, that's Number 4, so we don't need that one.

MR. BARR: And then what is the other one?

THE COURT: The other one is the 9.29.

MR. BARR: Is that from the probate judge?

THE COURT: This is the one from -- yeah, I think it is. From the estate deceased -- signed by -- it's 9.29...

MR. BARR: See if that's not Exhibit 14.

THE COURT: 10.9 -- yeah, signed by the probate judge.

MR. BARR: That's Exhibit 14.

THE COURT: All right. So that's Number 14, so that's already in. All right. Another one? That's the one from you to Todd.

THE WITNESS: Yeah. I knew that was in.

THE COURT: That one's in.

THE WITNESS: Did we got that one in that's still on appeal?

THE COURT: This is the one that's still on appeal, and I think you've written number 24 on this -- or maybe that's your number 24. Let's see

what we've got.

MR. BARR: Is that the Court of Appeals decision?

THE COURT: Yes.

MR. BARR: That's not in evidence. I don't mind it coming in.

THE COURT: Is this -- is this the one that's still going, or is this the one that's final?

THE WITNESS: Still pending.

MR. BARR: Who is the plaintiff in that one?

THE WITNESS: James.

THE COURT: James.

MR. BARR: That's the one on we're here right now.

THE COURT: Okay. This is the one we're hearing. I don't mind having it in if he's not objecting. Make that Number 11 -- is that 11?

THE COURT REPORTER: Yes.

MR. BARR: And then there's the Supreme Court decision which was just filed on June the 20th.

THE COURT: Right.

MR. BARR: Which is what we are hearing.

THE WITNESS: That's...

THE COURT: So that will be Number 11. We'll put that in.

(DFT. EXH. 11 in evidence.)

THE COURT: Is that all you've got?

THE WITNESS: I think so.

THE COURT: All right. So the only -- this one right here, if you want to get this in we're going to have to get some more testimony. I think I heard you say earlier that you and him -- y'all kind of both paid the taxes.

THE WITNESS: Todd and Ryan, we always paid the farm expense together.

THE COURT: Okay. All right. So if they want to testify to who paid those. Is that all you've got, Mr. Judy?

THE WITNESS: Yes, sir.

THE COURT: All right. You may sit down and call your next witness.

(Witness excused.)

THE COURT: All right. Your next witness? Are you ready, Mr. Judy?

MR. RONNIE JUDY: I don't think I'm going to call any more witnesses.

THE COURT: Okay. All right. Is that the end of your case?

MR. RONNIE JUDY: Yes, sir.

THE COURT: Any motions?

MR. RONNIE JUDY: I make a motion for direct verdict because C through J was -- had no judgments when they obtained their judgments.

THE COURT: So you're saying they weren't creditors at the time of the transfer in 1998?

MR. RONNIE JUDY: That's correct, sir.

THE COURT: Okay. Mr. Barr, how do you say -- what do you have to say on that?

MR. BARR: Well, Your Honor, this being a nonjury case, I've always wondered about the significance of motions for directed verdict, how is that really different from the end of the case?

THE COURT: It's all procedural to me.

MR. BARR: From an argument on -- really, on the merits, so that's really where we are. And as I tried to point out in my pretrial brief we can look at, I think, two categories of cases here.

And the first category, perhaps the simplest and if I had to move for a directed verdict and I will, is the -- is the motion would be to grant a directed verdict to the Plaintiffs to set

aside the conveyances of the 9.29 and 10.9-acre tracts that were transferred by Mr. Judy on February the 7th, 2007, the very week after his case was first called up for trial.

And Your Honor, the -- if I can locate my skinny here, the cases are clear in pointing out these two categories. And I know when I got this together I didn't realize you had a law clerk and I'm glad that you do and -- but I do have copies of what I believe are the more important decisions. Really, you can really just deal with two -- two court cases, one is the case of Mathis versus Burton which I cited, and the other is Windsor Property versus Dolphin Head Construction.

And what Mathis versus Burton holds is for the explanation between the different standards applied to setting aside transfers for -- for subsequent creditors on the one hand, which would be the standard relating to the 1998 transfers, and to the law relating to transfers in respect to existing creditors.

And what Mathis versus Burton says is that for existing creditors, conveyances can be set aside in two instances. First -- well, first is where the challenge is made for valuable

consideration. Here it's manifested on the face of the 2007 deed that it was not for valuable consideration, it was $5 love and affection. So that where the transfer is not made on a valuable consideration, no actual intent to hinder or delay creditors must be proved. Instead, as a matter of equity, the transfer will be set aside if the Plaintiff shows that, one, the grantor was indebted to him at the time of the transfer; two, the conveyance was voluntary; and, three, the grantor failed to retain sufficient property to pay the indebtedness to the Plaintiff in full.

Mr. Judy has testified, when I called him up, that when he made that transfer he retained no assets. He conveyed all of his personal property and all of his other lands in '98, and in '07 he conveyed the rest of his land. So, certainly, he failed to retain sufficient property. The trans -- the conveyance was voluntary. It was conveyed to Tad -- Todd for $10 -- I mean, $5 for love an affection. And the grantor was indebted. And the cases speak in terms of indebtedness, doesn't mean that the indebtedness needs to have been reduced to the form of a judgment or promissory note.

Here the simple fact that in February of

'07, the fact that the two cases were pending by Jimmy and Bobby was sufficient, plus we also know that the action of the lawsuit by White -- White's Sales versus Ronnie, which is Exhibit Number 41, and Meherrin versus Ronnie, which is Exhibit 42, which were also then reduced to judgment were also sufficient -- classified them as creditors at the time.

So we think, Your Honor, just simply it's a matter of law that the Court should declare the conveyance to Todd in February of 2007 to be null and void and restore title back to Ronnie. And the fact that Todd, during the pendency of this very case, then purported to convey it to Ronnie's wife is further evidence of an actual fraudulent intent. So that even though we don't have to show a fraudulent intent with respect to the February '07 transfer, we think we've done so.

But we don't even have to prove that because the second case that I mentioned, if I can put -- Windsor versus Dolphin Head. Windsor versus Dolphin Head says that where a conveyance is made to -- where a conveyance is made to a family member for less than full consideration, that the burden shifts to the grantee to show that it was a bona

fide transaction. Here, the grantees haven't even put up any evidence. The only person who testified was the grantor. So they rest simply on the denial of their pleadings.

So, Your Honor, with respect to the February 2007 conveyance, we submit that the Court should grand judgment in favor of the Plaintiffs and set aside the transfers to Todd and also the transfer to Wanda and order that title be restored in the name of Ronnie Judy.

Now, the Mathis versus Burton case also sets up the standard for the subsequent creditors, which we admit is -- requires a bit more proof. As to subsequent creditors, conveyances may be set aside when the conveyance was voluntary, that is without consideration, that it was made with a view to future indebtedness or with an actual fraudulent intent on the part of the grantor to defraud creditors. Subsequent creditors must show actual moral fraud rather than legal fraud.

So what is our evidence? Well, it's a fact question for the Court to decide, I must concede, but Jimmy Judy testified that in '97 he was going through a divorce and he went to see Gene Dukes -- by the way, used to be the Master over in

Dorchester County.

THE COURT: I know Gene.

MR. BARR: And Gene said, well, Jimmy, I think you need to convey this to your children. And Jimmy believed, readily corrected himself, that all of his land that he put in his children's name was inherited, but there was another hundred acres that he put in there, apparently, that was not inherited but, nevertheless, that's what Jimmy did and we know he subsequently restored that to his children.

But he told Ronnie about it. He told Ronnie about it because Ronnie was facing a lawsuit by Mills, which is in the record, and Ronnie had been prosecuted and acquitted from doing something with the combine and he was afraid that he would be sued. And so right on the heels of the combine equipment Ronnie, on November the 16th, '98, transfers the land to his sons.

But Ronnie did not give up the control of the lands. And that's where we get into the actual moral fraud because we see here, for example, that right now, since Ryan has chosen not to show that he earned any farm income for the years up to 2008 when we're the ones that proved that he did, that at least for the time -- the time period from

'04 through '07 Ronnie Judy was the only person deriving income from these lands that he's claimed to have given to his children and that he's claimed to be doing under the rubric of this thing called Judy Farms. And, yet, we see Ronnie is the one earning all the income, we see Ronnie is the one who is incurring all of the debt, but Meherrin got a judgment against him for it and he on cross-examination, although I didn't introduce other than the one exhibit that came in through the witness who testified this morning, Ronnie admitted that all of these things were in his name.

The farm subsidies, he made $50,000 during the period from '95 through '06, he incurred -- I mean, he received revenues from the timber sales, of course that was on the tax returns. He incurred indebtedness to Archer Daniel Mill -- Archer Daniels Midland, to Godley Auction, he bought equipment from them.

So what happened was that Ronnie did exactly what Jimmy said their father did, and that is Ronnie purported to give this land to the children but he controlled it. And Jimmy said, Daddy didn't ask you, Ronnie, to convey me that half-interest in the 259 acres on the river. He

told you to do it.

So at the end of the day, Judge, what we have is -- and I have one more little demonstrative here, and I'll be glad to leave these with Your Honor just as go by's. We've got ten tracts, ten pieces of land that are described in the lis pendens. You heard Ronnie referring to A and G -- A and B and C and D. What he's referring to are the lettered paragraphs I think of our -- it was either our lis pendens or the exhibit to our complaint.

And so the 9.29 acres went from the probate judge -- well, I'll do them both. The 9.29 acres are the same and they went from the probate judge who said Ronnie, I'm declaring void this deed where you're trying to sell your children this land for $15,000, and then the probate judge conveyed it to Ronnie. That's Exhibit 14. Ronnie conveys it to Todd, 15. Todd conveys it to Wanda, 16. So that's the chain that takes us back to those two pieces.

The 71.58 acres is -- is -- well, all of these are in the same category as well actually, Your Honor. These come under the Master-in-Equity's partition deed. And the Master-in-Equity partitioned, I think in the same deed -- yes, he did, that after 19 -- well, in 1998 Ronnie conveyed

to Todd his half-interest in 143 acres and his half-interest in the 259 acres on the river. And the Master-in-Equity, because as Your Honor observed, by 2004 the title was in Todd's name so it's going to be partitioned between -- between Todd and -- and Jimmy. And so the Master split up the 143 acres into tracts of 71.58 acres each and conveys that deed to Todd. And that's -- again, that's taking forward the '98 conveyance and that's what we're seeking to set aside. And then these two pieces -- the 119.44 acres and the 10.562 are all a part of how they cut up the 259 acres on the Edisto River.

And, again, if you really study the deeds, you can see that that's the way that that made it out. And so those are -- those are Tracts C, D and E.

And then the remaining tracts, I think I'm at the end of them, I think that makes ten, F and G -- no, I'm not. These -- these two tracts represent the partition of the 133 acres. The 133 acres is what was conveyed by Blease Judy to Bobby Judy and to Ronnie back in '65 or '66, the deeds are in the record. Then Ronnie conveys that as a part of what he conveys to Todd in '98, and then in '05

Bobby partitions that with Todd -- and this is the piece of property Your Honor might remember was described as -- it really wasn't 133 acres, it turned out to be more -- closer to 200. It was split by I-95 and each of them got two pieces on each side of I-95, so that's the derivation of those two.

And then, finally, are three tracts that Ronnie owned -- sold the tract to. And those three tracts are the three that he conveyed in the second deed in 1998 that he put in the names of both Todd and Ryan, and so that just shows how it ended up where it is today. Actual fraudulent intent. Actual fraudulent intent.

Your Honor, the record that we've put in in this voluminous notebook shows that when after Ronnie had gotten his share of the Vesta Rumph estate and sat on it for 18 years, never would partition, never would divide the lands, Jimmy files an action in the probate court so that something will happen and asked that Ronnie be removed as personal representative.

In response to that, Ronnie purports to sell this Rumph property to his sons for $15,000, a piece of which we know Ronnie -- I mean, Jimmy later

sold for over a million dollars. Ronnie also tries to lease the pond, which he later destroyed, to a guy named Dewey Cowart over long-term. And Your Honor will see in the probate judge's order, there's several probate judge -- there's several probate orders but the one that's the longest, which is Exhibit 13, discusses the Court's declaring that the Dewey Cowart lease to be void. The first couple of orders she does declares the conveyances to the boys to be void; the longer order, where she actually partitioned the land between the debitees also declares that Dewey Cowart lease to be void.

And what she finds in this order is that Ronnie sat -- or used that estate property for 18 years, didn't pay a dime -- a dime's rent to the estate. He just enjoyed the full benefits of this the estate lands for 18 years, Jimmy didn't -- Jimmy didn't have any use of it whatsoever. So that's evidence of the Defendant Ronnie Judy's state of mind and intent by trying to give this property away to prevent it from -- his brother's share from going to his brother.

And then we've got in -- I think the occurrences were in -- I'm talking now about the destruction of this property. I think this property

was actually destroyed in 2003 in -- in -- I want to say in May of 2003. There's support for this on the record from both the Court of Appeals decision and in the Supreme Court's decision. In 2003 Jimmy's called out, he says, hey, the Rumph pond is gone. What do you mean gone? He drives over there and the thing is bone dry. This is a 10-acre 50-year-old fishing pond. It's just flat gone. It was stocked full of bass and brim, and it's just gone. And a Dorchester County jury has found, by clear and convincing evidence, that Ronnie did it.

Now, the Supreme Court -- Court of Appeals and the Supreme Court have reversed the legal effect of that, but they haven't reversed the finding of that jury. That's what Ronnie did. Further evidence of his maleficence.

Not 50 days later Ronnie goes over on to Bobby's land where Bobby and Kevin, who's the other named plaintiff in this case, had about a 34, 35-acre crop of corn and he dissed the whole thing flat. Just tore it up maliciously, no other reason. And a jury in Dorchester County found, by clear and convincing evidence, awarding actual and punitive damages that Ronnie Judy was the one who did that.

So when we ask ourselves where is there

evidence of the actual fraudulent intent, the bad -- the evil state of mind, the malicious state of mind, there it lies in the evidence that I just laid out.

So, Your Honor, I think in the final analysis I would respectfully suggest that the Court should not only grant an order restoring title to Ronnie of the 9.29 and 10.9-acre tracts, but the other lands conveyed to Ryan and Todd in '98 as well because Ronnie is guilty of actual moral fraud. And we appreciate your consideration in hearing this case.

THE COURT: Now that we've turned that into a closing argument, do you have a closing argument you'd like to address the --

MR. RONNIE JUDY: Yes, sir. Juge, they allege that I have destroyed this thing. They have got no witness that actually saw me doing this. He might have to prove what he just said.

When I partitioned I transferred this land in 1998, there was only one judgment and it was on appeal, Your Honor. And Mr. Dukes told me that I would have -- the Appellate Court affirmed it that I would have to pay that judgment off for deed -- two deeds to be legal. And when it was affirmed in 1999 I paid it -- I paid the judgment off in 2000. So,

therefore, those tracts is free and clear of any incompetence.

And the day they were set aside it was partitioned between Jimmy and Todd so, therefore, Mr. Barr has opened up a can of worms, Your Honor. It's going to be have to be repartitioned again and that's just a waste of the tax -- taxpayer's expense.

And Mr. Barr said that I lived on the place for 18 years and paid no rent. But in the probate judge's order, it clearly stated that she made me pay $208,000 in rent. And when Mr. Ed Hughes rented 1,000 for the rent, Jimmy Judy got the rent. When the timber was sold off the estate land, Jimmy Judy got it, $71,7500 (sic). But he had -- he had part of it over to his daughter and his son's name. And he hunted the land, he didn't pay -- didn't pay no lease on it or anything.

And what they are here today for, Your Honor, they're so desperate to get this 119 acres, which in the middle of their hunting club, that they'll do anything. They have enticed people to sue me, put me in jail. I mean, I'm just about -- just about at the point that I'm going to snap. Lord knows what's going to happen, I don't want to

see that.

When the Rumph land was partitioned, he told Mr. Sam Bishop, he said, I've got the bulk of it and I'm going to get the rest of it. And he said I'm going to see -- he's put out in the street as a homeless man, but he has forgotten 1990 -- '80 his wife throwed him out of the house being a drunk and he had back problems. And I loaned him money and done what my daddy said, give half-interest on the property on the river. Now he's a multimillionaire. Now he want -- he wants to take the socks from under my shoes, but he's not going to do that. And it's not right.

And I ask you to deny their motion to transfer this property back in my name because I don't want it. I don't want nothing that's stolen. I'm not going to look over my shoulder each time. That's the reason I deeded it back to Todd, because it belonged to Todd. And Rodney Peeples said I had no interest in it, they didn't raise any questions about that. They went ahead and partitioned it between them and Todd, and poor old Todd got stuck.

When the real property was divided, we agreed to let him have it lockways (phonetic) house and stuff, but we was so busy on the farm that he

got the surveyor to put everything -- put everything in that one lot and give us down there by the old dog pen. You can't go swimming in that, swill water. I mean, it's useless.

But we agreed to hold down, we agreed to give them that land for the 84 acres out there at the home place. And the judge said we had November 30th -- October 30th to move the equipment off the property. And Bobby said, get Gene Dukes to make out the papers, we'll swap the 119 acres for the 84 acres. With two days prior they said no, we don't want it. So these two boys, they had to bust their butts to get that equipment off -- off the property, and Lord knows how much equipment was left on there. I know two tractors was left. Where they at today I don't know, but I seen some of the parts that they paid big money for, hauling off in a pickup truck going down the road to the junk yard. If that don't make a man snap, I don't know what -- what -- what will make him snap.

I mean, he done sued me eight or nine times and put me in jail 17 times. Judge, that costs a lot of money you go before a jury, and I've been acquitted each time. Found not guilty. But, yet, there's nothing I can do. But I am asking the

Justice Department to step in and take a look at it.

And as far as the fake doctor, somebody's going to answer. That's the reason he got the bulk of the Rumph land, and not to press charges against the probate judge's uncle who brought this police guard in to testify to being a doctor in a competency hearing on this poor woman. And I was determined I wasn't -- I wasn't going to discharge from that as personal representative until some justice been brought. But that's gone now. He's got to live with it. He's sold his soul -- he sold his soul out.

And, I mean, they have brought my wife into it and she's got nerve problems, she breaks out in a rash. That's the reason she's not here today. She said, I just can't take -- can't take no more of it. And I wasn't going to drag her in here. And Mr. Barr is going to learn to leave my wife and me alone. I thank you.

THE COURT: All right. Thank you, Mr. Judy. Considering the fact that y'all are on vacation right now --

MR. RONNIE JUDY: Sorry to bother you.

THE COURT: No, no. I appreciate y'all finding the time to be here today. And what I said

earlier about being late to Court, I think I would have given you a few more minutes to the fact that y'all had to come from Charleston from your vacation.

I tell you what. I'm going to hold my decision in abeyance and review some of the evidence, and so that will give you a chance to have a nice vacation. So try to take your mind off this case for the rest of the week and maybe by the first of next week I'll have a decision. All right?

MR. RONNIE JUDY: Thank you.

THE COURT: Very good.

MR. BARR: Your Honor, again you have a law clerk there with a computer so I know you get these on computer, but I gave the Judys copies of Mathis versus Burton and Windsor Property versus Dolphin Head decisions. Those are the ones I argued.

THE COURT: Did we ever -- you know the tax return that I made copies of, did we ever put that in?

MR. BARR: Which one?

THE COURT: The one that I had them make a copy of.

MR. BARR: Yes. The tax return is in,

but maybe -- would you like me just to withdraw -- just pull out the ones that were not admitted?

THE COURT: Yeah, let's do that, and especially the ones that had the...

MR. BARR: Those were the ones.

THE COURT: Yeah, that's what I thought.

MR. BARR: They were Ryan's --

THE COURT: I think, Todd, was it your Social Security numbers that --

MR. BARR: They were Ryan's.

THE COURT: They were Ryan's?

MR. BARR: Yes, sir.

THE COURT: Yes, we want to get your Social Security numbers back out of -- might get looked at.

MR. BARR: So the record should reflect that I'm withdrawing Exhibits 32 through 36, which are Ryan -- which are purported to be copies of tax returns with the name Ryan Judy that had some ID number on them and they're no longer a part of the record.

THE COURT: All right. Very good. Thank you. All right. We're adjourned.

(The preceding was concluded at 3:25 p.m.)

STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

COUNTY OF DORCHESTER

JAMES T. JUDY, BOBBY T. JUDY,
AND KEVIN JUDY,

Plaintiffs,

vs. CASE NO. 2007-CP-18-1794

RONNIE F. JUDY, J. TODD JUDY,
RYAN C. JUDY AND WANDA B. JUDY,

Defendants.

MASTER-IN-EQUITY HEARING BEFORE

THE HONORABLE MARTIN R. BANKS

DATE: January 23, 2012

TIME: 9:20 A.M.

LOCATION: Calhoun County Courthouse
902 South Huff Drive
St. Matthews, SC

REPORTED BY: LORI S. MORTGE,
Certified Court
Reporter, CCR

A. WILLIAM ROBERTS, JR., & ASSOCIATES

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APPEARANCES OF COUNSEL:

ATTORNEYS FOR THE PLAINTIFFS
JAMES T. JUDY, BOBBY T. JUDY,
AND KEVIN JUDY:

BARR, UNGER, MCINTOSH, LLC
BY: CAPERS G. BARR, III
11 Broad Street
Charleston, SC 29401
(843) 577-5083
cgb@barrungermcintosh.com

ATTORNEYS FOR THE DEFENDANTS
RONNIE F. JUDY, J. TODD JUDY,
AND RYAN C. JUDY:

LAW OFFICES OF CRAIG R. STANLEY
BY: CRAIG R. STANLEY
701 Gervais Street
Suite 3
Columbia, SC 29201
(803) 761-7083
craig.stanley@gmail.com

THE COURT: We're on the record now. This is the case of Judy versus Judy, Case Number 2007-CP-18-1794. We have appearances here by the Plaintiff -- one plaintiff, at least -- I'm sorry, one plaintiff -- all three plaintiffs, how about that? One defendant, and which one of them --

MR. BARR: We're the plaintiff, Your Honor, but --

THE COURT: I apologize.

MR. BARR: Plaintiff Jimmy Judy -- Plaintiff Jimmy Judy and Kevin Judy are present.

THE COURT: And then the three defendants.

MR. BARR: Three of the four defendants. The defendant Wanda Judy is not present.

THE COURT: That's right. She was here last time.

MR. BARR: So we have Ronnie, Todd and Ryan. And, of course, we're here on a motion filed by Ronnie Judy, pro se, to reconsider a request for a new trial.

THE COURT: All right. And I believe that that motion has now been taken up by a brand new attorney here. What is your name?

MR. STANLEY: Craig Stanley.

THE COURT: Craig Stanley. All right, Mr. Stanley. It's your motion.

MR. STANLEY: Yes, sir. May it please the Court. First I'd like to apologize for the lateness of my coming in this case. I was recently retained by the Defendants and -- but, however, another attorney, Mr. Eric Hale out of the Columbia Bar, has reviewed this file. I have taken the time to review the complete record, spoken with my client and also have spoken with Mr. Hale, again, to kind of get myself acquainted with the case.

After -- after review of the record of the case I feel that my client should prevail on his motion to reconsider. After reading the order I feel there are a few errors of fact and law that could be addressed by the Court in this motion.

First -- my first point would be a recently cited South Carolina Supreme Court case, Judy v. Judy, that would disqualify James Judy as being a defendant in this case by extinguishing his -- his judgment against the Defendant Ronnie Judy.

I would also -- I would also add that the case should be dismissed on procedural grounds. Similar to the -- besides the Judy v. Judy case,

this case should be decided by res judicata. I find that it's inappropriate to collaterally attack the final order of the Master-in-Equity that happened in 2004, which fully and finally partitioned all property rights amongst all the parties in the partition action, especially when all the parties to the action, with the exclusion of Kevin Judy, were parties to the partition action.

Ronnie Judy was dismissed in the partition as having no interest in Parcels C through J, which are the parcels that are subject to the 1998 conveyances. Additionally, I would also say that any kind of questions -- or any type of questioning of the judgment of the Court would be only to the 1998 conveyances and not to the 2004 conveyances that are subject to this order. Excuse me.

The -- but as I was saying, Defendant Ronnie Judy was dismissed from the partition action as having no interest in the Parcels C through J, and that dismissal was not challenged by appeal or post-judgment motion. The parties then proceeded to partition the property with the full knowledge of the 1998 conveyances, and this Court cannot change or modify another Court by a collateral attack of

the Plaintiffs. Basically, the only recourse the Plaintiffs could have had was to challenge the partition order by Rule -- by way of Rule 60 motion or through an appeal.

Additionally, on the same line, it would be a ridiculous outcome to set aside the 1998 conveyance that subjected Ronnie Judy to this -- to the decision of the partition action -- however when he was actually dismissed from this partition action. If the Court has jurisdiction to collaterally attack the portion of the property in the partition action, which we believe you do not, then that is inequitable and improper for the Court to collaterally attack only a portion of the ruling of the partition action and leave the remainder intact.

To put another way, if the Court is going to presume to have the power to modify the order in the partition action, then the Court should just set the entire partition action aside. To do otherwise would deprive Ronnie Judy of due process since he was dismissed in that Master-in-Equity action.

For my second cause of action relating to a procedural defect, I believe that this Court

also would lack jurisdiction because a judgment has not been determined nulla bona. Basically nothing in the record, at least as far as my review, reflects that the Plaintiffs have standing to assert this matter. Nothing in the record to show the Plaintiffs have shown the judgment was turned nulla bona. No allegation in the complaint to the fact that there's been no proof of offer.

In a case decided 1962 Walter J. Klein v. Kneece, it states the law requires in an action by a creditor to set aside his debtor's voluntary deed, the allegation of the proof of the debt was reduced to judgment, execution issued to enforce collection of the judgment, and a nulla bona return on the execution by the sheriff.

Your Honor, I do have a copy of that -- excuse me. I apologize, Your Honor. (Tendering.)

That's all my argument as far as the procedure goes. I don't know how you want me -- I still have three or four more points.

THE COURT: Continue.

MR. STANLEY: Yes, Your Honor. Basically going into the more substantive matters of the case, relating to the 1998 transcripts and the Statute of Elizabeth there's no showing from the

order that the 1998 conveyances were made with the view to future indebtedness or with an actual moral fraud. It is undisputed that Defendant Ronnie was not indebted to Bobby, Judy or Kevin at the time of the 1998 transfers. It's clear from a number of findings on the record.

First, the partition action in 2001 was never appealed or otherwise challenged and everyone agreed to accept the dismissal of Ronnie from the partition action as he had no interest in the property. The actions of Bobby, Jimmy and Kevin were not commenced until September 10, 2004 and all involved alleged intentional torts that occurred well after the 1998 transfer.

The Plaintiffs do correctly cite the standard for situations such as this, where a creditor is seeking to set aside a conveyance that occurred prior to the accrual of the indebtedness. The standard requires, among other things, that the conveyance was made with a view to future indebt -- indebtedness or with an actual fraudulent intent on the part of the grantor to defraud creditors.

The only evidence in the order that conveyances were made with a view to future indebtedness or with actual fraud involves

circumstantial evidence that the judgment creditor in existence at the time of the transfer and a statement by Jimmy and Ronnie -- stated by Jimmy that Ronnie confided that he was going to transfer the land to avoid a potential judgment creditor. Even if the Court finds these facts to be true, which we dispute, Ronnie has paid all of these debts that were -- that existed in 1998, so no creditor was defrauded in the least. And because the alleged tort constituting the basis for the only viable judgment in this action, it's so remote from the conveyance that actually commenced in 2004 the Plaintiffs should not be able to piggyback on the back of a creditor that might have been defrauded in 1998.

Moreover, the remainder of the allegations concerning Ronnie's use and enjoyment of the land and obtaining a mortgage of Parcel A and B is of no import. No creditor has been defrauded. Again, all the creditors are unsecured, with the exception of the mortgage. So they, by definition, could not have been defrauded because he did not own the land. At best, he might have obtained the loans on the stated net worth. However, when they became creditors, the conveyances were long recorded since

in 1998 and they were under notice, by virtue of a recording statute, that Ronnie did not own an interest in the subject parcels.

Again, there is no allegation that these unsecured creditors were not paid, so even if these unsecured creditors could not seek relief in this case the Plaintiffs cannot avail themselves of the rights of other creditors, especially creditors that have not been injured. And so the mortgage, the record indicates that Ronnie was -- had property interest at the time of the mortgage.

Moving on, even if assuming the Plaintiffs offered sufficient evidence in view of future debt or moral fraud to support the judgment, the circumstances in this case preclude the Plaintiff's action.

The South Carolina Court of Appeals has repeatedly recognized that the doctrine of laches would be applicable in determining whether an action is time-barred even if extrinsic fraud was established.

As Your Honor knows, the doctrine of laches is defined by neglect for an unreasonable and unexplained length of time, under circumstances affording opportunity for diligence, to do what the

law knows it should have been done. Under the doctrine of laches if a party, knowing its rights, does not seasonably assert them, but by unreasonable delay causes his adversary to incur expenses or enter into obligations or otherwise detrimentally change his position, then equity will ordinarily refuse to enforce those rights.

The party seeking to establish laches must show, one, delay, two, that was unreasonable under the circumstances, and prejudice.

Applying the facts to the instant case, the Defense established the requisite factors based on the doctrine of laches. Here the Plaintiffs waited nine years to challenge the 1998 conveyances and six years after the partition action was commenced, three years after it was final, which all parties were involved again with the exception of Defendant Kevin -- or Plaintiff Kevin, excuse me.

Certainly, no plaintiff can claim or did claim that they did not have notice of the 1998 conveyances or the 2001 partition action prior to when this instant action was commenced. Moreover, the deeds of -- deeds and partition action were publicly reported documents, and unreasonable length of time for the Plaintiffs to delay in this 2007

Statute of Elizabeth action.

Lastly, we would object to the award of attorney's fees. Normally attorney's fees can only be recovered under contracts or by statute. The bad faith exception advanced by the Plaintiff is absurd in the case. It essentially argues that the bad faith exception is satisfied by the Defendant's fraud in the complained of transfers. The fraud advanced by the Plaintiffs is an essential element to the claims and not the foundation of a bad faith exception. Bad faith entitling a variance from the normal prohibition on the award of attorney fees in the absence of the contract or statute allowing for recovery is normally held in the nature of frivolous proceedings or other misconduct in the litigation. The rule on this is clear and requires a showing of extrinsic fraud in the proceedings.

Basically, if you do allow attorney fees in this, any type of common fraud action would be recoverable by attorney fees which is not accepted practice in South Carolina.

I have nothing further, Your Honor.

THE COURT: Do you want to take that point by point, Mr. Barr?

MR. BARR: Yes, I will, Your Honor. At

the outset, Your Honor, if it may please the Court. It's clear that Rule 59 motion cannot be used to advance arguments that were not made at trial.

THE COURT: Like laches?

MR. BARR: Sir?

THE COURT: Like laches?

MR. BARR: Well, laches, the attorney fee argument. And, moreover, we're here on a specific motion that's been filed, and the basis of the motion is -- I guess it would come close to laches is that Mr. Judy, pro se, alleged the statute of limitations. But both laches and the statute of limitations are affirmative defenses that must be affirmatively pled in the answer so that they can give in this case the Plaintiff fair notice that they are called upon to meet that defense. We can't do that at the end of the case and go back and bootstrap and say that we're barred by either laches or statute of limitations now.

So -- so as to the argument that -- and I guess I'm not starting in the order counsel made them but point by point, we're here on a specific motion that's been filed stating some things that are not all necessarily legal grounds. But to focus on the one legal ground that Ronnie Judy did

assess -- address pro se, the statute of limitations, that simply was neither pled nor argued at trial, much less was laches pled or argued at trial and, therefore, that cannot be bootstrapped into a Rule 59 motion.

THE COURT: I'm prepared -- I'm prepared to rule on those two right now. They were not argued at trial.

MR. STANLEY: Your Honor, may I have please have a brief --

THE COURT: Go ahead.

MR. STANLEY: My only response, not to cut anyone off, is that, obviously, we're in a court of equity. I feel it would be equitable for us to make this kind of argument and, also, Rule 15 you can amend pleadings pretty liberally, so that's all.

THE COURT: I cannot deny the procedural rules that I have to abide by and I'm going to deny at least the part of your motion that applies to the statute of limitations and laches completely at this point. Now you can go.

MR. STANLEY: Thank you, Your Honor.

MR. BARR: Correct and, obviously, equity follows the law.

THE COURT: Absolutely.

MR. BARR: Now, your Honor, as I'm following the other arguments that counsel made, he's also arguing res judicata on the basis that there was a prior partition case which somehow decided the issues that Your Honor decided.

My first argument is, just like the statute of limitation in laches, res judicata is an affirmative defense that must be pled and proved. And so because it was not pled, it can't be bootstrapped under a Rule 59 motion and argued now -- now for them.

Secondly, there's simply no adequate record, even if it had been pled, to show that res judicata would apply here.

So that would be my response to the res judicata argument. And maybe I should sit down and ask Your Honor to rule on that as to the res judicata.

THE COURT: Let me -- my thoughts on res judicata -- and he didn't use the term but in our actual trial that came up -- and I can see how that confused a layman, because he was unrepresented -- your client was unrepresented at trial, I can understand how that can confuse a layman, you know, res judicata. He literally had a

quote from the judge as I can recall that said this is your property and this is your property. Well, I can see how that can confuse a layman because that case wasn't about what this was case was about, and it's almost like taking the Bible out of context or taking anything out of context. When you have a probate judge saying one thing, that's different from what a Master-in-Equity case that has to do with Statute of Elizabeth. Having a probate judge or another master, for that matter, say anything out -- that says, yeah, this is your property or this is your property. That might have been true at that time under those sets of facts, but if nobody had brought the Statute of Elizabeth case, there was no -- you know, he can't pull stuff out of the air or see the future.

So I can see how that would be confusing. He's had at least probably two judges tell him, yeah, this is your property -- in fact, he had an attorney tell him that because I think he had deeds done and whatnot and I can see how that can be confusing. I'm going to deny your motion based on res judicata as well.

MR. BARR: Your Honor, the next argument that I noted, which was really the first one made,

is that the -- you might remember that at our trial the judgment by Jimmy Judy had been reversed by the Court of Appeals -- I think it had been reversed by the Supreme Court but they were considering the motion for reconsideration.

THE COURT: That's right.

MR. BARR: It is a fact that subsequently the --

THE COURT: They denied.

MR. BARR: The Supreme Court denied the motion for reconsideration, but Your Honor's decision, first of all, speaks at the time of trial, not at the time of today. But regardless of all that, it's clear that the judgment against -- or the judgment in favor of Bobby Judy was affirmed by the Court of Appeals and was not appealed by Ronnie Judy, so that's -- certainly Bobby Judy is still a creditor. And to the extent that there's a money judgment associated with Your Honor's order, that money judgment is in favor of Bobby -- Bobby Judy and Kevin Judy who was at the trial of that case as well.

So as to the argument that -- there was a subsequent ruling by the Supreme Court, that takes care of itself as a practical matter.

THE COURT: Yeah. I subscribe to that as well.

MR. BARR: Then there was an argument about a nulla bona return -- failure of a nulla bona return. In the first place, that was not argued at the trial and cannot be bootstrapped.

But secondly, Your Honor, counsel has handed us up a 1962 decision. But since 1962 South Carolina has -- has -- the Supreme Court of South Carolina has drafted and approved Rules of Civil Procedure. And Rule 18(b) of the Rules of Civil Procedure, if I can refer to it -- in fact, I'll pull it out, put my hands on the case here.

Rule 18(b) provides -- or is it 19? 18(b) provides joinder of remedies and fraudulent conveyances. And it says whenever a claim is one heretofore cognizable only after another claim has been prosecuted to a conclusion, two claims may join as simple acts and join and be part of it. The last sentence says: In particular, a plaintiff may state a claim for money and a claim to set aside a conveyance that is fraudulent as to him, without first having obtained a judgment establishing the claim of money.

So 18(b) abrogated the old rule that a

nulla bona return is required, and that was also affirmed in the case of Lebovitz versus Mudd, a Supreme Court decision in 1987 reported at 293 South Carolina 49. Counsel also made the argument that the -- that the 1998 -- that there was no showing of actual moral fraud as to the 1998 conveyance. Well, I think that, frankly, the evidence was -- that the record is pretty clear that there was evidence of actual moral fraud and, in fact, the Court found as a matter of fact in its order that Ronnie Judy's purpose in conveying -- in recording the deeds in 1998 was to avoid a specific judgment. And so that constitutes the actual moral fraud that continues to this day and is the basis for setting aside the '98 conveyances.

Counsel has also objected to the award of attorney's fees on the bad faith exception. I think Your Honor's order addresses that. The testimony in this case was pretty complete about the shenanigans, if I may use a somewhat trite phrase, that Ronnie Judy has pulled over the years in the litigation that Jimmy and Bobby Judy have been involved with, including visits to the hospital and all -- in order to avoid a court call during the same week that he then conveys a piece of property

to his son Todd, another trip to the hospital to avoid the first trial before the Master-in-Equity in Dorchester County, and then the Master-in-Equity in Dorchester County recused because Ronnie files a complaint against him with the Supreme Court.

So the abuse of the proceedings is established by Ronnie Judy -- is established in the record of this case, which does relate directly to the bad faith exception that the United States Supreme Court has recognized as a basis for the award of attorney's fees and, therefore, the attorney fee award should stand.

I'm assuming that because the other matters that were stated in Ronnie Judy's written motion were not argued that they're, therefore, abandoned so I won't address those.

THE COURT: Before you -- you may sit. He just referred to some unargued points, and I'm going to give you the opportunity to argue those if, in fact, you have not abandoned them. And that would be based on his filed motion so you may not -- you may have thought the wiser not to...

MR. STANLEY: Right. Yes, Your Honor.

THE COURT: I'll give you a moment.

MR. STANLEY: Thank you, Your Honor.

THE COURT: No rush. But I will say, Mr. Barr, you didn't -- you just responded to this motion. You did not ask for any additional attorney's fees or costs in this matter, did you, for appearing here today?

MR. BARR: For today, no, I haven't. I should have.

THE COURT: I do think that at this point your argument is prevailing. Again, I'll give you a rebuttal or if you want to continue to review what was filed in this matter.

I wish you had the benefit of being in the trial. I thought it was a very nice trial and, Mr. Judy, I thought you did a good job, I really did. You could have benefitted from counsel, I think you know that. But, in fact, I was kind of looking forward to seeing you without counsel today because I was going to compliment you on, I guess, your moxie and your determination. You've actually -- if you had some legal experience outside of this you wouldn't make a bad lawyer. You just don't have the knowledge of the rules and such.

MR. RONNIE JUDY: I'm going to take the Bar exam.

THE COURT: Sir?

MR. RONNIE JUDY: I'm going to take the Bar exam.

THE COURT: Are you, really? Well, you've taken a minor lesson in it for sure, but I really -- I wouldn't use the word admire, but I respect your abilities. You've prosecuted a pretty good case even though you're the defendant. You seemed to keep them on their heels.

I was trying to give you some time.

MR. STANLEY: And I appreciate. And I also mentioned to my client that he probably has as much courtroom experience as I do, with how lengthy this process has been for both sides.

The only points I'd like to make and I -- would be any comment about, you know, the lack of nulla bona would be lack of this Court having personal jurisdiction over the matter, which can be raised at any time. So I wouldn't feel to be barred by it not being prosecuted by the Defendant early on.

And I guess also mention that the -- I refer to the order as the basis of my facts as the only thing I really use because I am coming in so late. The question of moral fraud, again, I would somewhat reargue the point is that the creditors

that existed in 1998 all got paid off. So I feel that with the -- again, the length of time or the difference between intentional tort and the moral fraud or the potential fraud that existed in 1998, there's still quite a bit of gap between an intentional tort and him knowing about the intentional tort in 1998 to defraud somebody in 2003 or 2004.

THE COURT: I understand your point there, I really do. If you had sat in this trial I think you would have learned -- did you have the benefit of the cases that he filed in the trial, that he -- because Mr. Barr's prosecuted a case -- actually it took me to school a little bit because I don't know if you saw the binders and whatnot -- and I'm not impressed by that, you know. It was the material that was within it that was impressive, and he could have won or lost this case -- it was sort of two halves of an apple and not only did he get the whole half on that side of the apple, he got the whole half on that side of the apple.

And it really did -- it hinged on one of your points that there was fraud -- or was there fraud and did his client, was he defrauded at the time of the transfer and he didn't have to do that.

cause there might have been a break in the
from some judgment satisfied or some moral
satisfied didn't matter. The case law was pretty clear on that.

So when the initial transfer occurred, and I believe we had testimony which stated one of the defendants here actually said I'm going to -- and already knew of a situation prior to that, that I'm going to transfer this property to avoid a creditor, that speaks for itself. There was no way around that testimony.

So once that was established, whether there was a break in the fraud or not, there's not a case out there that says yeah, okay, now that you've satisfied the judgment it's going to stick or it stuck and it stayed stuck and it's because of equity. It's simply an equitable matter. Even -- and that should be a counter argument as you made, if there's a break in equity -- I mean, break in fraud, as you would describe it, does that balance the equity? And I think it doesn't, unfortunately, for your client. Any other points you'd like?

MR. STANLEY: Briefly on the attorney's fees, I just feel like the record or the order doesn't -- doesn't reflect all of the bad faith or

all bad acts that you have alleged, and that's the only reason why I would make that argument.

THE COURT: I'll tell you this. Whether it's complete in the order or not, in our original trial it was rife. In fact, again, I remember thanking them for appearing on their vacation week on that Monday. I drew -- they wanted to continue it for their vacation, which I'm very sympathetic to vacations, but I had them come that day and that was one continuance that we didn't -- of course, they wanted to continue -- or at least their attorney wanted to continue this week. And I believe the record reflected a long, long history of hospitalizations and whatnot.

And I think there were some -- some answer in your letter of some sort that he may have not been well but he was on his tractor doing something or whatever the other day. Is that something --

MR. BARR: That was in response to the other attorney's assertion that there might be a health issue and -- yes.

THE COURT: How is your health today?

MR. RONNIE JUDY: Sir?

THE COURT: How is your health today?

MR. RONNIE JUDY: I've got this on my neck.

THE COURT: I understand that.

MR. RONNIE JUDY: Eventually I'm going to have to have an operation.

THE COURT: Is that right?

MR. RONNIE JUDY: 50-50.

THE COURT: Any other argument you wish to make?

MR. STANLEY: Nothing further, Your Honor.

THE COURT: All right. Then your motion is denied. I will add one thing to your order that I'd ask you to do, Mr. Barr. Doesn't sound like much, but I'm going to assess the $25 motion fee to your client as well. You won't have to pay that this time, though.

MR. BARR: Yes, sir.

THE COURT: But I will assess $25 to the claim for the motion -- only the motion fee, nothing else.

MR. BARR: Your Honor, I know that the Court is special referee and -- I don't mean to embarrass you but in the first order there was a provision for a fee of --

THE COURT: That's right.

MR. BARR: -- special referee. Shall this order provide a supplemental fee?

THE COURT: No, I'm not going to charge an additional fee.

MR. BARR: So this order should, however, require the Plaintiff -- I'm sorry, the Defendant, Ronnie Judy, to file or pay the $25 --

THE COURT: Directly to the clerk of the court.

MR. RONNIE JUDY: I paid that in Dorchester County.

THE COURT: Oh, you paid that -- not the motion you filed. The motion for continuance that we heard last week.

MR. BARR: Yes.

THE COURT: That's a good question. I guess he pays -- I guess he pays the clerk in Dorchester.

MR. BARR: I would think so, yes, sir.

THE COURT: All right.

MR. STANLEY: Thank you, Your Honor.

THE COURT: We're adjourned.

MR. BARR: Thank you, Your Honor.

(The preceding was concluded at 9:48 a.m.)

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) CERTIFIED COPY
COUNTY OF DORCHESTER) 2007 SEP 27 AM 9:28 CASE NO: 2007-CP-18-1794
)
JAMES T. JUDY, BOBBY JUDY, and KEVIN JUDY,)
) CLERK OF COURT
Plaintiffs,) CHESTER COUNTY AFFIDAVIT IN SUPPORT OF ATTORNEY FEES
)
vs.)
)
RONNIE F. JUDY, J. TODD JUDY, RYAN C. JUDY, and WANDA B. JUDY,)
)
Defendants.)

Personally appears before Capers G. Barr, III who, being duly sworn, states as follows:

1. Affiant was admitted to the practice of law in South Carolina in the State and U. S. District Courts in 1966. He was admitted to practice before the Fourth Circuit Court of Appeals and the U. S. Supreme Court in 1985.

2. Affiant served in the United States Army from 1966 to 1968, and has been engaged in the full time practice of law in South Carolina Civil and Criminal Trial Courts since January 1969.

3. Affiant served as assistant solicitor from 1970 to 1976, was elected Solicitor for the Ninth Judicial Circuit in November 1976, and served in that capacity from January 1977 until January 1981.

4. Affiant is rated by Martindale Hubble as "a-v", which is its highest rating.

5. Affiant was inducted as a Fellow in the American College of Trial Lawyers in 2005.

6. Affiant's regular hourly rate ranges from $250.00 to $300.00 per hour.

7. Affiant has represented James T. Judy and Bobby Judy, Plaintiffs herein, since 2005. His hourly fee rate charged to the Messrs. Judy, and paid by them, is $250.00 per hour. For the trial of the within case, beginning with Plaintiffs' filing of their Complaint in September of 2007, affiant and his support staff have expended a total of 210.6 billable hours in the case and have been paid the sum of $38,465.50 in fees and $5,973.49 in costs, as will appear by reference to the time and billing statements attached as Exhibit "A".

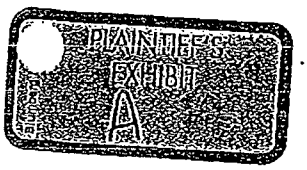
8. This Affidavit is given for the purpose of obtaining an order of the Court granting attorneys fees and costs herein.

BARR, UNGER & MCINTOSH

Capers G. Barr, III

Subscribed and sworn to before me
This 23rd day of September, 2011

NOTARY PUBLIC for South Carolina
My Commission Expires: April 25, 2021



Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours Worked	Hours to Bill	Amount		Ref #
Client ID 20071341.00 James T. Judy										
20071341.00	09/11/2007	1	A	1	250.00			0.00	Telephone call with client re case status;	ARCH
20071341.00	09/21/2007	1	A	1	250.00	0.50	0.50	125.00	Review title abstract and case research for fraudulent conveyance case; opened new file;	ARCH
20071341.00	09/24/2007	1	A	1	250.00	3.75	3.75	937.50	Work on fraudulent conveyance case: studied title abstract, research, begin drafting;	ARCH
20071341.00	09/25/2007	19	A	1	85.00	1.20	1.20	102.00	PARALEGAL: Prepare Exhibits for Complaint; prepare Summons, Lis Pendens;	ARCH
20071341.00	09/25/2007	1	A	1	250.00	5.00	5.00	1250.00	Drafted Complaint for fraudulent conveyance action;	ARCH
20071341.00	09/26/2007	19	A	1	85.00	1.60	1.60	136.00	PARALEGAL: Prepare Exhibit 1 to Complaint, Lis Pendens; prepare letter to Clerk of Court filing case, clients; telephone call to Dorchester County Register Office; prepare, copy, assemble documents for filing;	ARCH
20071341.00	09/26/2007	1	A	1	250.00	1.00	1.00	250.00	Finalized pleadings; signed/sealed letter to Clerk for filing; cost advance;	ARCH
20071341.00	09/28/2007	19	A	1	85.00	1.40	1.40	119.00	PARALEGAL: Letter to Sheriff of Dorchester County to serve documents on Defendants; research addresses for Defendants; telephone calls to Sheriff's office re fee; update Pleadings file, correspondence file;	ARCH
20071341.00	10/10/2007	19	A	1	85.00	0.40	0.40	34.00	PARALEGAL: Letter to Court Clerk to file Affidavits of Service for Summons, Complaint; re-sent packet to Bobby Judy at corrected address;	ARCH
20071341.00	10/11/2007	19	A	1	85.00	0.20	0.20	17.00	PARALEGAL: Update pleadings file;	ARCH
20071341.00	10/16/2007	19	A	1	85.00	0.10	0.10	8.50	PARALEGAL: Update pleadings file;	ARCH
20071341.00	11/28/2007	1	A	1	250.00	0.50	0.50	125.00	Preparation of Reply; preparation of Interrogatories and Requests to Produce; letter to Defendants;	ARCH
20071341.00	11/29/2007	19	A	1	85.00	0.90		0.00	PARALEGAL: Prepare discovery requests; revise and complete same; compile packet for service on defendants;	ARCH
20071341.00	11/30/2007	19	A	1	85.00	0.60		0.00	PARALEGAL: Prepare letter to Clerk of Court to file Reply to Plaintiffs; prepare copies, etc. for inclusion with filing; update Pleadings file; create Discovery file and update;	ARCH
20071341.00	12/03/2007	19	A	1	85.00	0.50		0.00	PARALEGAL: Telephone call with Jim Judy re correct Todd Judy address; correct records; research file for correct "Fairway Court" address; resend correspondence from last week to him at corrected address; revise Affidavit of service; prepare letter to Clerk enclosing amended Affidavit of Service for filing;	ARCH
20071341.00	01/03/2008	1	A	1	250.00	0.50	0.50	125.00	(Fraudulent conveyance case) Receive and review fax from attorney Witherspoon; telephone conference with her; telephone conference with client;	ARCH
20071341.00	09/10/2008	19	A	1	85.00	1.10	1.10	93.50	PARALEGAL: Telephone calls with Clerk in Dorchester County to arrange for deposition space; prepare Subpoena for Ronnie's deposition;	ARCH
20071341.00	09/11/2008	19	A	1	85.00	1.00	1.00	85.00	PARALEGAL: Continue working on Notices of Depositions; arrange for personal service; t/c w/Sheriff's office re service; draft letter to Sheriff; arrange for court reporter; t/c to client re scheduled depositions, pre-deposition conference;	ARCH
20071341.00	09/18/2008	19	A	1	85.00	0.10	0.10	8.50	PARALEGAL: Contact Sheriff's office to find out status of service of process;	ARCH

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours Worked	Hours to Bill	Amount		Ref #
Client ID 20071341.00 James T. Judy										
20071341.00	09/19/2008	19	A	1	85.00	0.20	0.20	17.00	PARALEGAL: Telephone call to Sheriff re service of depo subpoenas;	ARCH
20071341.00	09/25/2008	19	A	1	85.00	0.10	0.10	8.50	PARALEGAL: Telephone call with Peggy at Sheriff's office re service of deposition subpoenas; phone call to Jimmy re status of same;	ARCH
20071341.00	09/29/2008	1	A	1	250.00	1.50	1.50	375.00	Review title documents to prepare for depositions;	ARCH
20071341.00	09/30/2008	1	A	1	250.00	5.50	5.50	1375.00	Depositions of Todd and Ryan Judy in Grand Jury Room, Dorchester County Courthouse;	ARCH
20071341.00	10/03/2008	19	A	1	85.00	0.10	0.10	8.50	PARALEGAL: Arrange for Grand Jury Room, date for Ronnie's depo;	ARCH
20071341.00	10/07/2008	19	A	1	85.00	0.50	0.50	42.50	PARALEGAL: Prepare Amended Notice of Deposition, Subpoena, letter to Sheriff, check request; calendar same for followup;	ARCH
20071341.00	10/08/2008	19	A	1	85.00	0.60	0.60	51.00	PARALEGAL: Draft letter to Jimmy enclosing documents to be served on Ronnie, and Affidavit of Service; prepare Affidavit of Service;	ARCH
20071341.00	10/08/2008	19	A	1	85.00	0.40	0.40	34.00	PARALEGAL: Draft letter to Ronnie enclosing deposition Notice, Subpoena;	ARCH
20071341.00	10/08/2008	1	A	1	250.00			0.00	Telephone conference with Jimmy re serving Ronnie; he'll get someone to do it;	ARCH
20071341.00	10/28/2008	1	A	1	250.00	4.00	4.00	1000.00	Preparation for Ronnie's deposition; assembled documents; research;	ARCH
20071341.00	10/29/2008	1	A	1	250.00	4.00	4.00	1000.00	Deposition of Ronnie @ Courthouse, St. George; visited sites and took photographs;	ARCH
20071341.00	12/03/2008	1	A	1	250.00	1.00	1.00	120.98	Research fraudulent conveyance as equitable action;	ARCH
20071341.00	12/04/2008	1	A	1	250.00	3.50	3.50	423.43	Begin trial preparation; research; review Ronnie's deposition;	ARCH
20071341.00	12/08/2008	1	A	1	250.00			0.00	No charge. Review of court roster and telephone conference with Meherin Fertilizer attorney;	ARCH
20071341.00	12/09/2008	1	A	1	250.00	6.25	6.25	756.12	Trial preparation;	ARCH
20071341.00	12/10/2008	1	A	1	250.00	4.00	4.00	483.92	Begin drafting trial brief;	ARCH
20071341.00	12/11/2008	1	A	1	250.00	2.00	2.00	241.96	Continued preparation of Pretrial Memo;	ARCH
20071341.00	12/12/2008	1	A	1	250.00	4.00	4.00	483.92	Finalized Trial Brief and organized for trial;	ARCH
20071341.00	12/15/2008	1	A	1	250.00	4.00	4.00	483.92	Appearance at roster meeting with client; prepare motions; telephone conference with client re subpoenas;	ARCH
20071341.00	12/16/2008	1	A	1	250.00	1.50	1.50	181.47	Prepared Motion for Summary Judgment; for Reference; prepared Subpoenas;	ARCH
20071341.00	12/23/2008	1	A	1	250.00	0.50	0.50	60.48	Receive and review responses to Subpoenas;	ARCH
20071341.00	01/08/2009	1	A	1	250.00	0.50	0.50	60.49	Telephone conferences with Ronnie, Jimmy, Ronnie (#2); I told Ronnie: "Give us a recordable deed to the 119 acres on the river and I'll get them to settle everything against you. That's the two appeals and the current case that we're going to hearing on on January 20."	ARCH
20071341.00	01/19/2009	1	A	1	250.00	2.50	2.50	302.45	Preparation for hearing tomorrow;	ARCH
20071341.00	01/20/2009	1	A	1	250.00	4.00	4.00	483.92	Appearance with client in St. George for motion hearing;	ARCH
20071341.00	03/10/2009	1	A	1	250.00	2.00	2.00	241.96	Prepare Amended Complaint, Motion to Amend;	ARCH
20071341.00	03/11/2009	1	A	1	250.00	1.00	1.00	120.98	Edited Motion to Amend and Amended Complaint;	ARCH
20071341.00	04/07/2009	1	A	1	250.00	2.00	2.00	500.00	Studied titles and begin charting the conveyances;	ARCH
20071341.00	04/09/2009	1	A	1	250.00	4.50	4.50	1125.00	Appearance with client at motion	ARCH

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours Worked	Hours to Bill	Amount		Ref #
Client ID 20071341.00 James T. Judy										
									hearing to amend complaint before Judge Goodstein; conference with client; preparation of proposed Order;	
20071341.00	06/15/2009	19	A	1	85.00	0.40	0.40	34.00	PARALEGAL: Compare signed Order with submitted Order for changes; draft letter to Clerk enclosing signed Order for filing; prepare Court Coversheet; draft revisions to Clerk's letter;	ARCH
20071341.00	06/15/2009	19	A	1	85.00	0.10	0.10	8.50	Complete mailing re Order sent to Clerk;	ARCH
20071341.00	06/16/2009	19	A	1	85.00	0.10	0.10	8.50	Update file; calendar followup date for return of clocked Order; filing; scan letter to Clerk;	ARCH
20071341.00	06/18/2009	19	A	1	85.00	0.30	0.30	25.50	Rerun Amended Summons, Restated Lis Pendens, Amended Complaint; type letter to Clerk; t/c to court to find out if fees are due;	ARCH
20071341.00	06/19/2009	19	A	1	85.00	0.80	0.80	68.00	Another telephone call to Dorchester County Court re fees; complete letter to same; complete letter to Clerk; draft Court Coversheet; copy, scan, mail foregoing;	ARCH
20071341.00	06/22/2009	19	A	1	85.00	0.20	0.20	17.00	Update Pleadings file;	ARCH
20071341.00	06/23/2009	19	A	1	85.00	1.00	1.00	85.00	PARALEGAL: Draft letters for service of Amended Summons, Amended Complaint, Lis Pendens on Defendants; assemble;	ARCH
20071341.00	06/23/2009	19	A	1	85.00	0.40	0.40	34.00	Prepare certified, return receipt cards, complete mailings to serve defendants;	ARCH
20071341.00	06/25/2009	19	A	1	85.00	0.40	0.40	34.00	PARALEGAL: Revise Motion to Consolidate; draft letter to J. Kenedy enclosing signed Motion;	ARCH
20071341.00	06/29/2009	19	A	1	85.00	0.20	0.20	17.00	T/c's w/Jimmy re Ronnie's call to us re "dirt" and dumping things into Edisto River; memo to CGB;	ARCH
20071341.00	07/07/2009	19	A	1	85.00	0.40	0.40	34.00	T/c to Jimmy to inform him of hearing on Motion to Consolidate;	ARCH
20071341.00	07/09/2009	1	A	1	250.00	4.00	4.00	1000.00	Appearance at motion hearing; visited River Road re new issue;	ARCH
20071341.00	07/10/2009	19	A	1	85.00	0.70	0.70	59.50	PARALEGAL: Draft letter to J. Kennedy enclosing Amended Complaint; scan, e-mail;	ARCH
20071341.00	07/14/2009	19	A	1	85.00	0.70	0.70	59.50	PARALEGAL: Research address, cost, etc. of service; draft letter to Sheriff to serve Ronnie, Wanda w/Amended Complaint, etc.;	ARCH
20071341.00	07/27/2009	19	A	1	85.00	0.10	0.10	8.50	T/c to Sheriff's office re status of service of process;	ARCH
20071341.00	07/30/2009	19	A	1	85.00	0.30	0.30	25.50	PARALEGAL: Draft letter to Clerk filing Affidavits of Service of Wanda, Ronnie; gather, copy documents;	ARCH
20071341.00	08/10/2009	1	A	1	250.00	0.25	0.25	62.50	Telephone call with Jimmy;	ARCH
20071341.00	08/26/2009	19	A	1	85.00	0.20	0.20	17.00	PARALEGAL: Draft letter to clients enclosing Answer;	ARCH
20071341.00	09/28/2009	1	A	1	250.00	1.50	1.50	375.00	Telephone conference with Jimmy; prepare for Wanda's deposition;	ARCH
20071341.00	09/29/2009	1	A	1	250.00	2.00	2.00	500.00	Deposed Wanda Judy in St. George;	ARCH
20071341.00	10/06/2009	19	A	1	85.00	0.30	0.30	25.50	PARALEGAL: Prepare deposition notice, subpoena for Todd Judy deposition on 10/21; confirm w/James Judy;	ARCH
20071341.00	10/20/2009	1	A	1	250.00	1.00	1.00	250.00	Preparation for deposition tomorrow;	ARCH
20071341.00	10/21/2009	1	A	1	250.00	2.50	2.50	625.00	Deposition of Todd in St. George;	ARCH
20071341.00	11/16/2009	1	A	1	250.00			0.00	Receive and review letter from court re 11/30 trial date; telephone conference with client; letter to court; n/c	ARCH
20071341.00	11/17/2009	19	A	1	85.00	0.80	0.80	68.00	PARALEGAL: Draft Subpoenas Duces Tecum, Request to Produce tax returns, Exhibit A to SDT;	ARCH
20071341.00	12/03/2009	1	A	1	250.00	0.75	0.75	187.50	Telephone conference with Jim Bell to	ARCH

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours Worked	Hours to Bill	Amount		Ref #
Client ID 20071341.00 James T. Judy										
									use his office for document production; telephone conference with Jimmy re documents to subpoena; transmitted subpoenas to defendants;	
20071341.00	12/09/2009	19	A	1	85.00	0.80	0.80	68.00	PARALEGAL: Follow up w/discovery, draft subpoenas to auctions; t/cs to Godley Auction;	ARCH
20071341.00	12/10/2009	19	A	1	85.00	0.50	0.50	42.50	PARALEGAL: Telephone call with Johnny Godley to get information for subpoena; memo to CGB; revise subpoena, draft cover letter; revise subpoena to Block Auction, draft cover letter;	ARCH
20071341.00	01/08/2010	1	A	1	250.00	1.00	1.00	250.00	Letter to Todd re complying with subpoena; telephone conferences with Jimmy re case strategy;	ARCH
20071341.00	01/12/2010	19	A	1	85.00			0.00		ARCH
20071341.00	01/12/2010	19	A	1	85.00	0.30	0.30	25.50	Memo to Siau re possible coverage of subpoenaed documents in Jim Bell's office; t/c to Jim Bell to remind of use of office Thursday; review e-mails from Siau, C-4; forward to CGB; create new subfile in matter;	ARCH
20071341.00	01/12/2010	19	A	1	85.00	1.30	1.30	110.50	PARALEGAL: Review e-mail from Dorchester Clerk; review Case Status List for Judy; review calendar; check online roster - not published for March; respond to Dorchester Clerk; t/c to Jim Judy re schedule, ignored subpoenas, dog food companies; memos to CGB re status; update Case Status List; additional e-mails with Clerk of Court; t/c to Johnny Godley re subpoenaed documents; t/c w/Miss Lou at Blocker Auction re subpoenaed documents; memo to CGB re status; t/c w/Jim Judy re additional subpoenas; update Case Status List for Judy; memo to CGB re details of t/c w/Jim;	ARCH
20071341.00	01/14/2010	19	A	1	85.00	0.50	0.50	42.50	PARALEGAL: Draft subpoena to Orangeburg Milling;	ARCH
20071341.00	01/14/2010	1	A	1	250.00	5.00	5.00	1250.00	Appearance in St. George to receive subpoenaed documents; conference with client;	ARCH
20071341.00	01/15/2010	19	A	1	85.00	0.30	0.30	25.50	Complete mailing from yesterday; revise subpoena;	ARCH
20071341.00	01/25/2010	19	A	1	85.00	0.90	0.90	76.50	PARALEGAL: Draft letter to Clerk filing Motion to Compel; prepare Motion Coversheet; request check; gather and assemble exhibits;	ARCH
20071341.00	01/25/2010	19	A	1	85.00	1.10	1.10	93.50	Contact Clerk re scheduling Motion to Compel, inform of case status; type Motion to Compel; T/M save FSA documents forwarded by Jake Kennedy;	ARCH
20071341.00	01/25/2010	1	A	1	250.00	1.00	1.00	250.00	Prepare Motion to Compel; telephone conference with attorney J. Kennedy re documents from Meherrin case, e-mail followup;	ARCH
20071341.00	01/26/2010	19	A	1	85.00	1.00	1.00	85.00	Complete mailing related to Motion to Compel; scan and save related documents; update pleadings file; create subfile; review, respond to e-mail from Scheduling Clerk; review e-mail from client; print and TM save insurance policy;	ARCH
20071341.00	01/28/2010	19	A	1	85.00	0.30	0.30	25.50	T/c w/client re Meherrin documents; memo to CGB; e-mail to J. Kennedy re same; update Case Status List; e-mail scheduling clerk to schedule hearing on	ARCH

Client	Trans Date	Timkr	It P	Tcode/ Task Code	Rate	Hours Worked	Hours to Bill	Amount		Ref #
Client ID 20071341.00 James T. Judy										
									motion to compel;	
20071341.00	02/01/2010	1	A	1	250.00	0.10	0.10	25.00	Review status of scheduling hearing on motion to compel;	ARCH
~~20071341.00~~	~~02/01/2010~~	~~1~~	~~A~~	~~1~~	~~250.00~~	~~0.25~~	~~0.25~~	~~62.50~~	~~Telephone conference with client re crop reports;~~	~~ARCH~~
20071341.00	02/02/2010	1	A	1	250.00	0.25	0.25	62.50	Follow up requests to attorney J. Kennedy;	ARCH
20071341.00	02/03/2010	19	A	1	85.00	0.10	0.10	8.50	E-mails to/from Scheduling Clerk, C. Ayer, re scheduling motion hearing;	ARCH
20071341.00	02/04/2010	19	A	1	85.00	0.30	0.30	25.50	Visit Dorchester County website for trial dates;	ARCH
20071341.00	02/04/2010	19	A	1	85.00	0.50	0.50	42.50	PARALEGAL: Draft Notice of Hearing; draft letter to defendants; draft letter to Clerk of Court;	ARCH
20071341.00	02/05/2010	19	A	1	85.00	0.10	0.10	8.50	Update Pleadings Index;	ARCH
20071341.00	02/11/2010	19	A	1	85.00	0.30	0.30	25.50	Update pleadings file;	ARCH
20071341.00	02/17/2010	19	A	1	85.00	0.70	0.70	59.50	T/c to client to remind him of Thursday's hearing; t/c w/client re subpoenaed documents; fax Godley, Blocker responses to client; type Order from today's hearing; review and respond to e-mails w/Clerk of Court;	ARCH
20071341.00	02/18/2010	1	A	1	250.00	4.00	4.00	1000.00	Appearance at motion to compel hearing; drafted Order;	ARCH
20071341.00	02/19/2010	19	A	1	85.00	0.70	0.70	59.50	Type letter to Judge Goodstein; complete mailing;	ARCH
20071341.00	02/23/2010	1	A	1	250.00	1.00	1.00	250.00	Receive and review discovery from Ronnie; telephone conference with client (today Ronnie claims to have fallen down BUM office stairs);	ARCH
20071341.00	02/25/2010	19	A	1	85.00	0.10	0.10	8.50	PARALEGAL: Draft letter to client enclosing discovery documents;	ARCH
20071341.00	02/25/2010	19	A	1	85.00	0.60	0.60	51.00	T/c w/Jim Judy; schedule meeting with C-3, C-4; t/c w/C-4, confer w/C-3; copy documents for mailing to client; complete mailing; create subfile;	ARCH
20071341.00	03/01/2010	19	A	1	85.00	0.80	0.80	52.31	PARALEGAL: Draft Subpoena to B. Dantzler; draft letter to B. Dantzler; revise;	ARCH
20071341.00	03/01/2010	19	A	1	85.00	0.30	0.30	25.50	Search for Dantzler,address, tax returns already produced; t/c w/client re tax returns;	ARCH
20071341.00	03/01/2010	1	A	1	250.00	0.25	0.25	48.08	Review and sign subpoena to tax preparer;	ARCH
20071341.00	03/02/2010	19	A	1	85.00	0.50	0.50	42.50	Review fax from client; t/c's with client; research file for Dempsey production;	ARCH
20071341.00	03/03/2010	19	A	1	85.00	0.30	0.30	25.50	Update discovery file; telephone conversation w/client re Ronnie; memo to CGB;	ARCH
20071341.00	03/04/2010	19	A	1	85.00	0.30	0.30	25.50	T/c to Dantzler re address; revise subpoena, cover letter; complete mailing; copy, scan, TM save;	ARCH
20071341.00	03/12/2010	19	A	1	85.00	0.30	0.30	19.62	PARALEGAL: Draft letter to Clerk enclosing Order to Compel for filing;	ARCH
20071341.00	03/16/2010	1	A	1	250.00	1.00	1.00	192.32	Work on trial prep; receive and review tax returns from accountant;	ARCH
20071341.00	03/17/2010	19	A	1	85.00	0.20	0.20	17.00	T/c to accountant B. Dantzler; update Case Status List;	ARCH
20071341.00	03/18/2010	19	A	1	85.00	1.20	1.20	102.00	Type Renewed Motion; type letter to Judge Goodstein; scan, copy, package, mail;	ARCH
20071341.00	03/18/2010	19	A	1	85.00	0.30	0.30	19.62	PARALEGAL: Draft letter to Clerk; draft letter to Defendants;	ARCH
20071341.00	03/18/2010	1	A	1	250.00	1.00	1.00	192.32	Prepared and transmitted Motion for Non-jury Trial;	ARCH
20071341.00	03/19/2010	7	A	1		0.50	0.50	0.00	Typed letter to Judys regarding hearing.	ARCH
20071341.00	03/22/2010	19	A	1	85.00	0.20	0.20	17.00	Check court roster for case status; confer w/CGB;	ARCH
20071341.00	03/22/2010	19	A	1	85.00	2.60	2.60	221.00	Trip to Dorchester County Court;	ARCH

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours Worked	Hours to Bill	Amount		Ref #
Client ID 20071341.00 James T. Judy										
20071341.00	03/23/2010	19	A	1	85.00	0.60	0.60	51.00	Complete scan, T/M save from Monday; review file; update Case Status List; update Pleadings file; t/c to client to schedule meeting w/CGB;	ARCH
20071341.00	03/23/2010	19	A	1	85.00	0.50	0.50	32.69	PARALEGAL: Review Meherrin documents for relevance to trial;	ARCH
20071341.00	03/24/2010	19	A	1	85.00	0.10	0.10	6.54	PARALEGAL: Contact J. Kennedy re 2005 USDA reports in Meherrin;	ARCH
20071341.00	03/24/2010	19	A	1	85.00	0.20	0.20	17.00	Copy tax returns for client;	ARCH
20071341.00	03/25/2010	19	A	1	85.00	0.30	0.30	25.50	Gather documents for meeting w/client; copy documents for meeting with client;	ARCH
20071341.00	03/25/2010	1	A	1	250.00	2.00	2.00	384.65	Conference with client to prepare for trial;	ARCH
20071341.00	03/26/2010	19	A	1	85.00	2.70	2.70	229.50	Go over faxed documents with Jim; notes for CGB; prepare trial subpoena for Utsey, Dantzler; revise cover letters; type additional letter to Utsey; copy docs, scan, e-mail same; t/c to attys with cases for trial prior to ours; type Motion for Continuance, letter to Judge Goodstein; revise documents; trial prep; copy exhibits;	ARCH
20071341.00	03/26/2010	19	A	1	85.00	1.00	1.00	65.39	PARALEGAL: Prepare trial subpoenas to Utsey, Dantzler; t/c to B. Dantzler re trial details; draft letter to Clerk of Court; prepare Motion Coversheet;	ARCH
20071341.00	03/26/2010	1	A	1	250.00	4.75	4.75	913.54	Trial preparation;	ARCH
20071341.00	03/29/2010	19	A	1	85.00	1.60	1.60	136.00	Copy trial exhibits; find Judgment in corn crop case; review fax from Judge Dickson; t/c to CGB re same; review e-mail from witness Utsey; respond to same;	ARCH
20071341.00	03/29/2010	1	A	1	250.00	6.25	6.25	1202.02	Appearance with client at motion hearing in St. George; preparation of proposed Order of Reference;	ARCH
20071341.00	03/30/2010	19	A	1	85.00	0.20	0.20	13.08	PARALEGAL: Schedule trial with Judge Watts - e-mail to Gail Evans; t/c w/ same;	ARCH
20071341.00	03/30/2010	19	A	1	85.00	1.10	1.10	93.50	Type Order; type cover letter; revise same; copy, scan, TM save; complete mailing;	ARCH
20071341.00	03/30/2010	1	A	1	250.00	1.00	1.00	192.32	Research Rules of Professional Conduct; edited Order; letter to court;	ARCH
20071341.00	03/31/2010	19	A	1	85.00	0.10	0.10	8.50	Continue work on scheduling trial with Master; t/c w/client;	ARCH
20071341.00	04/01/2010	19	A	1	85.00	0.60	0.60	51.00	PARALEGAL: Draft letter to Judge Dickson enclosing hard copy of Order;	ARCH
20071341.00	04/02/2010	19	A	1	85.00	0.10	0.10	8.50	Scan and e-mail ltr to Judge Dickson to C. Ayer;	ARCH
20071341.00	04/09/2010	19	A	1	85.00	0.10	0.10	8.50	Update pleadings index, file;	ARCH
20071341.00	04/12/2010	19	A	1	85.00	0.10	0.10	8.50	E-mail to G. Evans re August trial date;	ARCH
20071341.00	04/14/2010	19	A	1	85.00	0.40	0.40	34.00	Telephone conference with Chellis' office; e-mail to same; phone call with J. Chellis re CD; memo to CGB; arrange for Pro Copy to fix problem; e-mail to J. Chellis;	ARCH
20071341.00	04/19/2010	19	A	1	85.00	0.30	0.30	25.50	PARALEGAL: Draft letter to clerk filing Order of Reference;	ARCH
20071341.00	04/19/2010	19	A	1	85.00	0.10	0.10	8.50	Telephone call to client re Order receipt;	ARCH
20071341.00	04/20/2010	19	A	1	85.00	0.10	0.10	8.50	Reply e-mail to Clerk;	ARCH
20071341.00	04/26/2010	19	A	1	85.00	0.60	0.60	51.00	Complete mailing re Trial Notice; update Pleadings file; arrange court reporter for trial;	ARCH
20071341.00	04/26/2010	19	A	1	85.00	0.50	0.50	42.50	PARALEGAL: Draft Notice of Trial; draft letter to Clerk; draft letter to defendants;	ARCH
20071341.00	04/27/2010	19	A	1	85.00	0.20	0.20	17.00	PARALEGAL: Prepare Amended Notice of Trial; draft cover letters to defendants, court clerk;	ARCH

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours Worked	Hours to Bill	Amount		Ref #
Client ID 20071341.00 James T. Judy										
20071341.00	04/28/2010	19	A	1	85.00	0.30	0.30	25.50	PARALEGAL: Continue drafting cover letters to Clerk, defendants, re Amended Trial Notice;	ARCH
20071341.00	04/28/2010	19	A	1	85.00	0.20	0.20	17.00	Complete mailing to Clerk, defendants, clients;	ARCH
20071341.00	04/29/2010	19	A	1	85.00	0.40	0.40	34.00	PARALEGAL: Draft letter to defendants enclosing clocked Order of Reference;	ARCH
20071341.00	04/29/2010	19	A	1	85.00	0.20	0.20	17.00	Update file, Pleadings Index;	ARCH
20071341.00	04/30/2010	19	A	1	85.00	0.20	0.20	17.00	PARALEGAL: E-mail to Master's office re filing Motion to Compel, hearing scheduling;	ARCH
20071341.00	05/03/2010	19	A	1	85.00	0.20	0.20	17.00	Telephone call with Judge Watt's assistant re scheduling hearing;	ARCH
20071341.00	05/04/2010	19	A	1	85.00	0.20	0.20	17.00	Update Pleadings Index, file;	ARCH
20071341.00	05/04/2010	19	A	1	85.00	0.20	0.20	17.00	PARALEGAL: Draft Motion to Compel, Sanctions, Notice of Hearing;	ARCH
20071341.00	05/05/2010	19	A	1	85.00	0.10	0.10	8.50	Locate additional map; t/c to J. Mann's office;	ARCH
20071341.00	05/05/2010	19	A	1	85.00	0.80	0.80	68.00	PARALEGAL: Work on drafting Motion to Compel;	ARCH
20071341.00	05/19/2010	19	A	1	85.00	0.60	0.60	51.00	PARALEGAL: Revise Amended Notice of Hearing; draft cover letter to defendants enclosing same;	ARCH
20071341.00	05/26/2010	19	A	1	85.00	0.30	0.30	25.50	Complete mailing of Motion, letter to Clerk, letters to defendants, clients;	ARCH
20071341.00	05/27/2010	19	A	1	85.00	1.50	1.50	127.50	Research filing fee check status; complete mailing to Clerk; gather exhibits to Motion; type letter to defendants; complete mailing to all; update pleadings file;	ARCH
20071341.00	07/12/2010	19	A	1	85.00	0.70	0.70	59.50	Type Order; type cover letter to Judge Watts; complete mailings;	ARCH
20071341.00	07/12/2010	1	A	1	250.00	4.00	4.00	1000.00	Appearance with client at motion to compel;	ARCH
20071341.00	07/13/2010	19	A	1	85.00	0.30	0.30	25.50	PARALEGAL: T/c w/client re subpoenas; prepare subpoenas;	ARCH
20071341.00	07/14/2010	19	A	1	85.00	0.60	0.60	51.00	PARALEGAL: Work on Blanchard subpoena and exhibit; draft cover letter to same;	ARCH
20071341.00	07/21/2010	19	A	1	85.00	0.80	0.80	68.00	PARALEGAL: Meet with R. Judy; copy proffered documents; draft receipt for Ronnie Judy's documents;	ARCH
20071341.00	07/22/2010	19	A	1	85.00	0.40	0.40	34.00	PARALEGAL: Draft letter to parties enclosing Order Compelling Production of Documents;	ARCH
20071341.00	07/22/2010	19	A	1	85.00	0.50	0.50	42.50	Review Sheriff's Incident Report; t/c w/CGB re same; t/c w/Jim Judy re same; fax Ronnie Judy's documents to Jim;	ARCH
20071341.00	07/27/2010	19	A	1	85.00	1.20	1.20	102.00	PARALEGAL: Prepare Subpoenas DT to Utsey, accountant; draft cover letters for same; t/c to client re serving subpoenas; complete mailings;	ARCH
20071341.00	08/03/2010	19	A	1	85.00	0.50	0.50	42.50	PARALEGAL: Trial prep - Plaintiff's Exhibit (index); copy and label exhibits; put together notebooks;	ARCH
20071341.00	08/03/2010	1	A	1	250.00	1.00	1.00	250.00	Trial Prep	ARCH
20071341.00	08/04/2010	19	A	1	85.00	1.70	1.70	144.50	Type brief; type letter to Judge Watts; revise Pretrial Brief; complete mailings;	ARCH
20071341.00	08/04/2010	19	A	1	85.00	4.50	4.50	382.50	PARALEGAL: Prepare trial exhibit notebooks; revise Exhibit List document;	ARCH
20071341.00	08/04/2010	1	A	1	250.00	2.00	2.00	500.00	Trial preparation; finalized trial brief; letters to court for filing.	ARCH
20071341.00	08/05/2010	19	A	1	85.00	1.70	1.70	144.50	PARALEGAL: Prepare Exhibit Notebooks;	ARCH
20071341.00	08/05/2010	1	A	1	250.00	0.50	0.50	125.00	Conference with client to review Exhibits.	ARCH
20071341.00	08/06/2010	1	A	1	250.00	2.00	2.00	500.00	Telephone conference with client; trial preparation.	ARCH

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours Worked	Hours to Bill	Amount		Ref #
Client ID 20071341.00 James T. Judy										
20071341.00	08/09/2010	19	A	1	85.00	0.10	0.10	8.50	PARALEGAL: Revise Exhibit Notebooks;	ARCH
20071341.00	08/09/2010	1	A	1	250.00	4.00	4.00	1000.00	Appearance in court with client; Ronnie was admitted to hospital; case continued.	ARCH
20071341.00	08/13/2010	6	A	1	85.00	0.40	0.40	34.00	Filing, updating exhibits index, memo to file	ARCH
20071341.00	08/13/2010	6	A	1	85.00			0.00		ARCH
20071341.00	08/13/2010	6	A	1	85.00	0.20	0.20	17.00	Prepare email to CGB regarding call from client.	ARCH
20071341.00	08/17/2010	6	A	1	85.00	1.80	1.80	153.00	Scan and save documents received from Todd Judy on 8/11/10 regarding Rollin Trailers Purchase Agreement and Blanchard Machinery Company Security Agreement. Create new file and file documents received from Todd Judy. Review of file	ARCH
20071341.00	08/20/2010	6	A	1	85.00	0.10	0.10	8.50	Phone call from client. Phone call to Patrick Watts re: rescheduling of hearing. Had to leave a message. Email to CGB regarding client call and update status.	ARCH
20071341.00	08/20/2010	6	A	1	85.00	0.30	0.30	25.50	Telephone call from Gail in Judge Watts office regarding the re-scheduling of tho 2 day trial. Update case status. Talk with CGBIII regarding same.	ARCH
20071341.00	08/20/2010	6	A	1	85.00	0.20	0.20	17.00	filing and docketing new discovery	ARCH
20071341.00	08/23/2010	6	A	1	85.00	0.10	0.10	8.50	Receipt and saving of emaill correspondence from client.	ARCH
20071341.00	08/24/2010	6	A	1	85.00	0.50	0.50	42.50	Call from Jim Judy. Call to Gail in Judge Watts to confirm Nov. 29 and 30 hearing dates. She will call me back after speaking with Judge. Calendaring events on schedule. Additional call from Jim Judy.	ARCH
20071341.00	08/26/2010	6	A	1	85.00	0.20	0.20	17.00	Call from Gail in Patrick Watts Office (Master in Equity). Confirmed Re-scheduling of hearing for Nov. 28 & 29 at 10 am in Dorchester Co. The Judge will be sending out another Scheduling Order.	ARCH
20071341.00	08/31/2010	6	A	1	85.00	1.00	1.00	85.00	Transcribe letter to Watts and clients. Check request.	ARCH
20071341.00	09/01/2010	6	A	1	85.00	0.90	0.90	76.50	Print, make copies and mail letter to all parties. Send letter with check to Judge Watts. File and update pleadings index, new pleadings folder	ARCH
20071341.00	09/15/2010	6	A	1	85.00	0.40	0.40	34.00	EMail to client copy of Final Order Updated file as to email address of client	ARCH
20071341.00	10/14/2010	6	A	1	85.00	0.50	0.50	42.50	Discuss all Judy cases with CGB. RElocated some Judy documents that were, misfiled.	ARCH
20071341.00	10/25/2010	1	A	1	250.00	0.50	0.50	125.00	Receipt and review of Order from Judge Watts. Telephone conference with Judge's office. Telephone conference with Jimmy.	ARCH
20071341.00	10/26/2010	1	A	1	250.00	0.25	0.25	62.50	Telephone conference with Judge Watts regarding his recusal.	ARCH
20071341.00	10/27/2010	1	A	1	250.00	0.25	0.25	62.50	Telephone conference with client regarding options on Judge Watts' recusal.	ARCH
20071341.00	01/13/2011	6	A	1	85.00	0.80	0.80	68.00	Transcribe Motion of Plaintiff's for Appointment of Substitute Referee. Prepare letter to defendants enclosing same.	ARCH

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours Worked	Hours to Bill	Amount		Ref #
Client ID 20071341.00 James T. Judy										
20071341.00	01/14/2011	6	A	1	85.00	2.60	2.60	221.00	Prepare letter to Clerk enclosing same. Motion Cover Sheet. Finalize Motion for Appointment of Substitute Referee. Copy and mail out. Transcribe letter to client enclosing billing statements.	ARCH
20071341.00	03/22/2011	1	A	1	250.00	4.50	4.50	912.92	Appearance at hearing in St. George on Motion for Appointment of Special Referee.	ARCH
20071341.00	03/23/2011	6	A	1	85.00	0.90	0.90	62.08	Paralegal: Prepare Order of Reference. Letter to Judge Dickson regarding same. Telephone call to law clerk for Judge Dickson to obtain email address.	ARCH
20071341.00	04/15/2011	1	A	1	250.00			25.00	adjust balance	ARCH
20071341.00	04/18/2011	6	A	1	85.00	0.80	0.80	68.00	Transcribe letter to Judge Dickson.	ARCH
20071341.00	04/18/2011	1	A	1	250.00	0.25	0.25	62.50	Letter to Judge Dison re: appointment of special referee.	ARCH
20071341.00	04/28/2011	6	A	1	85.00	1.00	1.00	85.00	Letter to Judge Dickson conveying Order of Referral to Special Referee.	ARCH
20071341.00	05/02/2011	1	A	1	250.00	0.25	0.25	62.50	Telephone conference with client regarding appointment of special referee.	ARCH
20071341.00	05/10/2011	6	A	1	85.00	1.10	1.10	93.50	Transcribe letter to Judge Banks. Prepare letter to Clerk. Copy, scan, save and mail to clients and defendants.	ARCH
20071341.00	06/09/2011	6	A	1	85.00	0.60	0.60	51.00	Follow-up call to Judge Banks regarding mediation dates. Go over mediation dates with CGBIII.	ARCH
20071341.00	06/09/2011	1	A	1	250.00	0.25	0.25	62.50	Telephone conference with client regarding available trial dates.	ARCH
20071341.00	06/28/2011	6	A	1	85.00	0.60	0.60	51.00	Telephone call to client regarding August hearing dates. Return call from client regarding Bobby's availability on August hearing dates. Conference with CGBIII regarding same. Telephone call to B. Dantzler regarding hearing dates no answer.	ARCH
20071341.00	06/29/2011	6	A	1	85.00	0.30	0.30	25.50	PARALEGAL: Telephone call to Barbara Dantzler to discuss availability on July 18 and 19 for hearing in front of Judge Banks	ARCH
20071341.00	06/29/2011	6	A	1	85.00	1.30	1.30	110.50	Prepare letters to witnesses conveying subpoenas. Prepare Subpoena for witnesses. Prepare letter to Jimmy regarding same. Prepare Second Amended Notice of Trial. Prepare letter to Defendants regarding same.	ARCH
20071341.00	06/29/2011	1	A	1	250.00	2.00	2.00	500.00	Work on trial preparation; Teleconference with client; Prepare subpoenas, etc.	ARCH
20071341.00	06/30/2011	6	A	1	85.00	0.50	0.50	42.50	Prepare letters and Subpoenas to Holly Hill Farm Supply and Meherrin.	ARCH
20071341.00	07/01/2011	6	A	1	85.00	5.40	5.40	459.00	Finalize Subpoenas and Notice of Trial. Telephone call to Jimmy.	ARCH
20071341.00	07/06/2011	6	A	1	85.00	0.20	0.20	17.00	Telephone call with J. Judy regarding addition witness to subpoena: Dempsey Wood. E-mail to CGBIII regarding same.	ARCH
20071341.00	07/11/2011	6	A	1	85.00	1.40	1.40	119.00	PARALEGAL: Contact court reporter and witnesses regarding hearing on July 18.	ARCH
20071341.00	07/11/2011	1	A	1	250.00	1.00	1.00	250.00	Telephone conference with Judge Banks and Ronnie.	ARCH

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours Worked	Hours to Bill	Amount		Ref #
Client ID 20071341.00 James T. Judy										
20071341.00	07/14/2011	1	A	1	250.00	4.00	4.00	1000.00	Work on trial preparation.	ARCH
20071341.00	07/15/2011	6	A	1	85.00	2.00	2.00	170.00	Prepare Time Line for Trial.	ARCH
20071341.00	07/15/2011	1	A	1	250.00	7.00	7.00	1750.00	Trial preparation.	ARCH
20071341.00	07/17/2011	1	A	1	250.00	3.50	3.50	875.00	Prepare for trial.	ARCH
20071341.00	07/18/2011	1	A	1	250.00	11.75	11.75	2937.50	Trial in St. Matthews.	ARCH
20071341.00	07/19/2011	6	A	1	85.00	1.10	1.10	93.50	Prepare letter to Judge Banks.	ARCH
20071341.00	07/20/2011	6	A	1	85.00	1.50	1.50	127.50	Type up demonstrative exhibits to be sent to Judge Banks and Respondents.	ARCH
20071341.00	08/05/2011	6	A	1	85.00	0.10	0.10	8.50	Transcribe letter to client re: August billing statement.	ARCH
20071341.00	08/05/2011	1	A	1	250.00	1.00	1.00	116.67	Receipt and review letter from Judge; Telephone conference with client.	ARCH
20071341.00	08/17/2011	1	A	1	250.00	2.00	2.00	233.33	Begin preparation of Order.	ARCH
20071341.00	08/18/2011	6	A	1	85.00	1.30	1.30	110.50	Transcribe Order for fraudulent conveyances.	ARCH
20071341.00	08/18/2011	1	A	1	250.00	2.00	2.00	233.33	Work on drafting order.	ARCH
20071341.00	08/19/2011	6	A	1	85.00	1.50	1.50	127.50	Continued transcription of Order on fraudulent conveyances.	ARCH
20071341.00	08/19/2011	1	A	1	250.00	2.00	2.00	233.33	Work on drafting order.	ARCH
20071341.00	08/22/2011	1	A	1	250.00	2.00	2.00	233.33	Continued drafting of order.	ARCH
20071341.00	08/30/2011	6	A	1	85.00	2.00	2.00	170.00	Transcribe additions to Order	ARCH
20071341.00	08/30/2011	1	A	1	250.00	1.25	1.25	145.83	Work on proposed order.	ARCH
20071341.00	08/31/2011	1	A	1	250.00	1.00	1.00	116.68	Work on proposed order.	ARCH
20071341.00	09/07/2011	6	P	1	85.00	3.10	3.10	263.50	Continued transcription of proposed order. Continued edits to proposed order.	253
20071341.00	09/15/2011	6	P	1	85.00	1.50	1.50	127.50	Continued edits to proposed order.	254
Total for Client ID 20071341.00					Billable	212.60	210.60	38465.50	James T Judy	
					Non-billable	62.20	62.20	5386.00	Judy Ronnie B Todd	
					Total	274.80	272.80	43851.50		

GRAND TOTALS

Billable	212.60	210.60	38465.50
Non-billable	62.20	62.20	5386.00
Total	274.80	272.80	43851.50

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Amount		Ref #
Client ID 20071341.00 James T. Judy								
20071341.00	09/26/2007	1	A	61		150.00	Filing Fee Dorchester County Clerk - Court of Common Pleas	ARCH
20071341.00	09/28/2007	1	A	2		45.00	Dorchester County Sheriff's Department - Service of Process	ARCH
20071341.00	09/11/2008	1	A	61		30.00	Dorchester County Sheriff's Department - Service of Process	ARCH
20071341.00	10/10/2008	1	A	2		473.50	A. William Roberts, Jr. & Associates	ARCH
20071341.00	11/24/2008	1	A	2		379.00	A. William Roberts, Jr. & Associates	ARCH
20071341.00	12/16/2008	1	A	61		25.00	Clerk of Court Dorchester County - Motion filing fee - summary judgment	ARCH
20071341.00	12/16/2008	1	A	61		25.00	Clerk of Court Dorchester County - Motion filing fee to strike and reference	ARCH
20071341.00	01/07/2009	1	A	2		25.00	The Citizens Bank - Copies of bank records	ARCH
20071341.00	01/26/2009	1	A	2		75.00	Orangeburg Stock Yards, Inc. (expense to obtain records on the extended Judy Family)	ARCH
20071341.00	03/11/2009	1	A	61		25.00	Motion Filing Fee Clerk of Court Dorchester County	ARCH
20071341.00	07/14/2009	1	A	61		30.00	Dorchester County Sheriff - Service of process	ARCH
20071341.00	08/13/2009	1	A	2		28.90	West Law Charges	ARCH
20071341.00	09/16/2009	1	A	61		30.00	Service of Process - Dorchester County Sheriff	ARCH
20071341.00	10/14/2009	1	A	61		191.75	A. William Roberts, Jr. & Associates	ARCH
20071341.00	10/29/2009	1	A	61		231.70	A. William Roberts, Jr. & Associates	ARCH
20071341.00	01/25/2010	1	A	99		25.00	Clerk of Court Dorchester County - Motion Filing Fee	ARCH
20071341.00	01/26/2010	1	A	99		100.00	Godley Auction Company	ARCH
20071341.00	03/18/2010	1	A	99		25.00	Clerk of Court Dorchester County - motion filing fee	ARCH
20071341.00	03/22/2010	1	A	99		25.00	Clerk of Court Dorchester County - Motion Filing Fee	ARCH
20071341.00	03/26/2010	1	A	99		27.02	William Utsey, Pres. of Citizens Bank - Trial Witness Fee	ARCH
20071341.00	03/26/2010	1	A	99		27.02	Barbara Dantzler - Trial Witness Fee	ARCH
20071341.00	03/26/2010	1	A	99		25.00	Clerk of Court Dorchester County - Motion Filing Fee	ARCH
20071341.00	04/06/2010	1	A	61		-25.00	Filing Fee credit for voided check	ARCH
20071341.00	05/19/2010	1	A	99		25.00	Clerk of Court Dorchester County - Motion filing fee	ARCH
20071341.00	07/08/2010	1	A	99		708.15	A. William Roberts, Jr. & Associates	ARCH
20071341.00	07/27/2010	1	A	99	2.000	27.02	Barbara Dantzler	ARCH
20071341.00	07/27/2010	1	A	99	2.000	27.02	William Utsey	ARCH
20071341.00	08/09/2010	1	A	55		6.48	West Law Charges	ARCH
20071341.00	08/16/2010	1	A	99		105.00	A. William Roberts, Jr. & Associates	ARCH
20071341.00	08/31/2010	1	A	99		100.00	Patrick R. Watts, Master in Equity	ARCH
20071341.00	11/02/2010	1	A	99		2683.15	record refund of overpayment	ARCH
20071341.00	01/14/2011	1	A	99		25.00	Clerk of Court Dorchester County - filing fee for Motion for Appointment of Sub. Referee	ARCH
20071341.00	07/01/2011	1	A	99		45.91	Barbara Dantzler - witness fee & mileage	ARCH
20071341.00	07/01/2011	1	A	99		45.91	William Utsey - Witness fee and mileage	ARCH
20071341.00	07/01/2011	1	A	99		41.68	David V. Cantley - Witness fee & mileage	ARCH
20071341.00	07/01/2011	1	A	99		41.68	Frank West - Witness fee and mileage	ARCH
20071341.00	07/15/2011	1	A	99		97.60	ProCopy, Inc.	ARCH

Total for Client ID 20071341.00 Billable 5973.49 James T. Judy
Judy, Ronnie Est. Total

GRAND TOTALS

Billable 5973.49

Detail Payment Transaction File List

Barr, Unger & McIntosh, LLC

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Stmt # Rate	Amount		Ref #
Client ID 20071341.00 James T. Judy								
20071341.00	10/15/2007		A	62		3114.50	Payment Received ~~-Judy~~	ARCH
20071341.00	12/14/2007		A	62		184.50	Payment Received ~~-Judy~~	ARCH
20071341.00	02/19/2008		A	62		125.00	Payment Received ~~-Judy~~	ARCH
20071341.00	10/14/2008		A	62		1962.50	Payment Received ~~-Judy~~	ARCH
20071341.00	11/14/2008		A	62		2639.50	Payment Received ~~-Judy~~	ARCH
20071341.00	04/15/2009		A	62		5000.00	Payment Received ~~-Judy~~	ARCH
20071341.00	05/20/2009		A	62		1625.00	Payment Received ~~-Judy~~	ARCH
20071341.00	07/29/2009		A	62		170.00	Payment Received ~~-Judy~~	ARCH
20071341.00	08/31/2009		A	62		1174.50	Payment Received ~~-Judy~~	ARCH
20071341.00	11/24/2009		A	62		2337.35	Payment Received ~~-Judy~~	ARCH
20071341.00	02/08/2010		A	62		2470.50	Payment Received ~~-Judy~~	ARCH
20071341.00	03/17/2010		A	62		1426.00	Payment Received ~~-Judy~~	ARCH
20071341.00	04/14/2010		A	62		3463.54	Payment Received ~~-Judy~~	ARCH
20071341.00	06/01/2010		A	62		187.50	Payment Received ~~-Judy~~	ARCH
20071341.00	06/18/2010		A	62		161.00	Payment Received ~~-Judy~~	ARCH
20071341.00	08/10/2010		A	62		1200.00	Payment Received ~~-Received cash from Judy~~	ARCH
20071341.00	08/20/2010		A	62		1334.54	Payment Received ~~-Judy~~	ARCH
20071341.00	10/13/2010		A	62		2683.15	Payment Received ~~-Judy~~	ARCH
20071341.00	11/02/2010		A	62		2689.63	Payment Received ~~-Judy~~	ARCH
20071341.00	11/05/2010		A	62		0.00	Payment Received ~~-Judy~~	ARCH
20071341.00	11/05/2010		A	62		187.50	Payment Received ~~-Judy~~	ARCH
20071341.00	04/15/2011		A	62		972.98	Payment Received ~~-Judy~~	ARCH
20071341.00	08/08/2011		A	62	32	761.00	Payment Received ~~-Judy~~	ARCH
20071341.00	08/17/2011		A	62		7004.28	Payment Received ~~-Judy~~	ARCH
20071341.00	09/12/2011		P	62		1512.50	Payment Received ~~-Judy~~	29

Total for Client ID 20071341.00 James T. Judy Payments 44386.97 James T. Judy Judy Ronnie Todd

GRAND TOTALS

Payments 44386.97

Exh. 22

11.00

BK 1594PG233 FILED-RECORDED

STATE OF SOUTH CAROLINA

Title Not Examined

MAY 3 4 19 PM '96

County of Dorchester

LINDA [illegible]
MESNE CONVEYANCES
DORCHESTER COUNTY, SC

KNOW ALL MEN BY THESE PRESENTS, That, **I, James T. Judy,** (hereinafter whether singular or plural the "Grantor") in the State aforesaid, for and in consideration of the sum of **Five Dollars ($5.00) Love and Affection for my Son and Daughter** to the Grantor paid by **James T. Judy, Jr. and Tracie Hendrix,** (hereinafter whether singular or plural the "Grantee") has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said Grantee the following described property:

My one-half (1/2) interest in all that certain piece, parcel or tract of land containing Eighty-five and one-tenth (85.1) acres, more or less, situate, lying and being in Koger Township, School District No.1, County of Dorchester, State of South Carolina, and bounding and measuring now or formerly as follows: On the Northeast by lands of Risher and measuring thereon 732.19 feet; on the Southeast by lands of Appleby and measuring thereon 5007.65 feet, more or less; on the Southwest by the Edisto River; on the Northwest by a 97.5 acre tract being conveyed by Tina H. Kennerty to Thomas Conyer Kennerty; and measuring thereon 5130 feet; said tract of land is designated as an 85.1 acre tract on the plat hereinafter referred to.

The above described parcels of real estate are more fully delineated on a sketch showing property of Mrs. Tina H. Kennerty and Thomas Conyer Kennerty, and divided into three (3) parts for a total of 195 acres, dated July 14, 1972, by C.C. Chewing, R.L.S., and recorded in the Office of the RMC for Dorchester County in Plat Book 20, at Page 201.

This being the same parcel of land conveyed to James T. Judy and Bobby Judy by deed of W. Ryan Hovis, Trustee of the Estate of Robert S. McKenzie dated May 2, 1994 and is recorded in the Office of the RMC for Dorchester County in Deed Book 1322 at Page 238.

TMS # 077-00-00-002

ALSO:

My one-half (1/2) interest in all that certain piece, parcel or tract of land situate, lying

Ret: Gene Dukes, Atty.
St. George, S.C.
29477

DEFENDANT'S EXHIBIT
1
7/18/14

PENGAD 800-631-6989

and being in Koger Township, Dorchester County, State of South Carolina, measuring and containing 259 acres, more or less, and bounded On the North by a portion of the property of the Estate of D.W. Heaton, deceased; On the East by lands of Appleby; On the South by Edisto River; and On the West by lands of Appleby, as in and by reference being had to a plat of the estate lands of D.W. Heaton, deceased, made of F.A. Moorer, Surveyor, dated November, 1911, on file in the Office of the RMC for Dorchester County, will more fully show.

The tract of land above described is known as Tract No. 1 in the division of the estate lands of D.W. Heaton, deceased; and the above interest was conveyed to James T. Judy by deed of Ronnie F. Judy dated October 17, 1979 and has been recorded in the Dorchester County RMC Office in Deed Book 442 at Page 264.

TMS # 077-00-00-002

ALSO

My one-half (1/2) interest in all that certain piece, parcel, or lot of land situate, lying and being in School District No.4, County of Dorchester, State of South Carolina, measuring and containing Four (4) acres, more or less, butting and bounding now or formerly as follows, to-wit: on the Northeast by County Road, S-18-19, also known as Wire Road; on the Southeast by lands of Jeffrey A. Kohel and Vicki A. Oliver; on the Southwest by a tract of land known as Tract "1" being conveyed to Andrew Akehurst; and on the Northwest by a tract of land known as Tract "1" being conveyed to Andrew Akehurst.

This property is more fully delineated on a plat entitled " Plat prepared for James T. Judy and Bobby Judy located South of Reevesville, Dorchester County, S.C." dated February 27, 1995 and compiled by Richard J. Rhode S.C.L.S. No. 11366.

The above interest was conveyed to James T. Judy by deed of the Estate of Robert S. McKenzie recorded May 10, 1994 in Deed Book 1322 at Page 238.

TMS No. 087-00-00-055

ALSO:

My one-half (1/2) interest of all that certain piece, parcel or tract of land, situate, lying and being in Givhans Township, Dorchester County, State of South Carolina, containing Seventy-Five (75) acres, more or less, being about four miles South of the Town of Pregnall and having such shape, metes, curses, and distances as will more

fully appear by reference to a plat thereof made by F.A. Moorer, Surveyor, on November 24, 1922, and being bounded on the North by lands of G.W. Rumph; on the East by lands of J.J. Rumph; on the South by lands of J.J. Rumph; on the West by lands of C.T. Rumph.

This interest was conveyed to James T. Judy by deed of Vesta J. Brown Rumph dated October 27, 1982 and recorded in the RMC Office for Dorchester County in Deed Book 475 at Page 323.

TMS # 104-00-00-001

ALSO:

My one-half (1/2) interest in all that certain piece, parcel or tract of land, situate, lying and being in Givhans Township, in the County of Dorchester, and State of South Carolina, measuring and containing One Hundred (100) acres, butting and bounding to the North by the Old Charleston and Augusta Road, called the "Wire Road"; on the East by lands now or formerly of C.T. Rumph; on the South by lands of W. Horne, formerly Dorchester Lumber Company; and West by other lands of C.C. Rumph, as shown on the plat made by Harry L. Rumph, by F.A. Moorer, Surveyor, dated June 18, 1947.

This interest was conveyed to James T. Judy be deed of Vesta J. Brown Rumph dated October 27, 1982 and has been recorded in the Office of the RMC for Dorchester County in Deed Book 475 at Page 323.

TMS# 104-00-00-001

ALSO:

All my right, title, and interest into that certain piece, parcel, or tract of land with buildings and improvements thereon, measuring and containing 143 acres, more or less, situate, lying and being in School District No. 4, County of Dorchester, State of South Carolina, and butting and bounding now or formerly as follows, to-wit: on the North by lands now or formerly of Georgia Pacific; on the East by lands of Charles Wesley Rumph and lands of O.E. and Aletha W. Floyd also lands of James T. Judy and Ronnie F. Judy; on the South and Southeast by lands of Southern Region Industrial Realty Incorporated; and on the West by lands now or formerly of Georgia Pacific. This one-half (1/2) interest was devised to James T. Judy by the Last Will and

Testament of Vesta J. Brown that is recorded in the Office of Probate Judge for Dorchester County in probate package 297A-19.

TMS# 104-00-00-001

ALSO:

My one-half (1/2) interest of all that certain piece parcel or tract of land situate lying and being in School District No. 4, County of Dorchester, State of South Carolina, measuring 10.9 acres more or less butting and bounding now or formerly as follows, to-wit: on the Northeast by lands now or formerly of Florrie Bell Flannigan; on the Southeast by lands now or formerly of Hezikiah Bryant; on the Southwest by lands now or formerly of Estate of Robert S. Gruber; and on the Northwest by lands now or formerly of Lee Haynes.

This one-half (1/2) interest was devised to James T. Judy by Last Will and Testament of Vesta J. Brown that is recorded in the Dorchester County Probate Judge in Probate Package 297A-19.

TMS# 103-00-00-020

Grantees' Address:

Tracie Hendrix	James T. Judy, Jr.
4716 Bayfield	128 Riverfront Drive
North Charleston, SC 29418	Reevesville, SC 29471

Together with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all singular the premises before mentioned unto the said Grantees, James T. Judy and Tracie Hendrix , their Heirs and Assigns forever,

And the Grantor does hereby bind himself, his Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Grantees and the Grantees' Heirs and Assigns, against the Grantor and the Grantor's Heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS the Hand and Seal of the Grantor this 3rd day of May in the year of our Lord one thousand nine hundred and ninety six and in the two hundredth and nineteenth year of the Sovereignty and Independence of the United States of America.

BK 1594PG237

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

WITNESS

JAMES T. JUDY (SEAL)

WITNESS OR NOTARY

STATE OF SOUTH CAROLINA)
) PROBATE
COUNTY OF DORCHESTER)

PERSONALLY appeared before me the undersigned witness and made oath that s/he saw the within named Grantor sign, seal and, as the Grantor's act and deed, deliver the within-written Deed for the uses and purpose therein mentioned and that s/he, with the other witness whose signature appears above witnessed the execution thereof.

SWORN to before me this 3rd day of May, 1996.

Witness

Notary Public of South Carolina
My Commission Expires: Aug. 6, 2000

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER
Filed for record this 3D day of MAY, 1996 at 4:19 P.M. and recorded in book 1594 page 233
LINDA T. MESSERVY
REGISTER OF MESNE CONVEYANCES

BK 2240PG184

FILED-RECORDED

Jul 20 12 14 PM '99

LINDA T. MESSERVY
REGISTER
MESNE CONVEYANCES
DORCHESTER COUNTY, SC

DORCHESTER COUNTY
SC Deed Rec Fee _____
Dor Co Deed Rec Fee _____
Filing Fee 12.00
Exemption # 1

LINDA T. MESSERVY
Register of Mesne Conveyances

STATE OF SOUTH CAROLINA
County of Dorchester

Taxes Not Examined

KNOW ALL MEN BY THESE PRESENTS, That, I, **James T. Judy, Jr. and Tracie Hendrix,** (hereinafter whether singular or plural the "Grantor") in the State aforesaid, for and in consideration of the sum of **Five Dollars ($5.00) Love and Affection for my father** to the Grantor paid by **James T. Judy** (hereinafter whether singular or plural the "Grantee") has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said Grantee the following described property:

Our one-half (1/2) interest in all that certain piece, parcel or tract of land containing Eighty-five and one-tenth (85.1) acres, more or less, situate, lying and being in Koger Township, School District No.1, County of Dorchester, State of South Carolina, and bounding and measuring now or formerly as follows: On the Northeast by lands of Risher and measuring thereon 732.19 feet; on the Southeast by lands of Appleby and measuring thereon 5007.65 feet, more or less; on the Southwest by the Edisto River; on the Northwest by a 97.5 acre tract being conveyed by Tina H. Kennerty to Thomas Conyer Kennerty; and measuring thereon 5130 feet; said tract of land is designated as an 85.1 acre tract on the plat hereinafter referred to.

The above described parcels of real estate are more fully delineated on a sketch showing property of Mrs. Tina H. Kennerty and Thomas Conyer Kennerty, and divided into three (3) parts for a total of 195 acres, dated July 14, 1972, by C.C. Chewing, R.L.S., and recorded in the Office of the RMC for Dorchester County in Plat Book 20, at Page 201.

This being the same parcel of land conveyed to James T. Judy, Jr. and Tracie Hendrix by deed of James T. Judy dated May 3, 1996 and is of record in the Office of RMC for Dorchester County in Book 1594 at page 233.

TMS # 077-00-00-002

After Recording Please Return To:
GENE W. DUKES
ATTORNEY AT LAW
P. O. BOX 622 • 100 RIDGE ST.
ST. GEORGE, SC 29477

DEFENDANT'S EXHIBIT
2
7/6/11

PENGAD 800-631-6989

ALSO:

Our one-half (1/2) interest in all that certain piece, parcel or tract of land situate, lying and being in Koger Township, Dorchester County, State of South Carolina, measuring and containing 259 acres, more or less, and bounded On the North by a portion of the property of the Estate of D.W. Heaton, deceased; On the East by lands of Appleby; On the South by Edisto River; and On the West by lands of Appleby, as in and by reference being had to a plat of the estate lands of D.W. Heaton, deceased, made of F.A. Moorer, Surveyor, dated November, 1911, on file in the Office of the RMC for Dorchester County, will more fully show.

The tract of land above described is known as Tract No. 1 in the division of the estate lands of D.W. Heaton, deceased.

This being the same parcel of land conveyed to James T. Judy, Jr. and Tracie Hendrix by deed of James T. Judy dated May 3, 1996 and is of record in the Office of RMC for Dorchester County in Book 1594 at page 233.

TMS # 077-00-00-002

ALSO:

Our one-half (1/2) interest of all that certain piece, parcel or tract of land, situate, lying and being in Givhans Township, Dorchester County, State of South Carolina, containing Seventy-Five (75) acres, more or less, being about four miles South of the Town of Pregnall and having such shape, metes, curses, and distances as will more fully appear by reference to a plat thereof made by F.A. Moorer, Surveyor, on November 24, 1922, and being bounded on the North by lands of G.W. Rumph; on the East by lands of J.J. Rumph; on the South by lands of J.J. Rumph; on the West by lands of C.T. Rumph.

This being the same parcel of land conveyed to James T. Judy, Jr. and Tracie Hendrix by deed of James T. Judy dated May 3, 1996 and is of record in the Office of RMC for Dorchester County in Book 1594 at page 233.
TMS # 104-00-00-001

ALSO:

Our one-half (1/2) interest in all that certain piece, parcel or tract of land, situate, lying and being in Givhans Township, in the County of Dorchester, and State of South Carolina, measuring and containing One Hundred (100) acres, butting and bounding to the North by the Old Charleston and Augusta Road, called the "Wire Road"; on the East by lands now or formerly of C.T. Rumph; on the South by lands of W. Home, formerly Dorchester Lumber Company; and West by other lands of C.C. Rumph, as shown on the plat made by Harry L. Rumph, by F.A. Moorer, Surveyor, dated June 18, 1947.

This being the same parcel of land conveyed to James T. Judy, Jr. and Tracie Hendrix by deed of James T. Judy dated May 3, 1996 and is of record in the Office of RMC for Dorchester County in Book 1594 at page 233.

TMS# 104-00-00-001

ALSO:

All Our right, title, and interest into that certain piece, parcel, or tract of land with buildings and improvements thereon, measuring and containing 143 acres, more or less, situate, lying and being in School District No. 4, County of Dorchester, State of South Carolina, and butting and bounding now or formerly as follows, to-wit: on the North by lands now or formerly of Georgia Pacific; on the East by lands of Charles Wesley Rumph and lands of O.E. and Aletha W. Floyd also lands of James T. Judy and Ronnie F. Judy; on the South and Southeast by lands of Southern Region Industrial Realty Incorporated; and on the West by lands now or formerly of Georgia Pacific.

This being the same parcel of land conveyed to James T. Judy, Jr. and Tracie Hendrix by deed of James T. Judy dated May 3, 1996 and is of record in the Office of RMC for Dorchester County in Book 1594 at page 233.

TMS# 104-00-00-001

ALSO:

Our one-half (1/2) interest of all that certain piece parcel or tract of land situate lying and being in School District No. 4, County of Dorchester, State of South Carolina, measuring 10.9 acres more or less butting and bounding now or formerly as follows, to-wit: on the Northeast by lands now or formerly of Florrie Bell Flannigan; on the Southeast by lands now or formerly of Hezikiah Bryant; on the Southwest by lands now or formerly of Estate of Robert S. Gruber; and on the Northwest by lands now or formerly of Lee Haynes.

This being the same parcel of land conveyed to James T. Judy, Jr. and Tracie Hendrix by deed of James T. Judy dated May 3, 1996 and is of record in the Office of RMC for Dorchester County in Book 1594 at page 233.

TMS# 103-00-00-020

Grantees' Address:
161 Riverfront Drive
Reevesville, SC 29471

Together with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all singular the premises before mentioned unto the said Grantee, James T. Judy, his Heirs and Assigns forever,

And the Grantor does hereby bind himself, his Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Grantees and the Grantees' Heirs and Assigns, against the Grantor and the Grantor's Heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)
)
IN THE MATTER OF VESTA RUMPH)

IN THE PROBATE COURT
CASE NUMBER 83ES18-00261

ORDER

BE IT REMEMBERED THAT this matter came before me on June 17, 2002. Based on testimony heard by this Court, the following are findings of fact.

1. The respondent, Ronnie Judy, owes his sons the sum of ~~$1500.00~~ 15,000 ~~00~~ 7500 ea
2. The respondent, Ronnie Judy, will maintain any valid ~~claim that~~ he reduced in favor of receipt of the proceeds of the sale.
3. The estate owns the subject property and the same subject property is to be distributed according to the will.
4. The counterclaim is denied based on Ronnie Judy's testimony that he and James Judy had a verbal agreement that nullifies the question.
5. That the August 20, 2001deed is invalid.

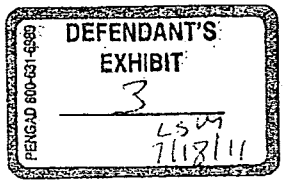
IT IS THEREFORE ORDERED ADJUDGED AND DECREED that

1. The respondent, Ronnie Judy owes his sons the sum of $15,000.00
2. Ronnie Judy will maintain any valid claim that he ~~reduced in favor~~ of receipt of the proceeds of the sale.
3. That the estate owns the subject property and that the same subject property is to be distributed according to the will.
4. The counterclaim is denied.
5. The August 20, 2001 deed is an invalid deed. ~~Other~~ transactions regarding the property are voided. The property may be deeded back into the estate or the February 12, 2001 deed may remain in place as the valid deed.

IT IS SO ORDERED.

July 29, 2002
St. George, SC

Tiffany Provence, Judge of Probate



2001 FEB 22 PM 3:28

Last Will and Testament

I, LEWIS BLEASE JUDY, a resident of and domiciled in the County of Dorchester, State of South Carolina, do hereby make, publish and declare this writing to be my Last Will and Testament, hereby expressly revoking any and all will or wills by me at any time heretofore made, as follows, to wit:

FIRST: I direct my Executor hereinafter named to pay all of my just debts as soon after my death as may be practicable.

SECOND: I give, devise and bequeath all of my property, both real and personal, of whatsoever nature and wheresoever situate, unto my son, Ronnie F. Judy, absolutely and in fee simple.

THIRD: In the event my son, Ronnie F. Judy, should predecease me or in the event we should die as the result of a common disaster, then, in that event, I give, devise and bequeath all of my property, both real and personal, unto James T. Judy as Trustee to be held by him as Trustee for and on behalf of the surviving children of my son, Ronnie F. Judy, and when all of said children attain the age of twenty-five (25) years of age, the assets, principal and all accumulated income is to be distributed to said children and the Trust herein created on behalf of said children of Ronnie F. Judy is terminated and ended. Further it is my intention that the Trustee shall have the right and privilege to invade the principal or corpus of the Trust, for and on behalf of said children, as it should become necessary for their general welfare and support.

FOURTH: By way of illustration and not by limitation and in addition to any inherent, implied or statutory powers granted to the Trustee generally, the Trustee is specifically authorized and empowered to: hold, receive, repair, improve, manage, lease, mortgage, sell, grant and convey the corpus of the Trust without the necessity of a court order.

FIFTH: I hereby nominate, constitute and appoint my son, Ronnie F. Judy, as Executor of this my Last Will and

DEFENDANT'S EXHIBIT 9 LSM 7/18/14
PENGAD 800-631-6989

Testament and direct that he be authorized to serve without the necessity of Bond.

I, Lewis Blease Judy, the Testator, sign my name to this instrument this 29th day of January, 1985, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undo influence.

Lewis Blease Judy (SEAL)
Lewis Blease Judy

WE, Effie J. Russell, Sonia L. Courtney and Bridgitte Vaneguy, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testator signs and executes this instrument on the 29th day of January, 1985, consisting of two (2) typewritten pages, as his Last Will and that he signs it willingly, and that each of us, in the presence and hearing of the Testator, hereby signs this Will as witness to the Testator's signing and that to the best of our knowledge the Testator is eighteen years or older, of sound mind and under no constraint or undo influence.

Effie J. Russell of Orangeburg, S.C.

Sonia L. Courtney of North, S.C.

Bridgitte Vaneguy of Orangeburg, S.C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

Subscribed, sworn to and acknowledged before me by Lewis Blease Judy, the Testator, and subscribed and sworn to me by Effie J. Russell, Sonia L. Courtney, and Bridgitte Vaneguy witnesses, this 29th day of January, 1985.

(SEAL) Michael P. Horger
Michael P. Horger, Notary Public
for the State of South Carolina

My Commission expires: 6-13-93

C2

Dorchester County Sheriff's Office
Ray Nash, Sheriff
100 Sears Street
St. George, South Carolina 29477

State of South Carolina
County Of Dorchester

Case Number: 95-CP-18-924

Plaintiff: LARRY MILLS
- VS -
Defendant: RONNIE JUDY

SATISFACTION OF JUDGEMENT

JUDGMENT entered upon the 22nd day of July, 1997, afterwards, to-wit: on the 12th day of December, 2008 come the said LARRY MILLS the Plaintiff above named, and acknowledge to have received of and from the said RONNIE JUDY full satisfaction of the debt and Damages, Costs, and Charges aforesaid:

THEREFORE, be the said Sheriff of Dorchester County therefrom henceforth forever discharged, and so forth.

JUDGEMENT INFORMATION:

Judgement Amount:	$9,449.00
Interest:	$4,546.72
Sheriffs Comm:	$578.77
Judgement Total:	$14,574.49
Amount Collected:	$14,574.49
Ending Balance:	$0.00

SATISFIED
12/29/2000
Ray Nash, Sheriff

Notary Statement

SWORN to before me on this the 12th day of December, 2008.

Peggy M Judy
Notary Public For The State of South Carolina

My Commission Expires 03/24/2009

Joyce Blake Weathers

DEFENDANT'S EXHIBIT
CO
7/8/14

PENGAD 800-631-6989

Exhibit 24

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

James T. Judy, Respondent,

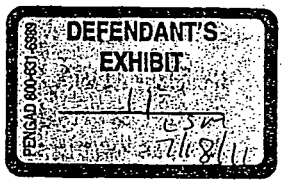
v.

Ronnie F. Judy, Appellant.

Appeal From Dorchester County
Roger M. Young, Circuit Court Judge

Opinion No. 4528
Heard March 5, 2009 – Filed April 8, 2009

AFFIRMED IN PART AND REVERSED IN PART



Glenn Walters, Sr., and R. Bentz Kirby, both of Orangeburg, for Appellant.

Capers G. Barr, III, of Charleston, for Respondent.

CURETON, A.J.: Ronnie F. Judy (Ronnie) appeals from the jury's verdict against him, arguing the circuit court erred in declining to dismiss the suit against him on the basis of laches, collateral estoppel, or res judicata, and in declining to permit him to amend his answer to include a defense of waiver. We affirm in part and reverse in part.

FACTS

In 1983, Vesta Rumph (Mrs. Rumph) died, leaving three parcels of real property to be distributed equally between brothers Ronnie and James T. Judy (James).[1] The three parcels included a 10.9-acre tract (10.9-acre Tract), a 9.29-acre tract on which stood the family homestead (Homestead Tract), and a 134.71-acre tract which included an eleven-acre manmade pond (Pond Tract). The property was not formally distributed between the men for many years. Pursuant to an oral agreement between the men, Ronnie took possession of the Homestead Tract and lived in the Rumph homestead, and James took possession of the other two tracts. From July 1983 until October 15, 2001, Ronnie served as personal representative of Mrs. Rumph's estate (Estate). In 1999, Ronnie deeded his half-interest in the tracts to J. Todd Judy.

On February 8, 2001, James filed suit in probate court seeking partition of the Estate's

property. On February 12, 2001, Ronnie executed a Deed of Distribution in his capacity as personal representative of the Estate granting ownership of the three tracts to himself and James as the heirs. However, because Ronnie disclaimed any interest in the property based on his 1999 transfer of his interest, he was dismissed from the suit in his personal capacity. [2]

In August 2001, on behalf of the Estate, Ronnie executed and recorded a deed purporting to convey full ownership of all three tracts to J. Todd Judy and Ryan C. Judy. Subsequently, James petitioned to have Ronnie removed as personal representative of the Estate. Ronnie was served with notice this petition would be heard on October 9, 2001. The day before this hearing, Ronnie executed an agreement on behalf of the Estate leasing twenty-five acres of the Pond Tract to a third party for fishing purposes for a period of ten years. On October 15, 2001, the probate court removed Ronnie as personal representative of the Estate and appointed James in his place.

In November 2001, J. Todd Judy and Ryan C. Judy recorded a deed purporting to convey title to the Homestead Tract to Wanda Judy. Later, James petitioned on behalf of the Estate to recover the property Ronnie had conveyed, including the Homestead Tract. The probate court found Ronnie's August 2001 deed was invalid, the subsequent conveyance to Wanda Judy was void, and the Estate owned all three tracts. Later, the probate court found the Estate validly conveyed ownership of the three tracts equally to Ronnie and James through the February 12, 2001, deed of distribution, and therefore, both men's signatures were required for a valid sale of the property.

In May 2003, someone operating a backhoe damaged the earthen dam supporting the eleven-acre manmade pond on the Pond Tract, and the pond drained completely. In November 2003, James again petitioned the probate court to partition the property and also to void the October 2001 fishing lease. On January 7, 2004, the probate court granted the relief sought, awarding ownership of the Pond Tract to James and the 10.9-acre and Homestead Tracts to Ronnie. In December 2005, James sold the Pond Tract for $1.28 million.

In November 2005, James filed a circuit court suit sounding in tort against Ronnie for the loss of the pond. Ronnie represented himself until near the eve of trial, when he finally retained counsel. Just before trial, Ronnie moved to dismiss for lack of subject matter jurisdiction, arguing James's suit was barred by laches, collateral estoppel, and res judicata, and moved to amend his answer to add the defense of waiver. The circuit court denied the motion to dismiss as to collateral estoppel and res judicata. The case proceeded to trial. Following presentation of the evidence, the circuit court permitted amendment of the answer to include laches but immediately found no evidence existed to support that defense. The circuit court also permitted amendment of the answer to include waiver. However, after argument, the circuit court declined to charge the jury on waiver. The jury returned a verdict in James's favor. The circuit court denied Ronnie's post-trial motions for judgment notwithstanding the verdict and for a new trial. This appeal followed.

STANDARD OF REVIEW

An action in tort for damages is an action at law. Longshore v. Saber Sec. Servs., Inc., 365 S.C. 554, 560, 619 S.E.2d 5, 9 (Ct. App. 2005). In an action at law, on appeal of a case tried by a jury, the jurisdiction of the appellate court extends merely to the correction of errors of law. Erickson v. Jones Street Publishers, L.L.C., 368 S.C. 444, 464, 629 S.E.2d 653, 663-

64 (2006).

LAW/ANALYSIS

Ronnie argues the circuit court erred in refusing to dismiss James's suit for waste on the bases of collateral estoppel, laches, and res judicata. We disagree as to collateral estoppel and laches. However, we agree as to res judicata.

I. Collateral Estoppel and Laches

Collateral estoppel, or issue preclusion, prohibits a court from adjudicating an issue that was "actually litigated and determined by a valid and final judgment" in a prior suit. Zurcher v. Bilton, 379 S.C. 132, 135, 666 S.E.2d 224, 226 (2008). Collateral estoppel applies to specific issues, regardless of whether the claims in the first and subsequent suits are the same. Id. It applies only if "the precluded party has had a full and fair opportunity to litigate the issue in the first action." Id.

"Under the doctrine of laches, if a party, knowing his rights, does not seasonably assert them, but by unreasonable delay causes his adversary to incur expenses or enter into obligations or otherwise detrimentally change his position, then equity will ordinarily refuse to enforce those rights." Chambers of S.C., Inc. v. County Council for Lee County, 315 S.C. 418, 421, 434 S.E.2d 279, 280 (1993). In determining whether laches bars a claim, the court has broad discretion and should consider the circumstances of the case, "including whether the delay has worked injury, prejudice, or disadvantage to the other party." Id., 434 S.E.2d at 281.

The circuit court did not abuse its discretion in refusing to dismiss James's suit for waste on the basis of collateral estoppel or laches. Collateral estoppel is inapplicable because the probate court did not adjudicate the issue of fault for destruction of the dam. See Zurcher, 379 S.C. at 135, 666 S.E.2d at 226. In addition, the circuit court's refusal to dismiss the waste suit on the basis of laches was within its broad discretion. James clearly knew during the pendency of the partition suit that the destruction of the dam and pond diminished the value of the Pond Tract. No evidence indicates in the nearly three years between the probate court's decision and the filing of the circuit court suit Ronnie detrimentally changed his position in reliance on James's decision not to pursue a claim for this loss in value. Ronnie testified he intended to appeal the probate court's order but lost his right to do so because his attorney delayed in filing a notice of appeal. The record does not reflect Ronnie would have demanded a determination of lost value had he known James would pursue this claim in a separate suit. To the contrary, Ronnie testified that, had the probate court determined he was responsible for the diminution in the Pond Tract's value, he "would have had to go to the bank and borrow money and walk off from the place." Adjudication of this claim by a different court in an entirely separate suit certainly is not judicially economical when the probate court could have disposed of it in the context of the partition suit. However, a tax on the judiciary does not equate to a detrimental change in position by a party. Accordingly, neither collateral estoppel nor laches bars James's suit for waste.

II. Res Judicata

When claims arising out of a particular transaction or occurrence are adjudicated, res judicata bars the parties to that suit from bringing subsequent actions on either the adjudicated issues or any issues that might have been raised in the first suit. Plott v. Justin Ent., 374 S.C. 504,

511, 649 S.E.2d 92, 95 (Ct. App. 2007). Res judicata requires proof of three elements: 1) a final, valid judgment was entered on the merits of the first suit; 2) the parties to both suits are the same; and 3) the subsequent action involves matters properly included in the first action. Id.

> [T]he rule precluding relitigation of issues which might have been raised in the prior action applies only where the two actions involve the same cause of action; but all questions which were actually litigated in the prior action and determined by the judgment are conclusive in any subsequent action between the parties, or their privies, regardless of whether the subsequent action involves the same or a different cause of action.

Lowe v. Clayton, 264 S.C. 75, 82, 212 S.E.2d 582, 585-86 (1975).

Whether res judicata precludes a claim because the first and subsequent suits involve the same cause of action is not merely a matter of aligning identical causes of action or theories of liability; rather, the subject matter of the two suits must be the same. Plum Creek Dev. Co. v. City of Conway, 334 S.C. 30, 35, 512 S.E.2d 106, 109 (1999). "The test utilized by this court for comparing two causes of action is to determine whether the primary right and duty and the delict or wrong are the same in both actions." Plum Creek Dev. Co. v. City of Conway, 328 S.C. 347, 350, 491 S.E.2d 692, 694 (Ct. App. 1997), aff'd as modified, 334 S.C. 30, 512 S.E.2d 106 (1999); see also Nunnery v. Brantley Constr. Co., Inc., 289 S.C. 205, 210, 345 S.E.2d 740, 743 (Ct. App. 1986).

> South Carolina courts use various tests in determining whether a claim should have been raised in a prior suit: 1) when there is identity of the subject matter in both cases; 2) where the cases involve the same primary right held by the plaintiff and one primary wrong committed by the defendant; 3) when there is the same evidence in both cases; and recently 4) when the claims arise out of the same transaction or occurrence.

334 S.C. at 35 n.3, 512 S.E.2d at 109 n.3 (citing James F. Flanagan, South Carolina Civil Procedure 649-650 (2d ed. 1996)). Seeking a different remedy in the second suit for the same wrong does not alter the identical nature of the subjects of the two actions. 334 S.C. at 35, 512 S.E.2d at 109. "[F]or purposes of res judicata, 'cause of action' is not the form of action in which a claim is asserted but, rather the 'cause for action, meaning the underlying facts combined with the law giving the party a right to a remedy of one form or another based thereon.'" Id. at 36, 512 S.E.2d at 109-110 (quoting 50 C.J.S. Judgment § 749 (1997)).

The circuit court erred in declining to dismiss James's suit for waste on the basis of res judicata because Ronnie satisfied all three required elements. The probate court's final, valid order adjudicating the partition suit satisfies the first element. Plott, 374 S.C. at 511, 649 S.E.2d at 95. Ronnie's and James's participation in the partition suit satisfies the second element, identity of the parties to both suits.[3] Id. The third element, identity of the subject matter of both suits, is also satisfied. Id.; see also Plum Creek, 334 S.C. at 35, 512 S.E.2d at 109. Certainly, the remedies sought in the partition and waste suits differed considerably, even in the nature of the relief sought. The probate court heard a petition for equitable relief, partition of jointly owned land. By contrast, the circuit court heard a tort suit for waste, a legal action. However, identity of the subject matter of the two suits rests not in their forms of action or the relief sought, but rather, in the combination of the facts and law that give rise to a claim for

relief. Plum Creek, 334 S.C. at 36, 512 S.E.2d at 109-110. Partition of ownership stripped Ronnie of his rights and duties related to the Pond Tract after the pond was lost. The waste suit settled the issue of fault for the loss of the pond. James's interest in the Pond Tract suffered when the earthen dam on that parcel of land failed under Ronnie's care. Both suits arose from this fact. Consequently, the circuit court erred in finding res judicata did not preclude the waste suit.

Ronnie also argues the circuit court erred in refusing to permit him to amend his answer to allege the defense of waiver. We do not reach this issue because our ruling on the applicability of res judicata disposes of this appeal. See Futch v. McAllister Towing of Georgetown, Inc., 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (ruling an appellate court need not review remaining issues when its determination of a prior issue is dispositive of the appeal).

CONCLUSION

As to the issue of whether the circuit court erred in denying Ronnie's motion to dismiss, we find neither collateral estoppel nor laches bars this action. Consequently, we affirm the circuit court's refusal to dismiss on those bases. However, we find res judicata applies. Therefore, we reverse the circuit court's refusal to dismiss on the basis of res judicata. Because our reversal on the basis of res judicata disposes of this appeal, we do not reach the issue of whether the circuit court erred in declining to permit Ronnie to amend his answer to allege the defense of waiver. Accordingly, the decision of the circuit court is

AFFIRMED IN PART AND REVERSED IN PART.

PIEPER and LOCKEMY, JJ., concur.

---

[1] Mrs. Rumph was not related to Ronnie or James. She and her husband were friends of the Judys' father. When Mrs. Rumph became elderly, Ronnie and James cared for her, and she devised her property to them.

[2] The property was not partitioned as a result of that suit.

[3] While the plaintiff in the partition suit was the Estate, with James as its personal representative, both men participated in the partition suit in their individual capacities and had the opportunity to cross-claim against each other. We do not address the differences between their roles in the partition and waste suits because neither party argued this point.

Form 14-Title to Real Estate Revised 1935 17

STATE OF SOUTH CAROLINA,

KNOW ALL MEN BY THESE PRESENTS, THAT

I, Blease Judy, of Dorchester County, in the State aforesaid, in consideration of the love and affection I have for my son, the Grantee herein,

in the State aforesaid and further in consideration of the sum of Five ($5.00) DOLLARS to me in hand paid at and before the sealing of these presents by Ronnie F. Judy, of Dorchester County, in the State aforesaid the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said Ronnie F. Judy,

All that certain piece, parcel or tract of land, situate, lying and being in Koger Township, Dorchester County, State of South Carolina, measuring and containing two hundred fifty-nine (259) acres, more or less, and bounded on the North by a portion of the property of the estate of D. W. Heaton, deceased; East by lands of Appleby; South by Edisto River; and West by lands of Appleby, as in and by reference being had to a plat of the estate lands of D. W. Heaton, deceased, made by F. A. Moorer, Surveyor, dated November, 1911, on file in the office of the Clerk of Court for Dorchester County.

The tract of land above described is known as Tract No. 1 in the division of the estate lands of D. W. Heaton, deceased; and being the same property which was conveyed to Blease Judy by S. E. Hussey, Judge of Probate as Acting Master for Dorchester County, by Deed dated August 2, 1943, and recorded in the Office of the Clerk of Court for Dorchester County in Deed Book 85, page 104.

PLAINTIFF'S EXHIBIT 1 cm 7.18.14

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY, S.C.

A TRUE COPY
Margaret L. Bailey
MARGARET L. BAILEY
REGISTER OF DEEDS
DORCHESTER COUNTY, SC
DATE 8-5-10

18

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said Ronnie F. Judy, his Heirs and Assigns forever.

AND I do hereby bind myself and my Heirs, Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said Ronnie F. Judy, his Heirs and Assigns, against me and my Heirs and against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS my Hand and Seal, this twenty-seventh day of August, in the year of our Lord one thousand nine hundred and sixty-five, and in the one hundred and ninetieth year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered in the Presence of

Mary B. Wagers — Blease Judy (L. S.)

John Wilson Patrick — (L. S.)

THE STATE OF SOUTH CAROLINA,
DORCHESTER County.

PERSONALLY appeared before me Mary B. Wagers and made oath that she saw the within named Blease Judy sign, seal, and as his act and deed, deliver the within-written Deed, and that she with John Wilson Patrick witnessed the execution thereof.

SWORN to before me, this 27th. day of August, A. D. 19 65.

Mary B. Wagers

John Wilson Patrick (SEAL)
Notary Public of for South Carolina
(Notarial Seal)

THE STATE OF SOUTH CAROLINA,
County.

RENUNCIATION OF DOWER

I, , a Notary Public for South Carolina, do hereby certify unto all whom it may concern, that Mrs. , the wife of the within-named , did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever, renounce, release and forever relinquish unto the within-named Heirs and assigns, all her interest and estate, and also all her right and claim of dower, of, in or to all and singular the premises within mentioned and released.

Given under my Hand and Seal, this day of Anno Domini 19

(SEAL)
Notary Public of for South Carolina

Filed and recorded this 15th. day of April, 1966, at 9:30 o'clock A. M.

Mailed To: Ronnie F. Judy
Rt.
Reevesville, S. C.

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY, SC

TITLE TO REAL ESTATE — Form 11

The R. L. Bryan Company, Columbia, S. C.

State of South Carolina,

COUNTY OF DORCHESTER

BK 142 PG 264

JUN 5 1 52 PM '81

FILED-RECORDED
MARGARET L. BAILEY
CLERK OF COURT
DORCHESTER COUNTY

Know All Men by These Presents, That I, Ronnie F. Judy

in the State aforesaid, for and in consideration of the sum of -----Five and NO/100----($5.00) Dollars, being the true consideration to me paid by James T. Judy in the State aforesaid

have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said James T. Judy, a one-half (½) interest in and to the following described property:

All that certain piece, parcel or tract of land situate, lying and being in Koger Township, Dorchester County, State of S. C., measuring and containing 259 acres, more or less, and bounded On the North by a portion of the property of the Estate of D. W. Heaton, deceased; On the East by lands of Appleby; On the South by Edisto River; and On the West by lands of Appleby, as in and by reference being had to a plat of the estate lands of D. W. Heaton, deceased, made by F. A. Moorer, Surveyor, dated November, 1911, on file in the Office of the Clerk of Court for Dorchester County, will more fully show.

The tract of land above described is known as Tract No. 1 in the division of the estate lands of D. W. Heaton, deceased; and is the identical property conveyed to Ronnie F. Judy by Blease Judy by Deed dated 8/27/65, recorded in the Office of the Clerk of Court for Dorchester County in Deed Book 146 at Page 17.

PLAINTIFF'S EXHIBIT 7 7/18/96 Stamberg No. 5113

Grantee's Address:
R.F.D.
St. George, S.C. 29477

REGISTER OF DEEDS DORCHESTER COUNTY, SC OFFICIAL SEAL [380]

A TRUE COPY
Margaret L. Bailey
MARGARET L. BAILEY
REGISTER OF DEEDS
DORCHESTER COUNTY, SC
DATE 8-5-10

Vol. 442 pg. 265

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said

James T. Judy, his

Heirs and Assigns forever:

And I do hereby bind myself and my Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said

James T. Judy, his

Heirs and Assigns, against me and my Heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS my *Hand and Seal this* 17 *day of* October *in the year of our Lord one thousand nine hundred and* seventy nine *and in the* 204th *year of the Sovereignty and Independence of the United States of America.*

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Witness: [illegible]

Witness: [illegible]

James T. Judy (SEAL)
(Rochelle Judy) (SEAL)

REGISTER OF DEEDS
OFFICIAL SEAL
DORCHESTER COUNTY, SC

VOL 442 PAGE 266

STATE OF SOUTH CAROLINA,
DORCHESTER COUNTY.

PERSONALLY appeared before me

and made oath that saw the within-named Ronnie F. Judy

sign, seal and, as his act and deed, deliver the within-written Deed for the uses and purposes therein mentioned and that he, with witnessed the execution thereof.

SWORN to before me this
17 day of October 19 79
Q. M Horne (L.S.)
Notary Public of S. C.
My Com. Exp.: Jan. 23, 1983

Watson D. Weinberg
Gregory P. Black

STATE OF SOUTH CAROLINA,
DORCHESTER COUNTY.

RENUNCIATION OF DOWER

I, Brenda Hinton, Notary Public for S. C., do hereby certify unto all whom it may concern, that Mrs. Jean H. Judy the wife of the within-named Ronnie F. Judy did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily and without any compulsion, dread, or fear of any person or persons whomsoever, renounce, release and forever relinquish unto the within-named James T. Judy, his heirs and assigns, all her interest and estate, and also all her right and claim of Dower of, in or to all and singular the premises within mentioned and released.

Given under My Hand and Seal, this
17th day of October
Anno Domini 19 79
Brenda Hinton (L.S.)
Notary Public of S. C.
My Com. Exp.: July 6, 1983

Jean H. Judy
(Jean H. Judy)

GENE DUKES, ATTY.
P. O. BOX 622
ST. GEORGE, S. C. 29477

TITLE TO REAL ESTATE

BK 2077PG096

FILED-RECORDED

Form 14
(Revised 4-1-85)

TITLE NOT EXAMINED

State of South Carolina,

Nov 16 8 42 AM '98

LINDA MESSERVY
REGISTER
MESNE CONVEYANCES
DORCHESTER COUNTY, SC

Know All Men by These Presents, That I, Ronnie F. Judy

(hereinafter whether singular or plural the "Grantor")

DORCHESTER COUNTY

SC Deed Rec Fee _____

Dor Co Deed Rec Fee _____

Filing Fee 10.00

Exemption # 1

LINDA T. MESSERVY
Register of Mesne Conveyances

in the State aforesaid, for and in consideration of the sum of Five Dollars, love and affection for my son, this being Dollars the true consideration to the Grantor paid by J. Todd Judy (hereinafter whether singular or plural the "Grantee") has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said Grantee the following described property. A one-half undivided interest, in and to: All that certain piece, parcel ortract of land, situate, lying and being in Koger Township, Dorchester County, State of South Carolina, measuring and containing 259 acres, more or less, and bounded on the North by a portion of the property of the Estate of D. W. Heaton, deceased; On the East by lands of Appleby; on the South by Edisto River; and on the West nu by lands of Appleby, as in and by reference being hadeto a plat of theestate lands of D. W. Heaton, deceased, madeby F. A. Moorer, Surveyor, dated November, 1911, on file in the R.M.C. office for Dorchester County will more fuly show.

The above described tract of land is the identical tract of land conveyed to James T. Judy (a one-half undivided interest) by deed dated 17 October, 1979, and recorded in the R.M.C. office for Dorchester County in Deed Book 442, Page 264.

TMS# 077-00-00-009

also: A one-half undivdedinterest, in and to: All that certain piece, parcel or tract of land situate, lying and being in Koger Township, Dorchesterr County, South Carolina, measuring and containing 133 acres, more orless, butting and bounding generally, as follows: North by lands of Wilbur Judy, a partoof the original tract; East by lands now or formerly of Rollins Wimberly and by lands now or formerly of Mrs. M. K. Appleby; South by lands now or formerly of Mrs. M. K. Appleby, lands of Hill and lands of Fred Judy; and West by lands of Vandy Judy a part of the original tract, a public road being the line

The above described tract of land is the identical tract conveyed to Ronnie F. Judy and Bobby Judy (a one-half undivided interest to each) by deed of Bessie Judy recorded in RMC office for Dorchester County in Deed Book 145, Page 467.

TMS# ~~00~~ 044-00-00-086
057-00-00-107

over continued

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY SC

PLAINTIFF'S EXHIBIT 3 1383

Blumberg No. 6113

A TRUE COPY

Margaret L. Bailey

MARGARET L. BAILEY
REGISTER OF DEEDS
DORCHESTER COUNTY, SC

DATE 8-5-10

also: All that certain piece, parcel or tract of land situate, lying and being in School District 4, County of Dorchester County, State of South Carolina, and measuring and containing 2,06 acres, more or less, and butting and bounding now or formerly as follows: On the Northeast by lands of Ronnie F. Judy and Bobby Judy, and measuring thereon 516 feet; on the South by other lands of Ronnie F. Judy and Bobby Judy and measuring thereon 267 feet; on the Southwest by other lands of Ronnie F. Judy and Bobby Judy and measuring thereon 258 feet; and on the West by Interstate Highway 95, and measuring thereon 256 feet.

This property is more fully delineated on a plat of a lot of land owned by Ronnie F. Judy containing 2.06 acres, located on the East side of Interstate Highway 95 by C. C. Chewning, R.L. S. 4868, recorded in the R.M.C. office for Dorchester County in Plat Book C, Page 59.

The above described tract of land is the identical tract of land conveyed to Ronnie F. Judy by deed of Bobby Judy dated and recorded in the R. M.C. office for Dorchester County in Deed Book 275, Page 12.

TMS# 057-00-00-014

ALSO: A one-half undivided interest, in and to:All that certain piece, parcel or tract of land, situate, lying and being in Givhans Township, Dorchester County, State of South Carolina, containing 75 acres, more or less, being about four miles South of the Town of Pregnall and having such shape, metes, curses, and distances as will more fully appear by reference to a plat thereof, made by F. A. Moorer, Surveyor, on November 24, 1955, and being bounded on the North by lands of G. W. Rumph; on the Eastby landsof J. J. Rumph; on the South by lands of J. J. Rumph; on the West by lands of C. T. Rumph;.

ALSO: A one-half undivided interest in and to: All that certain piece, parcel or tract of land, situate, lying and being in Givhans Township, County of Dorchester, STate of South Carolina, measuring and containing 100 acres, butting and boundingto the North by the old Charleston and Augusta Road, called the "Wire Road"; on the East by lands now or formerly of C.T. Rumph; on the South by lands of W. Horne, formerly Dorchester Lumber Company; andWest by other lands of C. C. Rumph, as showb on the plat made by Harry L. Rumph by FA Moorer, Surveyor dated June 18, 1947.

The above described tract of land is the identical tract conveyed by Vesta J. Brown Rumph a one-half interest to James T. Judy & Ronnie F. Judy.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging (continued) or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said Grantee, his heirs, his

Heirs and Assigns forever.

And the Grantor does hereby bind himself, his Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Grantee and the Grantee's Heirs and Assigns, against the Grantor and the Grantor's Heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS the Hand and Seal of the Grantor this 16th *day of* November *in the year of our Lord one thousand nine hundred and* Ninety Eight *and in the two hundredth and* 23rd *year of the Sovereignty and Independence of the United States of America.*

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY, SC

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

2 Richard L. Braswell

Dana W. Dukes

1 Ronnie F. Judy (SEAL)

(Ronnie F.Judy)

(SEAL)

STATE OF SOUTH CAROLINA.
Dorchester COUNTY.

PERSONALLY appeared before me the undersigned witness and made oath that s/he saw the within named Grantor sign, seal and, as the Grantor's act and deed, deliver the within-written Deed for the uses and purposes therein mentioned and that s/he, with the other witness whose signature appears above witnessed the execution thereof.

SWORN to before me this 16 *day of* November, 19 1998

Gene W. Dukes (L.S.)
Notary Public of S. C.

My Commission Expires: May 8, 2000

+ Richard F. Braswell
Witness

BK 2077PG098

(continued) recorded in RMC office for Dorchester County in Vol. 475, Page 323

TMS# 104-00-00-029

ALSO: A one-half undivided interest, in and to: All that certain piece, parcel or tract of land, with the building and improvements thereon, measuring and containing 143 acres, more or less, situate, lying and being in School District 4, County of Dorchester, State of South Carolina, and butting and bounding now or formerly as follows, to-wit: on the North by lands now or formerly of Georgia Pacific; on the East by lands of Charles Wesley Rumph and lands of O. E. and Aletha W. Floyd also lands of James T. Judy and Ronnie F. Judy; on the South and Southeast by lands of Southern Eegion Industrial Realty Inc. and on the West by lands now or formerly of Georgia Pacific.

This one half interest was devised to Ronnie F. Judy under the Last Will and Testament of Vesta J. Brown Rumph recorded in the Probate Court for Dorchester County in Probate Package 297-A19.

TMSE 104-00-00-001

ALSO: A one-half undivided interest, in and to: All that certain piece, parcel or tract of land situate, lying and being in S.D. 4, County of Dorchester, State of South Carolina measuring 10.9 acres, more or less, butting and bounding now or formerly as follows: on the Northeast by lands now or formerly of Florrie Belle Flannagan; on the Southeast by lands now or formerly of Hezekiah Bryand; on the Southwest by lands now or formerly of Estate of Robert S.Gruber, and on the Northwest by lands now or formerly of Lee Haynes

This one-half interest was devised to Ronnie F. Judy under the Last Will and Testament of Vesta J. Brown Rumph recorded in Probate Package 297 A-19, Probate Court for Dorchester County.

TMS# 103-00-00-020

Grantees; address: J. Todd Judy 300 Old Millpond Rd. Reevesville, SC 29471

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY SC

BK 2077PG099

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information concerning the new exemption numbers (Senate Bill 564—June 10, 1997), and I understand the information.

2. The property being transferred is located at Koger Township, SD 4, Dorchester County, SC TMS# 044-00-00-084, bearing 027-00-00-089 TMS# 027-00-00-089 TMS 104-00-00-029 TMS 104-00-00-001 TMS 03-00-00-020

DORCHESTER COUNTY TAX MAP NUMBER TMS #027-00-00-089 TMS #104-00-00-029 TMS #104-00-00-001 TMS 03-00-00-020

was transferred by Ronnie F. Judy to J. Todd Judy on November 1998

3. The deed is ***NOT EXEMPT*** from the deed recording fee, and the ***FAIR MARKET VALUE IS*** _____.

4. The deed is exempt from the deed recording fee because (Use new exemption numbers and explain reason for exemption): ***EXEMPTION #*** #1 (see new exemption numbers on enclosed sheet) AND ***EXPLANATION FOR EXEMPTION*** Being conveyed to J. Todd Judy, son of Ronnie F. Judy

5. As required by ***code Section 12 - 24 -70***, I state that I am a responsible person who was connected with the transaction as : grantee

6. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

J. Todd Judy
Responsible Person Connected with the Transaction
J. Todd Judy

SWORN to before me this 16
day of December 19 98
Notary Public for South Carolina
My Commission Expires: 8/20/2001

REGISTER OF DEEDS
OFFICIAL SEAL
DORCHESTER COUNTY, SC

(3-A)

Title Not Examined

TITLE TO REAL ESTATE BK 2077PG092 Form 14 (Revised 4-1-85)

FILED-RECORDED

Nov 16 8 42 AM '98

LINDA MESSERVY
REGISTER
MESNE CONVEYANCES
DORCHESTER COUNTY, SC

State of South Carolina,

Know All Men by These Presents, That I, Ronnie Judy

(hereinafter whether singular or plural the "Grantor")

DORCHESTER COUNTY

SC Deed Rec Fee _____

Dor Co Deed Rec Fee _____

Filing Fee 10.00

Exemption # 1

LINDA T. MESSERVY
Register of Mesne Conveyances

in the State aforesaid, for and in consideration of the

sum of Five ($5.00) (love and affection for my sons), this being the Dollars true consideration to the Grantor paid by J.Todd Judy and RyanC. Judy-- (hereinafter

whether singular or plural the "Grantee") has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said Grantee the following described property. All that certain piece, parcel or tract of land, situate, lying and being in School District No. 4, County of Dorchester, State of South Carolina, containing Eighty Seven and Seventy Eight one hundredths (87.78) acres, more or less, and bounding and measuring now or formerly as follows, to-wit: On the North by State Highway S-18-19 (the wire road) and seven lots owned now or formerly of Mayes, Belser, Bryant, Britt, Singletary and Dereef; on the East by lands of Grace J. Heaton and Will H.Fralix; on the South by lands of Ronnie F and James T. Judy; on the West by lands of James H.Weathers and lands of Albertha R. Brothers.

The above described tract of land is the identical tract of landshown as 87.78 acres on a plat of survey in the Cow Tail Community Dorchester County, S. C. owned by Camille H. Weathers by Stephens Engineering Inc by W. T. Stephens, P.E. and R. L. S. recorded in Plat Book 6, Page 2 PLAT G-2

The above described tract of land is the identical tract of land conveyed to Ronnie Judy by deed of Camille H. Weathers dated 13 November, 1990 and recorded in the R.M.C.office for Dorchester County in Deed Book 809, Page 307.

This conveyance is subject to all right of way easements, etc.

TMS# 068-00-00-048

ALSO: All that certain piece, parcel or tract of land situate, lying and being in the County of Dorchester, State of South Carolina, measuring and containing fifty-nine (59) acres, more or less and bounded now or formerly as follows: North by the lands of J. Gavin Appleby; East by lands of James T. Judy and Ronnie F. Judy; South by the dirt road of Dorchester County; West by the lands of Mrs. Tina Kennerly.

The above described tract of land is the identical tract of land conveyed to Ronnie F. Judy by deed of Charles L. Appleby, Jr. dated March 17, 1986 and recorded in the R.M.C. office for Dorchester County in Deed Book 558, Page 160.

TMS# 077-00-00-014

ALSO (Continued)

PLAINTIFF'S EXHIBIT 3A

PENGAD 800-631-6989

All that certain piece, parcel or lot of land, with the improvements thereon, situate, lying and being near Grover, Dorchester County, South Carolina, containing .9 of an acre, more or less, butting, bounding and measuring as more fully shown on plat hereinafter referred to, as follows, to-wit: On the Northeast by Highway S-18-19, 124 feet; on the Southeast by Evelyn W. Jackson, 315 feet; on the Southwest by Evelyn W. Jackson, 124 feet; and on the Northwest by lands belonging to James Singletary, 315 feet.

The above described lot of land is more fully delineated on a plat entitled "Plat of Survey of .9 Ac. for Sammie Dereef, near Grover, Dorchester County, South Carolina," made by Bobby M. Long, RLS S.C. No. 3611, August2, 1972, recorded in RMC office for Dorchester County in Plat Book 19, Page 268.

The above described lot of land is the identical lot of land conveyed to Ronnie Judy by deed of the United States of America, for and on behalf of its agency, the Farmers Home Administration, United States of Department of Agriculture dated 26 January, 1993, and recorded in Deed Book 1381, Page 260, RMC office for Dorchester County.

TMS# 068-00-00-034

Address: c/o J. Todd Judy
300 Old Millpond Rd. Reevesville, SC 29471

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said Grantee, their heirs

Heirs and Assigns forever.

And the Grantor does hereby bind himself, his Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Grantee and the Grantee's Heirs and Assigns, against the Grantor and the Grantor's Heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS the Hand and Seal of the Grantor this 16th *day of* November *in the year of our Lord one thousand nine hundred and* Ninety Eight *and in the two hundredth and* 223rd *year of the Sovereignty and Independence of the United States of America.*

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Richard E. Braswell

Gene W. Dukes

Ronnie F. Judy (SEAL)
(Ronnie Judy)

(SEAL)

STATE OF SOUTH CAROLINA.
Dorchester COUNTY.

PERSONALLY appeared before me the undersigned witness and made oath that s/he saw the within named Grantor sign, seal and, as the Grantor's act and deed, deliver the within-written Deed for the uses and purposes therein mentioned and that s/he, with the other witness whose signature appears above witnessed the execution thereof.

SWORN to before me this 14 *day of* November, 1998

Notary Public of S. C. (L.S.)

My Commission Expires: Aug 8, 2000

Witness

BK 20778094

BK 2077PG095

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information concerning the new exemption numbers (Senate Bill 564—June 10, 1997), and I understand the information.

2. The property being transferred is located at 87.78 ac. SD 4 ~~59 ac. SD 4~~ & 9 of an ac. SD4, bearing *DORCHESTER COUNTY TAX MAP NUMBER* 077-00-00-014 068-00-00-048 and 068-00-00-034 was transferred by Ronnie Judy to J. Todd Judy and Ryan C. Judy on November, 1998.

3. The deed is *NOT EXEMPT* from the deed recording fee, and the *FAIR MARKET VALUE IS* _____.

4. The deed is exempt from the deed recording fee because (Use new exemption numbers and explain reason for exemption):
EXEMPTION # #1 (see new exemption numbers on enclosed sheet) AND
EXPLANATION FOR EXEMPTION given to son

5. As required by *code Section 12 - 24 - 70*, I state that I am a responsible person who was connected with the transaction as: grantee

6. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

J. Todd Judy
Responsible Person Connected with the Transaction
J. Todd Judy

SWORN to before me this 16
day of November 1998
Wanda Judy
Notary Public for S. Carolina.
My Commission Expires: 8/20/2001

BK 4425PG221

FILED-RECORDED
RMC / ROD

Case No. 2001-CP-18-122
STATE OF SOUTH CAROLINA 2004 NOV 17 PM 3:33 TITLE TO REAL ESTATE

COUNTY OF DORCHESTER LINDA T. MESSERVY *(Master's Deed)*
DORCHESTER COUNTY, SC

Whereas the below described property is being conveyed to the Grantee pursuant to the Consent Order filed on June 26, 2002, the Order of Partition filed May 17, 2004, and the Order Approving Plats filed September 15, 2004 in the partition action captioned *James T. Judy vs. J. Todd Judy*, Case No. 2001-CP-18-122;

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, That I, PATRICK R. WATTS, MASTER-IN-EQUITY FOR DORCHESTER COUNTY, on behalf of JAMES T. JUDY, for and in consideration of and pursuant to the above referenced Orders of the Court of Common Pleas and pursuant to S.C. Code § 15-61-10, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto J. TODD JUDY, his Successors, Heirs, and Assigns forever, the following described real property:

All that certain piece, parcel or tract of land with buildings and improvements thereon, measuring and containing 71.58 acres, more or less, situate, lying and being in Givhans Township, Dorchester County, State of South Carolina, and designated as Tract 2 on a plat prepared by Albert R. Judy, PLS (S.C.P.L.S. No. 17570) dated July 28, 2004 and titled "DIVISION PLAT SHOWING TRACT 1 & 2 PROPERTY OF JAMES T. JUDY & J. TODD JUDY LOCATED EAST OF GROVER DORCHESTER CO. SC" and recorded on September 14, 2004 in the Office of RMC / ROD for Dorchester County in Plat Book K-117.

This being a part of the parcel of land conveyed to James T. Judy (a one-half undivided interest) by deed dated 30 June 1999 and recorded in Office of RMC / ROD for Dorchester County in Deed Book 2240 at Page 186; and conveyed to J. Todd Judy (a one-half undivided interest) by deed dated 16 November 1998, and recorded in the Office of RMC / ROD for Dorchester County in Deed Book 2077 at Page 096.

~~A PORTION OF~~ TMS: 104-00-00-~~029~~ 065

PLAINTIFF'S EXHIBIT 4 LSM 7/18/14 Stimberg No. 8113

Grantee's Address:
119 Halfway Court
St. George, SC 29477

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY, SC

A TRUE COPY
Margaret L. Bailey
MARGARET L. BAILEY
REGISTER OF DEEDS
DORCHESTER COUNTY, SC
DATE 8-5-10

DORCHESTER COUNTY
SC Deed Rec Fee _____
Dor Co Deed Rec Fee _____
Filing Fee 10.00
Exemption # 5
LINDA T. MESSERVY
Register of Mesne Conveyances

ALSO:

All that certain piece, parcel or tract of land, with buildings and improvements thereon, measuring and containing 119.44 acres, more or less, situate lying and being in Koger Township, Dorchester County, State of South Carolina, and designated as Tract A on a plat prepared by Albert R. Judy, PLS (S.C. P.L.S. No. 17570) dated August 16, 2004 and titled "DIVISION PLAT SHOWING TRACT A & TRACT B PROPERTY OF JAMES T. JUDY AND J. TODD JUDY LOCATED WEST OF GROVER DORCHESTER CO. SC" and recorded in the Office of RMC / ROD for Dorchester County on September 14, 2004 in Plat Book K-117.

This being a part of the parcel of land formerly measuring and containing 257.5 acres more or less, conveyed to James T. Judy (a one-half undivided interest) by deed dated 30 June 1999, and recorded in Office of RMC / ROD for Dorchester County in Deed Book 2240 at Page 186; and conveyed to J. Todd Judy (a one-half undivided interest) by deed dated 16 November 1998, and recorded in the Office of RMC / ROD for Dorchester County in Deed Book 2077 at Page 096.

A ~~PORTION OF~~ TMS: 077-00-00-009

ALSO:

All that certain piece, parcel or tract of land, with buildings and improvements thereon, measuring and containing 10.562 acres, more or less, situate lying and being in Koger Township, Dorchester County, State of South Carolina, and designated as Tract 2A, Tract 2B, and Tract 2C on a plat prepared by Albert R. Judy, PLS (S.C. P.L.S. No. 17570) dated July 28, 2004 and titled "DIVISION PLAT SHOWING TRACT 1 & TRACT 2 PROPERTY OF JAMES T. JUDY AND J. TODD JUDY LOCATED WEST OF GROVER DORCHESTER CO. SC" and recorded in the Office of RMC / ROD for Dorchester County on September 14, 2004 in Plat Book K-117.

This being a part of the parcel of land formerly measuring and containing 257.5 acres more or less, conveyed to James T. Judy (a one-half undivided interest) by deed dated 30 June 1999, and recorded in Office of RMC / ROD for Dorchester County in Deed Book 2240 at Page 186; and conveyed to J. Todd Judy (a one-half undivided interest) by deed dated 16 November 1998, and recorded in the Office of RMC / ROD for Dorchester County in Deed Book 2077 at Page 096.

~~A PORTION OF~~ TMS: 077-00-00-~~009~~ 018

SUBJECT to all covenants, easement and restrictive covenants of record and to all governmental statutes, ordinances, rules and regulations.

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY, SC

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anyway incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said J. TODD JUDY, his Successors, Heirs and Assigns forever.

WITNESS my Hand and Seal this 15th day of November in the year of our Lord town thousand four and in the two hundredth and twenty-ninth year of the Sovereignty and Independence of the United States of America.

Patrick R. Watts
Master-In-Equity

Signed, Sealed and Delivered
In the Presence of:

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged by me this 15th day of November, 2004, by Patrick R. Watts, Master-In-Equity for Dorchester County.

Grantee's Address:

119 Fairway Court
St. George, SC 29477

(SEAL)
Notary Public for South Carolina
My Commission Expires: July 2, 2006

REGISTER OF DEEDS
OFFICIAL SEAL
DORCHESTER COUNTY, SC

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER
Filed for record this 17th
Day of Nov. 2004
at 3:33 P M and recorded
In book 4425 page 221
LINDA T MESSERVY
REGISTER OF MESNE CONVEYANCE

BK 4425PG224

STATE OF SOUTH CAROLINA)
OUNTY OF DORCHESTER)

AFFIDAVIT

Date of Transfer of Title
November 17, 2004

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.

2 The property being transferred **BY** **Patrick R. Watts, Master in Equity on behalf of James T. Judy TO J. Todd Judy ON November 17, 2004.**

3. Check one of the following: *The DEED is:*

(a)____ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.

(b)____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.

(c) X EXEMPT from the deed recording fee because (exemptions # 5)
(Explanation, if required it is transferring realty in order to partition realty).
(If exempt, please skip items 4-6, and go to item 7 of this affidavit.)

4. Check one of the following if either item 3(a) or item 3(b) above has been checked.

(a)____ the fee is computed on the consideration paid or to be paid in money or money's worth in the amount of $ _____.

(b)____ the fee is computed on the fair market value of the realty which is $_____.

(c)____ the fee is computed on the fair market value of the realty as established for property tax purposes which is $_____.

5. Check YES _____ or NO X to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer.
If "YES", the amount of the outstanding balance of this lien or encumbrance is $ n/a.
The DEED Recording Fee is computed as follows:

(a)_____ the amount listed in item 4 above

(b)_____ the amount listed in item 5 above (no amount place zero)

(c)_____ Subtract Line 6(b) from Line 6(a) and place the result.

7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: **Plantiff's Attorney.**

8. Check if property other than Real Property is being transferred on this Deed.

(a) ____Mobile Home

(b) ____Other [furniture, furnishings, etc.]

9. ____**DEED OF DISTRIBUTION**-ATTORNEY'S AFFIDAVIT: Estate of _____, deceased; CASE NO. _____. Personally appeared before me the undersigned attorney who, being duly sworn, certified that he is licensed to practice law in the State of South Carolina, that he has prepared the Deed of Distribution for the Personal Representative in the Estate of _____, deceased, and that the grantee(s) therein are correct and conform to the estate file for the above named decedent.

10. I understand that a person required to furnish this affidavit who wilfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Grantor, Grantee, or Legal Representative connected with this transaction

Sworn to before me this 17th day of November, 2004.

Notary Public for South Carolina
My Commission Expires: 3/31/09

REGISTER OF DEEDS
OFFICIAL
Rev. 12/27/2000
DORCHESTER COUNTY, SC

Form 14-Title to Real Estate Revised 1925 427

STATE OF SOUTH CAROLINA,

KNOW ALL MEN BY THESE PRESENTS, THAT

I, Blease Judy, of Dorchester County, in the State aforesaid, in consideration of the love and affection I have for my sons, the Grantees herein,

in the State aforesaid ..... and further ..... in consideration of the sum of Five ($5.00) ----------DOLLARS to me in hand paid at and before the sealing of these presents by Ronnie F. Judy and Bobby Judy, of Dorchester County, ... in the State aforesaid ..... the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said Ronnie F. Judy and Bobby Judy,

All that certain piece, parcel or tract of land situate, lying and being in Reger Township, Dorchester County, South Carolina, measuring and containing one hundred thirty-three (133) acres, more or less, butting and bounding, generally, as follows: North by lands of Wilbur Judy, a part of the original tract; East by lands now or formerly of Rollins Wimberly and by lands now or formerly of Mrs. M. K. Appleby; South by lands now or formerly of Mrs. M. K. Appleby, lands of Hill and lands of Fred Judy; and West by lands of Vandy Judy, a part of the original tract, a public road being the line.

The tract of land above described is the remaining portion of a 150-acre tract of land which was conveyed to me, the said Blease Judy, by Deed dated December 5, 1917, and recorded in the office of the Clerk of Court for Dorchester County in Deed Book 67, at page 402.

PLAINTIFF'S EXHIBIT 5 LSM 1/18/11

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY, SC

A TRUE COPY
Margaret L. Bailey
MARGARET L. BAILEY
REGISTER OF DEEDS
DORCHESTER COUNTY, SC
DATE 8-5-10

488

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said Ronnie F. Judy and Bobby Judy, their Heirs and Assigns forever.

AND I, do hereby bind myself and my Heirs, Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said Ronnie F. Judy and Bobby Judy, their Heirs and Assigns, against me and my Heirs and against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS my Hand and Seal, this 18th. day of April, in the year of our Lord one thousand nine hundred and sixty-six, and in the one hundred and ninetieth year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered in the Presence of

Mary B. Wagers — Blease Judy (L. S.)

John Wilson Patrick — (L. S.)

THE STATE OF SOUTH CAROLINA,
DORCHESTER County.

PERSONALLY appeared before me Mary B. Wagers and made oath that she saw the within named Blease Judy sign, seal, and as his act and deed, deliver the within-written Deed, and that she with John Wilson Patrick witnessed the execution thereof.

SWORN to before me, this 18th. day of April, A. D. 19 66.

John Wilson Patrick (SEAL)
Notary Public of for South Carolina
(Notarial Seal)

Mary B. Wagers

THE STATE OF SOUTH CAROLINA,
County.

RENUNCIATION OF DOWER

I, , a Notary Public for South Carolina, do hereby certify unto all whom it may concern, that Mrs. , the wife of the within-named , did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever, renounce, release and forever relinquish unto the within-named Heirs and assigns, all her interest and estate, and also all her right and claim of dower, of, in or to all and singular the premises within mentioned and released.

Given under my Hand and Seal, this day of Anno Domini 19

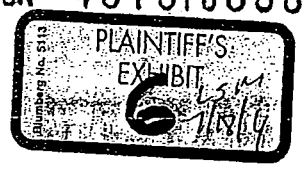
(SEAL)
Notary Public of-for South Carolina

Filed and recorded this 18th. day of April, 19 66, at 9:30 o'clock A. M.

Mailed To: Mr. Blease Judy
Reevesville, S. C.

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY, SC

BK 4813PG066



FILED-RECORDED
RMC / ROD
2005 JUL 18 AM 10:35
MARGARET L. BAILEY
DORCHESTER COUNTY, SC

2002-2522

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

TITLE TO REAL ESTATE
(GENERAL WARRANTY DEED)

WHEREAS, the below described property is the subject of a partition suit entitled Bobby Judy vs. J. Todd Judy, filed in Dorchester County In Case No. 02-CP-18-2008; and

WHEREAS, pursuant to the Court's order entitled "Order Approving Surveyor's Proposal" dated April 22, 2004, the Court ordered Richard J. Rhode, PLS as the surveyor to survey subject property into four (4) tracts which has been done, pursuant to the plats referred to below which have been recorded;

DORCHESTER COUNTY
SC Deed Rec Fee
Dor Co Deed Rec Fee
Filing Fee 10.00
Exemption # 1
MARGARET L. BAILEY
Register of Deeds

WHEREAS, the parties to the lawsuit and the owners of subject property are in agreement with the subdivision of the property and are desirous of executing this deed so expressing their consent and partitioning the tracts between each other.

KNOW ALL MEN BY THESE PRESENTS, That I, **BOBBY JUDY**, in the State aforesaid, for and in consideration of the sum of **FIVE ($5.00) DOLLARS AND PARTITION OF PROPERTY PURSUANT TO COURT ORDER AS REFERRED TO ABOVE** to me in hand paid by **J. TODD JUDY**, the receipt of which is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said **J. TODD JUDY**, his Heirs and Assigns forever, all of my interest in the following described real property:

Tract 1 - All that certain piece, parcel and tract of land situate, lying and being on the East side of Interstate Highway 95, in Koger Township, in the County of Dorchester, State of South Carolina containing 36.63 acres, more or less, being shown and designated as Tract 1 on a plat prepared by Rhode Surveying, Inc. dated December 14, 2004, entitled "A Plat Showing Tract 1 and Tract 2 Property of Bobby and J. Todd Judy Located on the East Side of Interstate Highway 95 Near St. George, Dorchester County, South Carolina", and recorded in the RMC Office for Dorchester County in Plat Book A at Page 149, said plat being incorporated herein as a part of this legal description with all metes and bounds as shown thereon being incorporated and said tract being bounded now or formerly as follows: On the North by lands of Marian S. Howell (TMS 044-00-00-067); on the Northeast and East by lands of Marian S. Howell (TMS 044-00-00-067); and on the South by Tract 2 as shown on said plat and lands of J. Todd Judy (TMS

A TRUE COPY
Margaret L Bailey
MARGARET L. BAILEY
REGISTER OF DEEDS
DORCHESTER COUNTY, SC
DATE 8-5-10

RONNIE & JUDY P.
1872 Sandridge Rd.
Dorchester, S.C.

REGISTER OF DEEDS
OFFICIAL SEAL
29437
DORCHESTER COUNTY, SC

[397]

057-00-00-014); and on the West and Northwest by Interstate Highway 95 as shown on said plat, and a fifty (50') foot ingress/egress across Tract 2 as shown on said plat running from Tract 1 to the Frontage Road as shown on said plat as Munchkin Lane.

[redacted] TMS No. 057-00-00-107

Tract 2 – All that certain piece, parcel and tract of land situate, lying and being on the West side of Interstate Highway 95, in Koger Township, in the County of Dorchester, State of South Carolina containing 52.51 acres, more or less, being shown and designated as Tract 2 on a plat prepared by Rhode Surveying, Inc. dated December 14, 2004, entitled "A Plat Showing Tract 1 and Tract 2 Property of Bobby and J. Todd Judy Located on the West Side of Interstate Highway 95 Near St. George, Dorchester County, South Carolina", and recorded in the RMC Office for Dorchester County in Plat Book K at Page 150, said plat being incorporated herein as a part of this legal description with all metes and bounds as shown thereon being incorporated and said tract being bounded now or formerly as follows: On the North and Northeast by Tract 1 as shown on said plat; on the East and Southeast by Interstate Highway 95 as shown on said plat; on the South and Southwest by lands of Frances L. Moore, et al (TMS 057-00-00-006) and by lands of Vandy T. Judy Jr. (TMS 057-00-00-004); and on the West and Northwest by Old Mill Pond Road separating Tract 2 from lands of Vandy T. Judy, Jr. (TMS 057-00-00-004), lands of C. F. Judy (TMS 044-00-00-105) and lands of Gayle J. Pace (TMS 044-00-00-028).

Being a portion of the same property conveyed to Ronnie F. Judy and Bobby Judy (a one-half undivided interest each) by deed of Blease Judy recorded in the RMC Office for Dorchester County in Deed Book 145 at Page 487. A one-half undivided interest was conveyed to J. Todd Judy by deed of Ronnie F. Judy recorded in the RMC Office for Dorchester County in Deed Book 2077 at Page 96.

[redacted] TMS No. 044-00-00-~~085~~ 128

GRANTEE'S ADDRESS: 119 Fairway Court
St. George, SC 29477

SUBJECT to all covenants, easements and restrictive covenants of record and to all governmental statutes, ordinances, rules and regulations.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY, SC

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said **J. Todd Judy**, his Heirs and Assigns forever.

And I do hereby bind myself and my Heirs, Personal Representatives and Assigns, to warrant and forever defend all and singular the said premises *unto the* said **J. Todd Judy**, his Heirs and Assigns, against myself and my Heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS my Hand and Seal this 17 day of July in the year of our Lord two thousand five and in the two hundredth and twenty-ninth year of the Sovereignty and Independence of the United States of America.

Bobby Judy (SEAL)
BOBBY JUDY

Signed, Sealed and Delivered
in the Presence of:

STATE OF SOUTH CAROLINA)
) ACKNOWLEDGMENT
COUNTY OF Dorchester)

The foregoing instrument was acknowledged before me this 17 day of July, 2005, by BOBBY JUDY.

(SEAL)
Notary Public for South Carolina
My Commission Expires: 8/11/2010

Return recorded document to:
Barr, Unger and McIntosh
111A E. Washington Street
Walterboro, SC 29488

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY, S.C.

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER
Filed for record this 18th
Day of July 2005
at 12:25:01 M and recorded
in book 4813 page 66
MARGARET L. BAILEY
REGISTER OF DEEDS

BK 4813PG069
4813 - 69

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

PERSONALLY appeared before me the undersigned, who being duly sworn disposes and says:

1. I have read the information concerning the new exemption numbers (Senate Bill 564 – June 10, 1997), and I understand this information.

2. The property being transferred is located at 300 Old Mill Pond Rd, bearing DORCHESTER COUNTY TAX MAP NUMBER Tract 1 057 00-08-107 Tract #2 057-00-00-128 was transferred by Bobby Judy to J. Todd Judy on MAY 17, 2005.

3. The deed is NOT EXEMPT from the deed recording fees, and the FAIR MARKET VALUE IS _____.

4. Thee deed is exempt from the deed recording fee because **(use new exemption number and explain reason for exemption):**
EXEMPTION # 1 (See new exemption number on enclosed sheet) **AND**
EXPLANATION FOR EXEMPTION FAMILY

5. As required by code section 12-24-70, I state I am a responsible person who was Connected with the transaction as: ( ) grantor, (X) grantee, ( ) attorney, ( ) other (state connection)_____.

6. I understand that a person required to furnish this affidavit who willfully furnishes a false for fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more that one thousand ($1,000.00) or imprisoned for more that one year, or both..

J. Todd Judy
Responsible Person Connected with Transaction (see #5)

SWORN to before me this 18
Day of May 2005
Wanda B Judy
Notary Public for South Carolina
My Commission Expires: 8-24-11

REGISTER OF DEEDS
OFFICIAL SEAL
DORCHESTER COUNTY, SC

PLAINTIFF'S EXHIBIT 7 CSM 7/18/14

CERTIFIED TRUE COPY
Gail S. Elmore
Deputy Probate Judge
Dorchester Co. Probate Court

Last Will and Testament

STATE OF SOUTH CAROLINA:

KNOW ALL MEN BY THESE PRESENTS that I, VESTA B. RUMPH, of Dorchester, South Carolina, do hereby revoke any and all former Wills and Codicils to Wills by me executed, and do make, publish and declare this to be my Last Will and Testament.

FIRST: I direct that all my debts, including my funeral expenses, expenses of my last illness, and the expenses of the administration of my estate, be paid by my Executor hereinafter named out of the first monies coming into his hands.

SECOND: I give, devise and bequeath all the rest, residue and remainder of my property, real, personal and mixed, of whatsoever kind and nature, wheresoever situate, lying and being in possession or in expectancy to RONNIE JUDY and JIMMIE JUDY, in equal shares, share and share alike, in fee simple, absolute and forever.

THIRD: I hereby nominate, constitute and appoint RONNIE JUDY as Executor of this my Last Will and Testament and request that he be permitted to serve without bond or surety thereon.

FOURTH: My Executor shall have full power and authority, whenever in his sole discretion it is advisable to sell, convey, lease, mortgage or otherwise encumber or dispose of any part of or all of my estate, real, personal and mixed, and wheresoever situate, at public or private sale, upon such terms, prices and conditions as to my Executor shall seem advisable, and to compromise, settle and adjust all tax and other problems arising in connection with my estate, and to do and perform any and all other acts and things necessary or proper for the full and complete administration of my estate and the purchaser at any such sale shall be under no burden or inquiry and under no responsibility as

850 p.m. N.B.C. 2/28/91 RAS

to the purpose of such sale or the application of the proceeds thereof.

IN WITNESS WHEREOF, I have signed and sealed and do publish and declare this to be my Last Will and Testament, in the presence of the persons witnessing it at my request, this 2 day of Nov, Nineteen Hundred and Eighty-two, at Charleston, South Carolina.

Vesta B. Rumph (SEAL)
VESTA B. RUMPH

The foregoing instrument, consisting of two typewritten pages, including this page, (each being identified by the initials of the Testatrix) was subscribed, published and declared by the above named Testatrix to be her Last Will and Testament, in the presence of us, who, in her presence and at her request, and in the presence of each other have hereunto subscribed our names as witnesses; and we declare that at the time of the execution of this instrument the said Testatrix according to our best knowledge and belief, was of sound mind and disposing memory and under no constraint.

Jessy W. Thomerson residing at Charleston, SC
Lily D. Blume residing at N. Chas., S.C.
Lynnette D. Sheppard residing at Goose Creek, S.C.
2/28/91

#253 d.m. N.B.C.
RAS
SP

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

BK 2608PG090

PROBATE COURT DORCHESTER COUNTY

THE MATTER OF VESTA B. RUMPH

CASE NUMBER 83-ES18-00261

FILED-RECORDED
RMC / ROD
2001 FEB 12 PM 12:10

SC Deed Rec Fee _____
Dor Co Deed Rec Fee _____
Filing Fee 10.00
Exemption # 1

LINDA T. MERVY
Register of Mesne Conveyances

DEED OF DISTRIBUTION
DORCHESTER COUNTY, SC

WHEREAS, the decedent died on the 13th day of May, 1983; and

WHEREAS, the estate of the decedent is being administered in the Probate Court for DORCHESTER County, South Carolina in File No. 83ES18-00261; and

WHEREAS, the grantee herein is either a beneficiary or heir at law, as appropriate, of the decedent; and

WHEREAS, the undersigned Personal Representative is the duly appointed and qualified fiduciary in this matter;

NOW, THEREFORE, in accordance with the laws of the State of South Carolina, the Personal Representative has granted, bargained, sold and released, and by these Presents does grant, bargain, sell and release to:

PLAINTIFF'S EXHIBIT 8

Name: Ronnie F. Judy AND James T. Judy
Address: 1872 Sandridege Road Rel 4 Riverfront Drive
Dorchester, S.C. 29437 Reevesville, S.C. 29471

the following described property:

All that certain piece, parcel, or tract of land with buildings and improvements thereon, measuring and containing 143 acres, more or less, situate, lying and being in School District No. 4, County of Dorchester, State of South Carolina, and butting and bounding now or formerly as follows, to-wit: on the North by lands now or formerly of Georgia Pacific; on the East by lands of Charles Wesley Rumph and lands of O.E. and Aletha W. Floyd also Lands of James T. Judy and Ronnie F. Judy; on the South and Southeast by lands of Southern Region Industrial Realty Incorporated; and on the West by lands now or formerly of Georgia Pacific. This being the same property conveyed to Vesta B. Rumph, herein by the estate of C.C. Rumph as recorded in the office of the Probate Court of Dorchester County in Probate Package 115A. TMS: 104-00-00-001

ALSO: All that certain piece, parcal or tract of land situate lying and being in School District No. 4, County of Dorchester, State of South Carolina, measuring 10.9 acres more or less butting and bounding now or formerly as follows, to-wit: on the Northeast by lands now or formerly of Florrie Bell Flannigan; on the Southeast by lands now or formerly of Hezikiah Bryant; on the Southwest by lands now or formerly of the Estate of Robert S. Gruber; and on the Northwest by lands now or formerly of Lee Haynes. This being the same property conveyed to Vesta B. Rumph, herein by the estate of C.C. Rumph as recorded in the office of the Probate Court of Dorchester County in Probate Package 115A. TMS: 103-00-00-020.

FORM #400PC (1/89)
12-3-907, 62-3-908

DORCHESTER COUNTY PROBATE COURT
101 Ridge St., St. George, SC 29477 (803) 832-0105

ERIUATION
BK 2240 Pg. 184

A TRUE COPY
Margaret L. Bailey
MARGARET L. BAILEY
REGISTER OF DEEDS
DORCHESTER COUNTY, SC
DATE 8-25-10

POOR ORIGINAL

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY, SC

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises/Property belonging, or in anywise incident or appertaining. BK2608PG091

BK2608PG091

TO HAVE AND TO HOLD, all and singular, the said Premises/Property unto the said

Ronnie F. Judy and James T. Judy

their heirs and assigns forever.

IN WITNESS WHEREOF, the undersigned, as Personal Representative of the estate of the decedent, has executed this Deed, this 12th day of February, 2001 ~~XXXX~~.

SIGNED, SEALED AND DELIVERED

Estate of: VESTA B. RUMPH

IN THE PRESENCE OF

by Signature: Ronnie F. Judy
Ronnie F. Judy

Witness: David A. Rumph
David A. Rumph

Witness: Wanda B. Judy Wanda B. Judy

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

PROBATE

PERSONALLY appeared before me David A. Rumph and made oath that he/~~she~~ saw the within named Personal Representative(s) sign, seal, and as their act and deed, deliver the within written Deed, and that he/~~she~~ together with Wanda B. Judy, witnessed the execution thereof.

Witness Signature:

David A. Rumph
David A. Rumph

SWORN to before me this 12th day of February, 2001

Wanda B. Judy
Notary Public for South Carolina
My Commission Expires: My Commission Expires August 20, 2001

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER
Filed for record this 12th
Day of Feb, 2001
at 12:10 P.M. and recorded
in book 2608 page 90
LINDA T MESSERVY
REGISTER OF MESNE CONVEYANCES

FORM #4C0PC (1/89)
-3-907, 62-3-908

REGISTER OF DEEDS
DORCHESTER COUNTY PROBATE COURT
101 Ridge St. St. George, SC 29477 (803) 563-0105
OFFICIAL SEAL
DORCHESTER COUNTY, SC

Page 2 of 2

POOR ORIGINAL

BK 2796PG328

FILED-RECORDED
RMC / ROD
2001 AUG 20 AM 11:20
LINDA T. MESSERVY
DORCHESTER COUNTY, SC

Title Not Investigated Nor Certified by Carter Law Firm, P.A.

STATE OF SOUTH CAROLINA)
) **TITLE TO REAL ESTATE**
COUNTY OF DORCHESTER)

KNOW ALL MEN BY THESE PRESENTS, That I, RONNIE JUDY, Executor of the Estate of **VESTA B. RUMPH**, hereinafter referred to as Grantor(s) for and in the State aforesaid, in consideration of the sum of Fifteen Thousand and no/100 ($15,000.00) Dollars paid to the Estate of Vesta B. Rumph by, J. TODD JUDY and RYAN C. JUDY, hereinafter referred to as Grantee(s) in the State and County aforesaid, (the receipt of which is hereby acknowledged), have granted, bargained, sold and released and by these presents do grant, bargain, sell and release unto the said Grantee(s), J. TODD JUDY and RYAN C. JUDY, their heirs and assigns, all my right, title and interest in and to the following described property:

PLAINTIFF'S EXHIBIT 9 C.S.M.

All that certain piece, parcel or tract of land with buildings and improvements thereon, measuring and containing 143 acres, more or less, situate, lying and being in School district No. 4, County of Dorchester, State of South Carolina, and butting and bounding now or formerly as follows, to-wit: On the North by lands now or formerly of Georgia Pacific; on the East by lands of Charles Wesley Rumph and lands of O. E. and Aletha Floyd also lands of James T. Judy and Ronnie F. Judy; on the South and Southeast by lands of Southern Region Industrial Realty Incorporated; and on the West by lands now or formerly of Georgia Pacific. This being the same property conveyed to Vesta B. Rumph, herein by the Estate of C. C. Rumph as recorded in the office of Probate Court of Dorchester County in Probate Package 115A.

TM # 104-00-00-001

ALSO: All that certain piece, parcel, or tract of land situate lying and being in School district No. 4, County of Dorchester, State of South Carolina, measuring 10.9 acres more or less butting and bounding now or formerly as follows, to-wit: on the Northeast by Lands now or formerly of Florrie Bell Flannigan; on the Southeast by lands now or formerly of Hezekiah Bryant; on the Southwest by lands now or formerly of the Estate of Robert S. Gruber; and on the Northwest by lands now or formerly of Lee Haynes. This being the same property conveyed to Vesta B. Rumph, herein by the Estate of C. C. Rumph as recorded in the office of the Probate Court of Dorchester County in Probate Package 115A.

TM #103-00-00-020

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY, SC

A TRUE COPY
Margaret L. Bailey
MARGARET L. BAILEY
REGISTER OF DEEDS
DORCHESTER COUNTY, SC
DATE 8-5-10

DORCHESTER COUNTY
State Deed Rec Fee 39.00
County Deed Rec Fee 16.50
Filing Fee 10.00
Exemption #
LINDA T. MESSERVY
Register of Mesne Conveyances

The above described parcels being the same property of which Vesta B. Rumph was seized and possessed at the time of her death on May 13, 1983 and her Estate being Probated in the Probate Court, County of Dorchester, State of South Carolina as Estate No. 83-ES-18-261.

Grantees:
J. Todd Judy 300 Old Mill Pond Rd, Reevesville, S.C. 29471
Ryan C. Judy

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said Grantee(s), their Heirs and Assigns forever.

And the Grantor(s) do hereby bind Grantor(s) Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Grantee(s), their Heirs and Assigns, against Grantor(s) and Grantor(s) Heirs and against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS My Hand and Seal this 16th day of August, 2001 in the year of our Lord two thousand one in the two hundred and twenty fifth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEAL AND DELIVERED
IN THE PRESENCE OF:

Rebecca L Evans
Rhonda Leigh Berry

Ronnie Judy
RONNIE JUDY, As Executor Of The Estate Of
VESTA B. RUMPH

REGISTER OF DEEDS
OFFICIAL SEAL
DORCHESTER COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within-named Grantor(s), sign, seal and as her act and deed, deliver the within Deed for the uses and purposes therein mentioned, and that (s)he with the other witness subscribed above witnessed the execution thereof.

SWORN to before me this 16th day of August, 2001.

Rebecca L Evans

Rhonda Leigh Berry
Notary Public for South Carolina
My Commission Expires: 08/29/2004

REGISTER OF DEEDS
OFFICIAL SEAL
DORCHESTER COUNTY, SC

BK 2796PG331

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

PERSONALLY appeared before me the undersigned, who being duly sworn disposes and says:

1. I have read the information concerning the new exemption numbers (Senate Bill 564 – June 10, 1997), and I understand this information.

2. The property being transferred is located at Dorchester, S.C. 104-00-00-00 bearing DORCHESTER COUNTY TAX MAP NUMBER 103-00-00-020, was transferred by Bonnie Judy AS Executor of the Estate of Vesta B. Rumph to J. Todd Judy & Ryan C. Judy on _____.

3. The deed is NOT EXEMPT from the deed recording fees, and the FAIR MARKET VALUE IS #15,000.00.

4. Thee deed is exempt from the deed recording fee because **(use new exemption number and explain reason for exemption):**
EXEMPTION #_____ (See new exemption number on enclosed sheet) **AND**
EXPLANATION FOR EXEMPTION _____

5. As required by code section 12-24-70, I state I am a responsible person who was Connected with the transaction as: (X) grantor, ( ) grantee, ( ) attorney, (X) other (state connection) Executor of the Estate of Vesta B. Rumph

6. I understand that a person required to furnish this affidavit who willfully furnishes a false for fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more that one thousand ($1,000.00) or imprisoned for more that one year, or both.

Bonnie Judy
Responsible Person Connected with Transaction (see #5)

SWORN to before me this 20th
Day of Aug. 2001
Lisa R. Gelmobo
Notary Public for North Carolina
My Commission Expires: 5-4-2005

POOR ORIGINAL

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)
)
)
)
)

PROBATE COURT

James Judy)
Petitioner)
V.)
)
Ronnie Judy as Personal Representative)
Respondent)

ORDER

IN THE MATTER OF VESTA B. RUMPH)
CASE NUMBER 83ES18-00261

BE IT REMEMBERED THAT THIS MATTER CAME BEFORE ME, Tuesday, October 9, 2001. Present at the hearing were the Petitioner, James Judy and his Counsel, William McIntosh and the Respondent, Ronnie Judy. Based on the evidence heard by this Court, the following are findings of fact:

The respondent, Ronnie Judy, has been the Personal Representative and has held that position for the past Eighteen Years.

The other heir to the above captioned estate is not satisfied with the performance of the Personal Representative.

THEREFORE, it is HELD by this Court that the Personal Representative, Ronnie Judy, is hereby REMOVED and should cease to act in the capacity of Personal Representative.
James Judy is hereby appointed as the Personal Representative for a period of Six Months to review, amend and distribute assets according to the will.

Further, the failure to resolve this estate within the Six months will result in a subsequent hearing being scheduled by this Court.

IT IS SO ORDERED.

October 15, 2001
St. George, SC

T. Provence
Tiffany Provence
Judge of Probate

CERTIFIED TRUE COPY
Margaret L. Bailey
Administrative Assistant
Dorchester County, SC

NOV 01 06 08:54p Jim & Frances Duda 843-563-2801 p.2
[409]

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)
)
IN THE MATTER OF VESTA RUMPH)

IN THE PROBATE COURT
CASE NUMBER 83ES18-00261

ORDER

BE IT REMEMBERED THAT this matter came before me on June 17, 2002. Based on testimony heard by this Court, the following are findings of fact.

1. The respondent, Ronnie Judy, owes his sons, J. Todd Judy and Ryan C. Judy the sum of $15,000.00 ($7500.00 each).
2. The respondent, Ronnie Judy, will maintain any valid claim that he reduced in favor of receipt of the proceeds of the sale.
3. The estate owns the subject property and the same subject property is to be distributed according to the will.
4. The counterclaim is denied based on Ronnie Judy's testimony that he and James Judy had a verbal agreement that nullifies the question.
5. That the August 20, 2001deed is invalid.

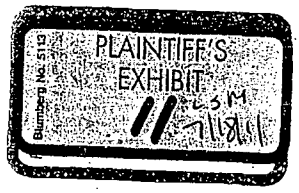
IT IS THEREFORE ORDERED ADJUDGED AND DECREED that

1. The respondent, Ronnie Judy owes his sons, J. Todd Judy and Ryan C. Judy the sum of $15,000.00
2. Ronnie Judy will maintain any valid claim that he reduced in favor of receipt of the proceeds of the sale.
3. That the estate owns the subject property and that the same subject property is to be distributed according to the will.
4. The counterclaim is denied.
5. The August 20, 2001 deed is an invalid deed. Subsequent transactions regarding the property are voided. The property may be deeded back into the estate or the February 12, 2001 deed may remain in place as the valid deed.

IT IS SO ORDERED.

August 16, 2002
St. George, SC

Tiffany Provence, Judge of Probate



CERTIFIED TRUE COPY
Margaret L. Bailey
Administrative Assistant
Dorchester County, SC

PROBATE JUDGE
DORCHESTER COUNTY
2003 MAY 29 PM 2:11

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	
COUNTY OF DORCHESTER	)	CASE NUMBER 83ES18-00261
	)	
JAMES T. JUDY as Personal Representative of the ESTATE OF VESTA B. RUMPH,	)	
Petitioner,	)	
Vs.	)	SUPPLEMENTAL ORDER
RONNIE F. JUDY, WANDA B. JUDY, J. TODD JUDY, RYAN C. JUDY, JAMES T. JUDY in his Individual capacity, JAMES T. JUDY, JR. AND TRACIE HENDRIX,	)	CERTIFIED TRUE COPY Margaret L. Bailey Administrative Assistant Dorchester County, SC
Respondents.	)	

WHEREAS the Petitioner filed a Petition to Recover Property or Determine Title Thereto on or about April 15, 2002;

WHEREAS the Defendants Ronnie F. Judy and Wanda B. Judy filed an Answer and Complaint on or about June 14, 2002;

WHEREAS a hearing on the Petition to Recover Property was heard before this Court on June 7, 2002;

WHEREAS this Court issued an Order on August 16, 2002 denying the Defendants' Counterclaim, concluding that ownership of the subject property, held by the Estate of Vesta B. Rumph, shall either be deed back into the estate or considered transferred by the February 12, 2001;

PLAINTIFF'S EXHIBIT 12 7/8/04

1 of 3

WHEREAS the Defendants have refused to sign deeds conveying the subject property to the Estate of Vesta B. Rumph;

IT IS THEREFORE ORDERED AND DECREED

1. That the February 12, 2001 Deed of Distribution, recorded in the Dorchester County RMC office at Book 2608 at page 090, signed by Ronnie F. Judy as Personal Representative of the Estate of Vesta B. Rumph, was a valid conveyance of TMS # 104-00-00-001 and 103-00-00-020.

2. That the said Deed, in accordance with the Will of Vesta B. Rumph, transferred the property to Ronnie F. Judy and James T. Judy.

3. That subsequent Deeds, signed by Ronnie F. Judy as Personal Representative of the Estate of Vesta B. Rumph, had no legal effect in transferring the property as the estate was no longer the owner. This includes, but is not limited to, the general warranty deed transferring property to J. Todd Judy and Ryan C. Judy, recorded in the Dorchester County RMC office in Book 2796 at page 328.

4. That J. Todd Judy and Ryan C. Judy are entitled to reimbursement from Ronnie F. Judy of the sum of Fifteen Thousand Dollars ($15,000) that represents the purported consideration paid.

5. That any subsequent deeds from J. Todd Judy and Ryan C. Judy, including but not limited to a transfer to Wanda B. Judy recorded in the Dorchester County RMC office in Book 2894 at page 242, have no legal effect.

6. That any further deeds purporting to convey this property, TMS # 104-00-00-001 and 103-00-00-020, from the estate are of no legal effect. Any valid conveyance must be signed by both owners, Ronnie F. Judy and James T. Judy.

2 of 3 ap

IT IS SO ORDERED.

May 29, 2003
St. George, SC

Tiffany Provence, Judge of Probate

393 ap

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	IN THE MATTER OF VESTA
~~COUNTY OF DORCHESTER~~	)	~~B. RUMPH~~
	)	CASE NO. 83ES18-00261
	)	
JAMES T. JUDY as Personal Representative of the ESTATE Of VESTA B. RUMPH, PETITONER	)	
VS.	)	
	)	
RONNIE F. JUDY, WANDA B. JUDY, J. TODD JUDY, RYAN C. JUDY, JAMES T. JUDY in his Individual capacity and PATSY THURMAN COWART as personal Representative of the estate of DEWEY L. COWART, RESPONDENTS	)	ORDER

CERTIFIED TRUE COPY
Margaret L Bailey
Administrative Assistant
Margaret L. Bailey
Administrative Assistant
Dorchester County, SC

2004 JAN -8 PM 3:35

BE IT REMEMBERED THAT this matter came before this Court on December 16, 2003 pursuant to Petition to Partition filed by the Personal Representative, James T. Judy, by and through his attorney William McIntosh. Respondent Ronnie F. Judy was present at the hearing, represented by his attorney, J. Seth Whipper. Based upon testimony offered during the course of this most recent hearing in this matter, the following are presented as

FINDINGS OF FACT:

1. Vesta B. Rumph died on May 13, 1983, devising real property, which is the subject of this suit, to Ronnie F. Judy and James T. Judy.
2. Ronnie F. Judy was appointed as Personal Representative of the Estate of Vesta B. Rumph from July of 1983, until his removal on October 15, 2001. Petitioner James T. Judy currently serves as Personal Representative.
3. The real property, which is the subject of this suit, is currently divided into three parcels as follows:

PLAINTIFF'S EXHIBIT 13 7/18/11

a. A 10.9 acre tract in Dorchester County (attachment A) assigned TMS # 103-00-00-020. This land will hereinafter be referred to as the 10.9 acre tract.

b. A 9.29 acre tract in Dorchester County (attachment B) assigned TMS # 104-00-00-045. This tract was formerly part of the following tract and contains the homestead. This land will hereinafter be referred to as the homestead tract.

c. A 134.71 acre tract in Dorchester County (attachment C) assigned TMS #104-00-00-001. This land will hereinafter be referred to as the 134.71 acre tract.

4. After receiving a Notice of Hearing regarding his removal, Ronnie F. Judy, acting as Personal Representative, recorded a lease agreement. This lease, hereinafter referred to as the Cowart lease, purported to lease twenty-five (25) acres of the 134.71 acre tract to Dewey L. Cowart for use as a fishing pond.

5. On June 17, 2002 this Court held a hearing, based on a Petition to Recover Property, to determine ownership of the above parcels of land.

6. On May 29, 2003 this Court issued a Supplemental Order (attachment D) which held that:

(a) The February 12, 2001 Deed of Distribution was a valid conveyance of the above parcels;

(b) That Ronnie F. Judy and James T. Judy are the legal owners of the property in accordance with the will of Vesta B. Rumph;

(c) That subsequent deeds, including those to J. Todd Judy, Ryan C. Judy, and Wanda B. Judy, signed by Ronnie F. Judy as Personal Representative, had no legal effect;

(d) That any further deeds purporting to convey this property were of no legal effect unless signed by the co-owners, Ronnie F. Judy and James T. Judy.

DISCUSSION

This order will address three separate actions. The first is the leasehold interest purportedly held by Dewey L. Cowart. The second is the continued assertion of an ownership interest in the subject property by J. Todd Judy and Ryan C. Judy. Finally is the Petition to Partition the above described parcels in an effort to bring this estate to a close.

Leasehold

Petitioner first seeks to have the leasehold interest, purportedly granted to Dewey L. Cowart, held void. It is the Petitioner's belief that this lease constitutes an encumbrance on the subject property which must be addressed in a partition action. This Court agrees.

The Petitioner argues that the lease to Dewey L. Cowart should be considered invalid. Both the petition, and argument in court, set out many legal grounds on which to void this leasehold interest. Those the Court finds the most compelling include:

(1) Dewey L. Cowart is now deceased. Neither his Personal Representative, nor any of his heirs responded to the notice regarding this hearing and therefore can properly be considered in default;

(2) The lease did not allow for assignment or transfer to any other parties; and

(3) The lease states that the primary purpose is to allow the Lessee to "use and occupy the premises primarily for the purpose of the maintenance of a fishing pond." Destruction of the fishing pond rendered the primary purpose of the lease moot.

Respondent, Ronnie F. Judy, argues that the lease should be held valid because he was within his authority to execute it. He also asserts that the Court should not consider the Lessee's failure to respond, or his death, when determining whether or not to allow the ten (10) year lease to stand. While the Court recognizes that the Respondent, as previous Personal Representative, had the authority to execute a lease, it sees no purpose in continuing to encumber this land with a questionable lease that the Lessee is not interested in upholding. In addition, this Court believes the primary purpose of the lease to have been destroyed and the lack of an assignment clause to give overwhelming grounds for holding this lease to be held null and void from this date forward.

Continued Assertion of Ownership

Present at the hearing were Ryan C. Judy and J. Todd Judy. During the hearing, the Petitioner, through his attorney, requested that these parties declare their interest in the partition action. Both Ryan C. Judy and J. Todd Judy stated that they are continuing to claim an ownership interest in the subject property. The purpose of this discussion is to clarify the Court's granting of a directed verdict for the Petitioner. This Court feels that the issue regarding ownership of this property has already been properly litigated and decided by this Court in a separate action. Therefore, these parties are collaterally estopped from raising such issues again. The Court

simply refers to the previous record and order following the June 17, 2002 hearing to support this decision.

Petition to Partition

There are several facts upon which the Petitioner, James F. Judy, and Respondent, Ronnie F. Judy, can agree. Both parties state that the land can be partitioned in kind and prefer this method to a Court ordered sale of the property. Both parties believe this Court should weigh and balance the equities between the parties since the death of Vesta B. Rumph in 1983. Both parties believe that the partition should include granting the 9.29 acre with homestead to Ronnie F. Judy. The Petitioner presented an appraisal as to the lands value which was not contested by the Respondent. The appraised values assigned by the appraiser, John Wright, are as follows: (1) The 10.9 acre tract is valued at Thirty-two thousand five hundred dollars ($32,500); (2) The 9.29 acre with homestead is valued at One hundred forty-seven thousand five hundred ($147,500); (3) The 134.71 acre tract is valued at Three hundred seventy-five thousand dollars ($375,000).

The remainder of the discussion will address those issues in which the parties had some difference of opinion.

The Petitioner asks this Court to consider several factors when dividing the land between him and his brother, the Respondent. At the heart of his argument is the belief that he has been shortchanged by the fact that his brother, Ronnie F. Judy, the Personal Representative for over eighteen (18) years has benefited more from the use of the property than himself. Petitioner claims, and Respondent does not contest, that Ronnie F. Judy has resided in the homestead of the decedent for more than 2 decades without paying any rent to the Petitioner. Petitioner also feels the Respondent should be held accountable for the loss in property value due to the "deferred maintenance and lack of upkeep." According to the expert testimony, the estimated loss of value (value of property if kept properly minus costs of renovations/remodeling) is approximately $107,944. In addition, the Petitioner seeks to have this court also consider a loss of rental value estimated at approximately $204,000 from the years 1983 until present date. Although Petitioner mentions the alleged destruction of the pond (on the 134.71 tract) by the Respondent as another example of Respondent's negligence, he does not seek to have this Court factor in such loss of value when computing the amount of property each party shall receive.

The Respondent does not deny living in and benefiting from the use of the property. His testimony reflects that there were several underlying verbal agreements regarding this and other properties belonging to these brothers. In summation, there is substantial evidence to show that there was some sort of understanding regarding the living situation, up until the time that James Judy became the Personal Representative, and another verbal agreement regarding the timbering of the 10.9 acre tract.

It is without a doubt that partition of the subject property is in the best interest of Ronnie F. Judy and James T. Judy. Considering the evidence and testimony presented in this Court, the following process will be used to divide the interests in the 3 parcels of land:

(a) The starting point in the partition will be the fact that the entire value of all 3 parcels is agreed upon to be $555,000; therefore, each party is initially entitled to one half (½) of this amount ($277,500) prior to the Court's consideration of any other factors.

(b) Both parties have agreed that Ronnie F. Judy receives the 9.29 acres with homestead. This Court agrees. This Court has seriously considered the expert testimony regarding loss of value and loss on rental income on this parcel of land; however, it would not be fair to charge Respondent with both. Had the property been rented, both parties would be equally responsible for the upkeep and maintenance, regardless of the identity of the tenant. Since the property was occupied and enjoyed solely by the Respondent while he was serving as Personal Representative, he will be credited with receiving the property at a value of $244,036. This figure represents the $147,500 current value, plus $96,536 to represent the portion of deferred maintenance and loss of value that occurred during the Respondents 18 years and 4 months as both sole tenant and Personal Representative.

(c) Both parties also agree that Ronnie F. Judy receives the 10.9 acre tract. This Court agrees. For purposes of computation, that property will be valued at $32,500. While the Court considered the testimony regarding the prior timbering of this land, it will not be used to change the value at which this, or any other, property is received. There is substantial evidence to prove that there was an agreement between the parties regarding the proceeds from the timbering of this and other co-owned properties.

(d) The value at which Ronnie F. Judy receives these two parcels of land is $276,536. This sum is $964 short of his entitlement to one half (½) of the value of the land; however, the file and testimony

reflect the Petitioner James T. Judy has made a claim for rent payment since his date of appointment as Personal Representative that would exceed this amount. Since the Court did not charge Respondent Ronnie F. Judy with loss of value or deferred maintenance for this period of time, Petitioner is well within his rights to request such payment. At this time, the Court is ordering the Petitioner to accept the additional $964 in land value and discontinue his claim for any further or back payment of rent money owed by the Respondent. Therefore, Petitioner will receive the entire 134.71 acre tract and the Court will consider all other issues regarding money owed to either party on these parcels of land to be moot.

THEREFORE; IT IS ORDERED that

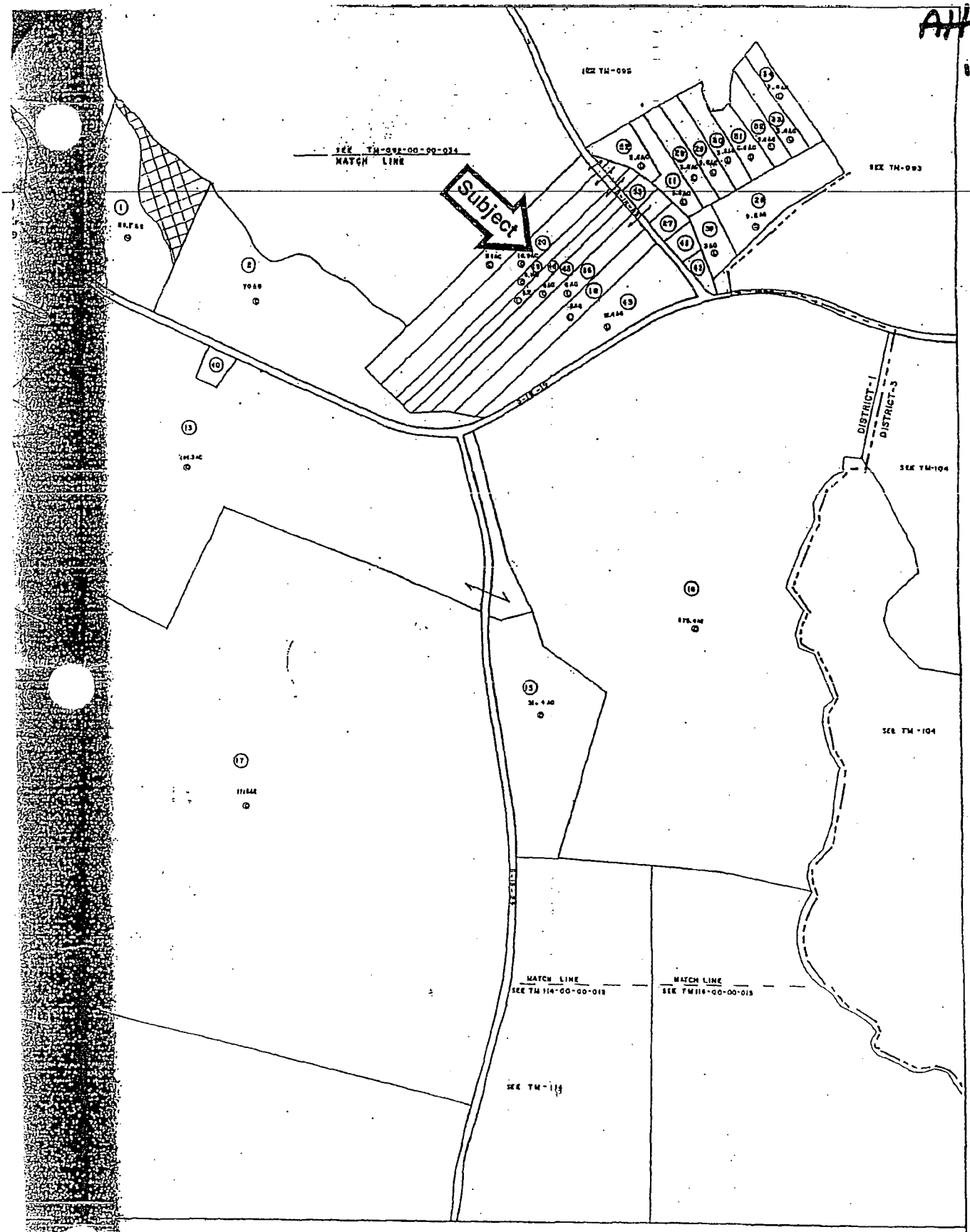
1. The Cowart lease is declared null and void and will not act as an encumbrance against any of the Vesta B. Rumph estate property.
2. The Petitioner, James T. Judy, receives the 134.71 acre tract identified with TMS # 104-00-00-001. This property is not to be encumbered by the Cowart lease.
3. The Respondent, Ronnie F. Judy, receives the 10.9 acre tract identified with TMS # 103-00-00-020 and the 9.29 acre tract known as the homestead tract and identified with TMS # 104-00-00-045.
4. The Petitioner shall dismiss any additional claims for back rent or other debt from the Respondent, Ronnie F. Judy.
5. The Respondents, J. Todd Judy and Ryan C. Judy are collaterally estopped from making any claim against any of the above described properties.

IT IS SO ORDERED.

January 7, 2004
Saint George, SC

Tiffany Provence, Judge of Probate

Attachment "A"



LEGEND

COUNTY LINE	MAP PARCEL NUMBER
MUNICIPAL LINE	MAP SCALED DIMENSION
TAX DISTRICT LINE	ACREAGE, COMPUTED
MAP MATCH LINE	ACREAGE, LEGAL
PROPERTY LINE	CONTIGUOUS PROPERTY – SAME OWNER
MAP BLOCK NUMBER	

SCHOOL DISTRICT NO. 1,3

TAX DISTRICT NO. 1,3

AREA

AERIAL PHOTO NO. 103

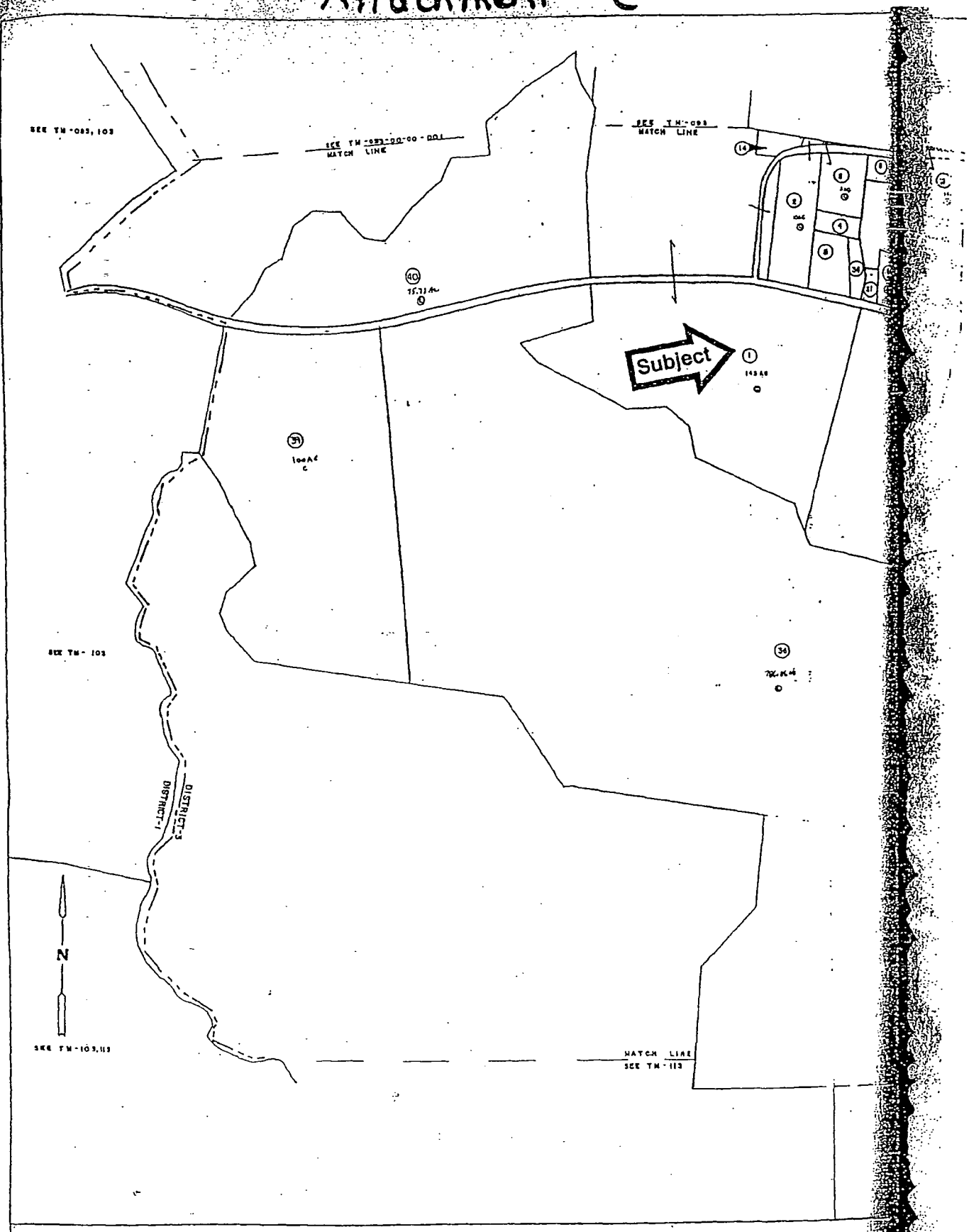
[420]

TAX MAP NUMBER

103 — 00 — 00

DORCHESTER COUNTY, S.C.

Attachment "C"



TAX MAP PREPARED BY THE COUNTY ASSESSOR'S OFFICE. DORCHESTER COUNTY RESERVES THE EXCLUSIVE RIGHT TO SELL THIS MAP. NO RESALE OR REPRODUCTION FOR RESALE IS PERMITTED.

THIS MAP IS PREPARED FOR TAX PURPOSES ONLY

DATE COMPLETED JANUARY 15, 1979

REVISIONS

DEED CHANGES	FIELD CHECKS	DEED CHANGES	FIELD CHECKS

APPROXIMATE SCALE IN FEET

TAX MAP COMPILED FROM DEEDS, PLATS, RESEARCH AND FIELD RECONNAISSANCE.

ALL MEASUREMENTS ARE TO THE NEAREST FOOT.

BUILDINGS ARE NOT PLOTTED TO EXACT SCALE OR LOCATION.

DATE OF AERIAL PHOTOGRAPHY – FEBRUARY, 1978

Attachment "D"

PROBATE JUDGE
DORCHESTER COUNTY
2003 MAY 29 PM 2:11

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	
COUNTY OF DORCHESTER	)	CASE NUMBER 83ES18-00261
	)	
JAMES T. JUDY as Personal Representative of the ESTATE OF VESTA B. RUMPH,	)	
Petitioner,	)	
Vs.	)	SUPPLEMENTAL ORDER
RONNIE F. JUDY, WANDA B. JUDY, J. TODD JUDY, RYAN C. JUDY, JAMES T. JUDY in his Individual capacity, JAMES T. JUDY, JR. AND TRACIE HENDRIX,	)	
Respondents.	)	

WHEREAS the Petitioner filed a Petition to Recover Property or Determine Title Thereto on or about April 15, 2002;

WHEREAS the Defendants Ronnie F. Judy and Wanda B. Judy filed an Answer and Complaint on or about June 14, 2002;

WHEREAS a hearing on the Petition to Recover Property was heard before this Court on June 7, 2002;

WHEREAS this Court issued an Order on August 16, 2002 denying the Defendants' Counterclaim, concluding that ownership of the subject property, held by the Estate of Vesta B. Rumph, shall either be deed back into the estate or considered transferred by the February 12, 2001;

WHEREAS the Defendants have refused to sign deeds conveying the subject property to the Estate of Vesta B. Rumph;

IT IS THEREFORE ORDERED AND DECREED

1. That the February 12, 2001 Deed of Distribution, recorded in the Dorchester County RMC office at Book 2608 at page 090, signed by Ronnie F. Judy as Personal Representative of the Estate of Vesta B. Rumph, was a valid conveyance of TMS # 104-00-00-001 and 103-00-00-020.

2. That the said Deed, in accordance with the Will of Vesta B. Rumph, transferred the property to Ronnie F. Judy and James T. Judy.

3. That subsequent Deeds, signed by Ronnie F. Judy as Personal Representative of the Estate of Vesta B. Rumph, had no legal effect in transferring the property as the estate was no longer the owner. This includes, but is not limited to, the general warranty deed transferring property to J. Todd Judy and Ryan C. Judy, recorded in the Dorchester County RMC office in Book 2796 at page 328.

4. That J. Todd Judy and Ryan C. Judy are entitled to reimbursement from Ronnie F. Judy of the sum of Fifteen Thousand Dollars ($15,000) that represents the purported consideration paid.

5. That any subsequent deeds from J. Todd Judy and Ryan C. Judy, including but not limited to a transfer to Wanda B. Judy recorded in the Dorchester County RMC office in Book 2894 at page 242, have no legal effect.

6. That any further deeds purporting to convey this property, TMS # 104-00-00-001 and 103-00-00-020, from the estate are of no legal effect. Any valid conveyance must be signed by both owners, Ronnie F. Judy and James T. Judy.

293

IT IS SO ORDERED.

May 29, 2003
St. George, SC

T. Provence

Tiffany Provence, Judge of Probate

3 of 3 pp

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FILED - RECORDED
R.M.C. / R.O.D.
2004 SEP 10 PM 3:12
DORCHESTER COUNTY, SC

Case No. 83ES18-00261
STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

TITLE TO REAL ESTATE
(Judicial Deed)

Whereas the below described property is being conveyed to the Grantee pursuant to the Order of the Probate Court of Dorchester County dated January 7, 2004 and filed January 8, 2004 in the Petition to Partition Real Property filed pursuant to S.C. Code § 62-3-911 *In the Matter of Vesta B. Rumph, Deceased*, Case No. 83ES18-00261 captioned *James T. Judy as Personal Representative of the Estate of Vesta B. Rumph vs. Ronnie F. Judy, Wanda B. Judy, J. Todd Judy, Ryan C. Judy, James T. Judy in his individual capacity and Patsy Thurman Cowart as Personal Representative of the Estate of Dewey L. Cowart;*

DORCHESTER COUNTY
SC Deed Rec Fee
Dor Co Deed Rec Fee
Filing Fee 10.00
Exemption # 5
LINDA T. MESSERVY
Register of Mesne Conveyance

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, That I, TIFFANY PROVENCE, JUDGE OF PROBATE, on behalf of VESTA B. RUMPH, Deceased, RONNIE F. JUDY, JAMES T. JUDY, WANDA B. JUDY, J. TODD JUDY, and RYAN C. JUDY, as their interests may exist, for and in consideration of and pursuant to the above referenced Order of the Probate Court of Dorchester County and pursuant to S.C. Code § 62-3-911, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto RONNIE F. JUDY, his Successors, Heirs, and Assigns forever, the following described real property:

All that certain piece, parcel or tract of land with buildings and improvements thereon, measuring and containing 9.29 acres, more or less, formerly being a part of 143 acres, more or less, situate, lying and being in School District No. 4, County of Dorchester, State of South Carolina, and butting and bounding now or formerly as follows, to wit: bounded on the East by Sandridge Road; On the North by lands now or formerly of Ronnie F. Judy and James T. Judy, on the West by lands now or formerly of Ronnie F. Judy and James T. Judy, and on the South by S-18-19 aka Wire Road. This being the same property depicted on a plat prepared by Albert R. Judy, PLS (S.C.P.L.S. No. 17570) dated November 20, 1999 titled "PLAT SHOWING PROPERTY OF VESTA J. BROWN RUMPH ESTATE ABOUT TO BE CONVEYED TO RONNIE F. JUDY LOCATED SOUTH

REGISTER OF DEEDS
OFFICIAL SEAL
DORCHESTER COUNTY, SC

Recorded by: 1872 Sandridge Rd. Dorchester SC 29437

PLAINTIFF'S EXHIBIT 14 CSM 7/18/14

A TRUE COPY
Margaret L. Bailey
MARGARET L. BAILEY
REGISTER OF DEEDS
DORCHESTER COUNTY, SC
DATE 9-5-10

OF PREGNALL, DORCHESTER CO. SC" and recorded on November 21, 2001, 2001 in the RMC Office for Dorchester County in Plat Book K-9.

This being a part of 143 acres, more or less, transferred to Vesta B. Rumph, herein, from the Estate of C.C. Rumph as recorded in the Office of the Probate Court of Dorchester County in Probate Packet 115A, then conveyed to Ronnie F. Judy and James T. Judy by Deed of Distribution of Ronnie F. Judy as Personal Representative of the Estate of Vesta B. Rumph dated February 12, 2001 and recoded in the RMC Office for Dorchester County in Book 2608 at Page 090, then purportedly conveyed to J. Todd Judy and Ryan C. Judy by deed of Ronnie F. Judy as Executor of Estate of Vesta B. Rumph dated August 20, 2001 and recorded in the RMC Office for Dorchester County in Book 2796 at Page 328. This being the same property purportedly conveyed to Wanda B. Judy by deed of J. Todd Judy and J. Ryan Judy dated November 21, 2001 and recorded in the RMC Office for Dorchester County in Book 2894 at Page 242.

TMS: 104-00-00-045

ALSO:

All that certain piece, parcel, or tract of land situate, lying and being in School District 4, County of Dorchester, State of South Carolina, measuring and containing 10.9 acres, more or less, butting and bounding now or formerly as follows, to wit: on the Northeast by lands now or formerly of Florrie Bell Flannigan, on the Southeast by lands now or formerly of Heziklah Bryant; on the Southwest by lands now or formerly of the Estate of Robert S. Gruber; and on the Northwest by lands now or formerly of Lee Haynes.

This being the same property transferred to Vesta B. Rumph, herein, from the Estate of C.C. Rumph as recorded in the Office of the Probate Court of Dorchester County in Probate Packet 115A, then conveyed to Ronnie F. Judy and James T. Judy by deed of Ronnie F. Judy as Personal Representative of the Estate of Vesta B. Rumph dated February 12, 2001 and recorded in the RMC Office for Dorchester County in Book 2608 at Page 090, and then purportedly conveyed to J. Todd Judy and J. Ryan Judy by deed of Ronnie F. Judy, Executor of the Estate of Vesta B. Rumph dated August 20, 2001 and recorded in the RMC Office for Dorchester County in Book 2796 at Page 328.

TMS: 103-00-00-020

SUBJECT to all covenants, easement and restrictive covenants of record and to all governmental statutes, ordinances, rules and regulations.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anyway incident or appertaining.

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY SC

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said RONNIE F. JUDY, his Successors, Heirs and Assigns forever.

WITNESS my Hand and Seal this 10th day of September in the year of our Lord town thousand four and in the two hundredth and twenty-ninth year of the Sovereignty and Independence of the United States of America.

Tiffany Provence,
Judge of Probate

Signed, Sealed and Delivered
In the Presence of:

Lorie S. Elmore
Rebecca K Marchant

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged by me this 10th day of Sept., 2004, by Tiffany Provence, Judge of Probate.

Grantee's Address:

1872 Sandridge Road
Dorchester, SC 29437

Lorie S. Elmore (SEAL)
Notary Public for South Carolina

My Commission Expires: 3-21-2013

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER
Filed for record this 10th
Day of Sept 2004
at 3:22 P M and recorde
in book 4324 page 286
LINDA T MESSERVY
REGISTER OF MESNE CONVEYANCE

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY SC

BK 4324PG289

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.

2. The property is being transferred **BY TIFFANY PROVENCE, JUDGE OF PROBATE, ET AL. TO RONNIE F. JUDY ON SEPTEMBER 10, 2004.**

3. Check one of the following: ***The DEED is***

(a) _____ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.

(b) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.

(c) X EXEMPT from the deed recording fee because (Exemption # (5) it is transferring realty in order to partition realty as long as no consideration is paid for the transfer other than the interests in the realty that are being exchanged in order to partition the realty;

. Check one of the following if either 3(a) or 3(b) above has been checked.

(a) n/a The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of $n/a.

(b) n/a The fee is computed on the fair market value of the realty which is $n/a.

(c) n/a The fee is computed on the fair market value of the realty as established for property tax purposes which is $n/a.

5. Check YES_____ or NO_____ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES," the amount of the outstanding balance of this lien or encumbrance is $n/a.

6. The DEED Recording Fee is computed as follows:

(a) $n/a the amount listed in item 4 above

(b) $n/a the amount listed in item 5 above (no amount place zero)

(c) $n/a Subtract Line 6(b) from Line 6(a) and place the result.

7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: ~~the closing~~ Plaintiff's attorney.

8. Check if Property other than Real Property is being transferred on this Deed.

(a) _____ Mobile Home

(b) _____ Other

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Sworn to before me this

10th day of September, 2004.

Margaret A Bailey (SEAL)
Notary Public for South Carolina

My Commission Expires: 4-13-2010

BARR, UNGER AND McINTOSH, L.L.C.

William E. McIntosh, III

REGISTER OF DEEDS
OFFICIAL SEAL
DORCHESTER COUNTY, SC

BK 5844PG224

FILED-RECORDED
RMC / ROD

2007 FEB -7 AM 9:42

MARGARET L. BAILEY
DORCHESTER COUNTY, SC

THIS PAGE IS HEREBY ATTACHED AND MADE PART OF THE PERMANENT RECORD OF THIS DOCUMENT. IT IS NOT TO BE DETACHED OR REMOVED AND MUST BE CITED AS THE FIRST PAGE OF THE RECORDED DOCUMENT. THE TOP OF THE PAGE IS TO BE USED FOR RECORDING PURPOSES AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.

PLAINTIFF'S EXHIBIT 15 7/18/14

REGISTER OF DEEDS
DORCHESTER COUNTY SOUTH CAROLINA
MARGARET L. BAILEY, REGISTER
POST OFFICE BOX 38
ST. GEORGE, SC 29477
843-563-0181 or 843-832-0181

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY, SC

A TRUE COPY
Margaret L. Bailey
MARGARET L. BAILEY
REGISTER OF DEEDS
DORCHESTER COUNTY, SC
DATE 8-5-10

BK 5844PG225

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, That I, Ronnie F. Judy, hereinafter referred to as Grantor for and in the State aforesaid, in consideration of the sum of Five Dollars ($5.00) love and affection paid by **J. TODD JUDY,** hereinafter referred to as Grantee in the State and County aforesaid, (the receipt of which is hereby acknowledged), have granted, bargained, sold and released and by these presents do grant, bargain, sell and release unto the said Grantee, J. TODD JUDY, his heirs and assigns, all my right, title and interest in and to the following described property:

All that certain piece, parcel or tract of land with buildings and improvements thereon, measuring and containing 9.29 acres, more or less, formerly being a part of 143 acres, more or less, situate, lying and being in School District No. 4, County of Dorchester, State of South Carolina, and butting and bounding now or formerly as follows, to wit: bounded on the East by Sandridge Road; On the North by lands now or formerly of Ronnie F. Judy and James T. Judy, on the West by lands now or formerly of Ronnie F. Judy and James T. Judy, and on the South by S-18-19 aka Wire Road. This being the same property depicted on a plat prepared by Albert R. Judy, PLS(S.C.P.L.S. No.17570) dated November 20, 1999 titled "PLAT SHOWING PROPERTY OF VESTA J. BROWN RUMPH ESTATE ABOUT TO BE CONVEYED TO RONNIE F. JUDY LOCATED SOUTH OF PREGNALL, DORCHESTER CO. SC" and recorded on November 21, 2001, in the RMC Office for Dorchester County in Plat Book K-9.

This being the same property conveyed to the Grantor herein by Judicial Deed of Tiffany Provence, Judge of Probate on behalf of Vesta B. Rumph, Deceased, etal. dated September 10, 2004 and filed in the office of the RMC for Dorchester County in Book 4324 at page 186

TMS: 104-00-00-045

DORCHESTER COUNTY
SC Deed Fee Fee
Dor Co Deed Rec Fee
Filing Fee 11.00
Exemption # 1
MARGARET L. BAILEY
Register of Deeds

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY, SC

ALSO:

All that certain piece, parcel, or tract of land situate, lying and being in School District 4, County of Dorchester, State of South Carolina, measuring and containing 10.9 acres, more or less, butting and bounding now or formerly as follows, to wit: on the Northeast by lands now or formerly of Florrie Bell Flannigan, on the Southeast by lands now or formerly of Hezikiah Bryant; on the Southwest by lands now or formerly of the Estate of Robert S. Gruber; and on the Northwest by lands now or formerly of Lee Haynes.

This being the same property conveyed to the Grantor herein by Judicial Deed of Tiffany Provence, Judge of Probate on behalf of Vesta B. Rumph, Deceased, etal. dated September 10, 2004 and filed in the office of the RMC for Dorchester County in Book 4324 at page 286.

TMS: 103-00-00-020

Grantee's Address: 119 Fairway Court, St. George, S. C. 29477

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said Grantee, his Heirs and Assigns forever.

And the Grantor does hereby bind Grantor Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Grantee, his Heirs and Assigns, against Grantor and Grantor Heirs and against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY, SC

WITNESS My Hand and Seal this 7th day of Feb, 2007 In the year of our Lord two thousand seven in the two hundred and thirty-first year of the Sovereignty and Independence of the United States of America.

SIGNED, SEAL AND DELIVERED

Ronnie F. Judy

Ronnie F. Judy, Grantor

IN THE PRESENCE OF:

Darlene W. Quattlebaum

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY, SC

STATE OF SOUTH CAROLINA)
) **PROBATE**
COUNTY OF DORCHESTER)

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within-named Grantor (s), sign, seal and as his/her act and deed, deliver the within Deed for the uses and purposes therein mentioned, and that (s)he with the other witness subscribed above witnessed the execution thereof.

SWORN to before me this 7th
day of Feb, **2007.**

Witness

Darlene W. Quattlebaum

Notary Public for South Carolina
My Commission Expires: 4-1-2014

REGISTER OF DEEDS
OFFICIAL SEAL
DORCHESTER COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

PERSONALLY appeared before me the undersigned, who being duly sworn disposes and says:

1. I have read the information concerning the new exemption numbers (Senate Bill 564 – June 10, 1997), and I understand this information.

2. The property being transferred is located at 1872 Sandridge Rd, bearing DORCHESTER COUNTY TAX MAP NUMBER 104-00-00-045, was transferred by Ronnie F. Judy 103-00-00-020 to J Todd Judy on Feb. 7, 2007.

3. The deed is NOT EXEMPT from the deed recording fees, and the FAIR MARKET VALUE IS _____.

4. Thee deed is exempt from the deed recording fee because **(use new exemption number and explain reason for exemption):**
EXEMPTION # 1 (See new exemption number on enclosed sheet) AND
EXPLANATION FOR EXEMPTION Family Member

5. As required by code section 12-24-70, I state I am a responsible person who was Connected with the transaction as: (X) grantor, ( ) grantee, ( ) attorney, ( ) other (state connection)_____

6. I understand that a person required to furnish this affidavit who willfully furnishes a false for fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more that one thousand ($1,000.00) or imprisoned for more that one year, or both.

Ronnie F. Judy
Responsible Person Connected with Transaction (see #5)

SWORN to before me this 7th
Day of Feb 20 07
Darlene W. Drafts
Notary Public for S.C.
My Commission Expires: 4-1-2014

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY, SC

Recording Date: 12/31/2008 Instrument: 3 Book: 6902 Page: 71-76

FILED-RECORDED
RMC / ROD

2008 Dec 31 AM 9:04:58

DORCHESTER COUNTY
SC Deed Rec Fee: .00
Dor Co Deed Rec Fee: .00
Filing Fee: 11.00
Exemption #:
MARGARET L. BAILEY
Register of Deeds

THIS PAGE IS HEREBY ATTACHED AND MADE PART OF THE PERMANENT RECORD OF THIS DOCUMENT. IT IS NOT TO BE DETACHED OR REMOVED AND MUST BE CITED AS THE FIRST PAGE OF THE RECORDED DOCUMENT. THE TOP OF THE PAGE IS TO BE USED FOR RECORDING PURPOSES AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.

REGISTER OF DEEDS
DORCHESTER COUNTY SOUTH CAROLINA
MARGARET L. BAILEY, REGISTER
POST OFFICE BOX 38
ST. GEORGE, SC 29477
843-563-0181 or 843-832-0181

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY, SC

PLAINTIFF'S EXHIBIT 16 7/8/14

A TRUE COPY
Margaret L Bailey
MARGARET L. BAILEY
REGISTER OF DEEDS
DORCHESTER COUNTY, SC
DATE 8-5-14

FILED/RECORDED
December 31, 2008
DORCHESTER COUNTY
REGISTER OF DEEDS

STATE OF SOUTH CAROLINA)
) **TITLE TO REAL ESTATE**
COUNTY OF DORCHESTER)

KNOW ALL MEN BY THESE PRESENTS, That I, J. Todd Judy hereinafter referred to as Grantor for and in the State aforesaid, in consideration of the sum of Five Dollars ($5.00) love and affection paid by Wanda B. Judy, hereinafter referred to as Grantee in the State and County aforesaid, (the receipt of which is hereby acknowledged), have granted, bargained, sold and released and by these presents do grant, bargain, sell and release unto the said Grantee, Wanda B. Judy, her heirs and assigns, all my right, title and interest in and to the following described property:

All that certain piece, parcel or tract of land with buildings and improvements thereon, measuring and containing 9.29 acres, more or less, formerly being a part of 143 acres, more or less, situate, lying and being in School District No. 4, County of Dorchester, State of South Carolina, and butting and bounding now or formerly as follows, to wit: bounded on the East by Sandridge Road; On the North by lands now or formerly of Ronnie F. Judy and James T. Judy, on the West by lands now or formerly of Ronnie F. Judy and James T. Judy, and on the South by S-18-19 aka Wire Road. This being the same property depicted on a plat prepared by Albert R. Judy, PLS(S.C.P.L.S. No.17570) dated November 20, 1999 titled "PLAT SHOWING PROPERTY OF VESTA J. BROWN RUMPH ESTATE ABOUT TO BE CONVEYED TO RONNIE F. JUDY LOCATED SOUTH OF PREGNALL, DORCHESTER CO. S.C." and recorded on November 21, 2001 in the RMC Office for Dorchester County in Plat Book K-9.

This being the same property conveyed to the Grantor herein, J. Todd [redacted] Judy dated February 7,2007, and filed in the office of the RMC for Dorchester County in Book [redacted] 5844 Pg 225 **TMS:104-00-00-045**

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY, SC

ALSO:

All that certain piece, parcel, or tract of land situate, lying and being in School District 4, County of Dorchester, State of South Carolina, measuring and containing 10.9 acres, more or less, butting and bounding now or formerly as follows, to wit: on the Northeast by lands now or formerly of Florrie Bell Flannigan, on the Southeast by lands now or formerly of Hezikiah Bryant; on the Southwest by lands now or formerly of the Estate of Robert S. Gruber; and on the Northwest by lands now or formerly of Lee Haynes.

J. Todd

This being the same property conveyed to the Grantor, [redacted]. Judy on February 7, 2007 and filed in the office of the RMC for Dorchester County in Book [redacted] at page [redacted].

5844 225

TMS: 103-00-00-020

Ret. **Grantee's Address:** 1872 Sandridge Road, Dorchester, SC 29437

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident of appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said Grantee, her Heirs and Assigns forever.

And the Grantor does hereby bind Grantor Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Grantee, her Heirs and Assigns, against Grantor and Grantor Heirs and against every person whomsoever lawfully claiming, or to claim the same of any part thereof.

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY, SC

WITNESS My Hand and Seal this 31st **day of** Dec., **2008 in the year of our Lord two thousand eight in the two hundred and thirty-second year of the Sovereignty and Independence of the United States of America.**

SIGNED, SEAL AND DELIVERED

J. Todd Judy

J. Todd Judy

IN THE PRESENCE OF:

Sandra M. Jordan

Mary E. Furman Jr

REGISTER OF DEEDS OFFICIAL SEAL DORCHESTER COUNTY, SC

STATE OF SOUTH CAROLINA)
) **PROBATE**
COUNTY OF DORCHESTER)

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within-named Grantor(s), sign, seal and as his/her act and deed, deliver the within Deed for the uses and purposes therein mentioned, and that (s)he with the other witness subscribed above witnessed the execution thereof.

SWORN to before me this 31st
day of December **2008.**

George E. Furman Jr.
Witness

Sandra M. Jackson
Notary Public for South Carolina
My Commission Expires: 3-18-2014

REGISTER OF DEEDS
OFFICIAL SEAL
DORCHESTER COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

PERSONALLY appeared before me the undersigned, who being duly sworn disposes and says:

1. I have read the information concerning the new exemption numbers (Senate Bill 564 – June 10, 1997), and I understand this information.

2. The property being transferred is located at 1872 Sandridge Rd., bearing DORCHESTER COUNTY TAX MAP NUMBER 104-00-00-045, was transferred by J Todd Judy to Wanda B. Judy on Dec. 30, 2008.

3. The deed is NOT EXEMPT from the deed recording fees, and the FAIR MARKET VALUE IS _____.

4. Thee deed is exempt from the deed recording fee because **(use new exemption number and explain reason for exemption):**
EXEMPTION # 1 (See new exemption number on enclosed sheet) **AND**
EXPLANATION FOR EXEMPTION Family Member

5. As required by code section 12-24-70, I state I am a responsible person who was Connected with the transaction as: (X) grantor, ( ) grantee, ( ) attorney, ( ) other (state connection)_____.

6. I understand that a person required to furnish this affidavit who willfully furnishes a false for fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more that one thousand ($1,000.00) or imprisoned for more that one year, or both.

J Todd Judy
Responsible Person Connected with Transaction (see #5)

SWORN to before me this 31st
Day of December 2008
Sandra M. Cochran
Notary Public for S.C.
My Commission Expires: 9-08-2014

REGISTER OF DEEDS
OFFICIAL SEAL
DORCHESTER COUNTY, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT
CASE NO. 04-CP-18-1529

JAMES T. JUDY,

Plaintiff,

vs.

RONNIE F. JUDY

Defendant.

SUMMONS
Non Jury

FILED-RECORDED
2004 SEP 10 PM 4:11
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve your Answer on the attorneys for the Plaintiff at their offices, located at 111-A East Washington Street Walterboro, South Carolina 29488, within thirty (30) days after the service hereof, exclusive of the date of such service, and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint and judgment by default will be entered against you for the relief demanded in the Complaint.

BARR, UNGER AND McINTOSH, LLC

H. Wayne Unger, Jr.
William E. McIntosh, III
111-A East Washington Street
Walterboro, SC 29488
(843) 549-9406

ATTORNEYS FOR PLAINTIFF

Walterboro, South Carolina
September 10, 2004

PLAINTIFF'S EXHIBIT 7/12/06

STATE OF SOUTH CAROLINA)) COUNTY OF DORCHESTER)	IN THE COURT OF COMMON PLEAS FOR THE FIRST JUDICIAL CIRCUIT CASE NO. 04-CP-18- 1529
James T. Judy, Plaintiff, vs. Ronnie F. Judy, Defendants.	**COMPLAINT**

FILED-RECORDED
2004 SEP 10 PM 4:11
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

Plaintiff, complaining of Defendant, would respectfully allege and show as follows:

1. That Plaintiff is a citizen and resident of the State of South Carolina, County of Dorchester.

2. That Defendant is a citizen and resident of the State of South Carolina, County of Dorchester, and is subject to the personal and subject matter jurisdiction of this Court.

3. That this is an action concerning real property, all of which property is located in Dorchester County, South Carolina, and all of the causes of action herein directly relate to injuries concerning this property ("the Subject Property").

4. Plaintiff is the owner of the Subject Property, a tract formerly containing 143 acres, more or less, and shown on the Dorchester County Tax Map as Parcel Number 104-00-00-001.

5. Plaintiff and Defendant, formerly and at all times relevant herein, each had an undivided one-half interest in the Subject Property as devisees of Vesta B. Rumph who died in 1983.

6. From the time of Vesta B. Rumph's death in 1983 until about May 4, 2003, the parties jointly possessed and jointly used a ten (10) acre fishing pond on the Subject Property ("the Fishing Pond").

FOR A FIRST CAUSE OF ACTION
(*Private Nuisance*)

7. Plaintiff repeats and realleges the allegations contained within Paragraphs 1 through 6 as if fully set forth verbatim herein.

8. On or about May 4, 2003, Defendant intentionally, willfully, wantonly, and maliciously, without prior warning or consent, elected to completely drain the Fishing Pond and to do so by permanently cutting a large hole in earthen dam creating the pond so that it could never thereafter be refilled naturally.

9. Defendant's actions were done with the deliberate intent and purpose of creating an unsightly and dangerous condition, and were done in spite and malice.

10. Defendant's actions have directly injured Plaintiff, Plaintiff's property interests, Plaintiff's enjoyment of the Subject Property, have created a substantial and personal inconvenience and annoyance to Plaintiff, have diminished the value of Plaintiff's property interests, and have wrongfully, inappropriately, and unreasonably interfered with Plaintiff's peaceful use and enjoyment of the Subject Property.

11. Plaintiff is informed and believes that Defendant's actions constitute a private nuisance and that Defendant had an implied, actual, and legal obligation to use the Subject Property in such a way to not prevent Plaintiff from enjoying his use of the Subject Property, including the Fishing Pond.

12. As a result of Defendant's deliberate, intentional, willful, wanton, malicious and unreasonable actions, Plaintiff is informed and believes he is entitled to actual, special, consequential, and punitive damages as determined by the trier of fact.

FOR A SECOND CAUSE OF ACTION
(*Tort of Outrage*)

13. Plaintiff repeats and realleges the allegations contained within Paragraphs 1 through 12 as if fully set forth verbatim herein.

14. Defendant intentionally and recklessly inflicted severe emotional distress on Plaintiff or knew, in the alternative, that distress would almost certainly result from his conduct.

15. Defendant's conduct was so extreme and outrageous that it exceeded all possible bounds of decency and was, in fact, atrocious and utterly intolerable in a civilized community.

16. Defendant's actions caused and continue to cause Plaintiff emotional distress so severe that no reasonable property owner would ever want to suffer or could be expected to endure under the circumstances.

17. As a result of Defendant's utterly intentional, reckless, and outrageous actions, including the intentional infliction of emotional distress, Plaintiff is informed and believes that he is entitled to actual, special, consequential, and punitive damages.

WHEREFORE, for each of the causes of action alleged above, Plaintiff prays for actual, special, consequential and punitive damages, and in such sum as the trier of fact may determine, and for such other and further relief as is just and proper or as to which Plaintiff is entitled to as a matter of law.

BARR, UNGER & McINTOSH, LLC

H. Wayne Unger, Jr.
William E. McIntosh, III
111-A East Washington Street
Walterboro, South Carolina 29488
(843) 549-9406

ATTORNEYS FOR PLAINTIFF
JAMES T. JUDY

September 10, 2004

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER	)	CASE NO.: ~~2004-CP-18-~~ 2005-CP-18-1793
JAMES T. JUDY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**SUMMONS**
	)	**(Waste)**
RONNIE F. JUDY,	)	**(Jury Trial Demanded)**
	)	
Defendant.	)	

CERTIFIED COPY
2005 NOV 28 AM 10:23
CLERK OF COURT
DORCHESTER COUNTY

TO THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint upon the subscribers at their office, 11 Broad Street, Charleston, South Carolina 29401, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, the Plaintiff will apply to the Court for the relief demanded in the Complaint.

BARR, UNGER & McINTOSH, LLC

CAPERS G. BARR, III
P. O. Box 1037; 11 Broad Street
Charleston, South Carolina 29402-1037
(843) 577-5083; (843) 723-9039 (facsimile)
Attorney for Plaintiff

November 22, 2005
Charleston, South Carolina

PLAINTIFF'S EXHIBIT 17

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER)	CASE NO.: ~~2004-CP-18-~~ 2005-CP-18-1793
JAMES T. JUDY,)	
)	
Plaintiff,)	
)	
vs.)	**COMPLAINT**
)	**(Waste)**
RONNIE F. JUDY,)	**(Jury Trial Demanded)**
)	
Defendant.)	
)	

CERTIFIED COPY
2005 NOV 28 AM 10:23
Cheryl Anderson
CLERK OF COURT
DORCHESTER COUNTY

Plaintiff by this his complaint alleges:

1. Plaintiff and Defendant are brothers and both reside in Dorchester County, South Carolina.

2. On or about May 13, 1983 the late Vesta B. Rumph died a resident of Dorchester County, seized and possessed of approximately 155 acres of land, situate in Dorchester County.

3. The last Will and Testament of Vesta B. Rumph devised her lands to Plaintiff and Defendant equally, share and share alike.

4. Following the death of Vesta B. Rumph Defendant qualified as personal representative of her estate, he having been named in the Will in that capacity.

5. Shortly following the death of Vesta Rumph Defendant took possession of a portion of Vesta Rumph's lands which included her home and approximately 9.29 acres. Defendant has resided in the Rumph home continually since that time.

6. The Vesta Rumph home and the 9.29 acres were a part of a 143 acre parcel in the estate identified by the Dorchester County auditor as Tax Map Parcel No. 104-00-00-001.

7. Plaintiff and Defendant later agreed that, in exchange for Defendant's taking possession of the home and the 9.29 acres, Plaintiff would take possession of the residual acreage formerly comprising the 143 acre parcel in the estate, consisting of approximately 134.71 acres.

8. Accordingly, Plaintiff thereafter took possession of the 134.71 acre residual parcel.

9. At the time Plaintiff took possession of the 134.71 acre parcel, there was located thereon a pond or lake comprising approximately 11 acres of water surface, known as Rumph's Pond.

10. Rumph's Pond was man-made in the 1950s, and the major water containment device which created and sustained the pond was an earthen dam, of sizable proportions: at its base the dam was approximately 105 feet wide; its top width was approximately 48 feet, and the dam stood approximately 20 feet high and ran for a length of 200 feet, more or less.

11. Plaintiff is informed and believes that the dam containing Rumph's Pond was sound and stable, and that it suffered no defects, structural or otherwise, that would have caused it to fail naturally.

12. With Defendant's knowledge and acquiescence Plaintiff took possession of the pond, allowed others to fish there and leased the pond out, verbally to a third party.

13. After the dates that Plaintiff and Defendant took possession of the respective parcels described above, they engaged in numerous disagreements relating to the formal subdivision or partition of the lands formerly owned by Vesta Rumph.

14. Defendant thereafter engaged in a fixed pattern of conduct designed to deny or deprive Plaintiff of his fair share of the lands of Vesta Rumph, including but not limited to the

following:

a. In August, 2001 Defendant, as personal representative of the estate, purported to convey all of the lands of the Rumph estate to his sons, Todd Judy and Ryan Judy. The Probate Court for Dorchester County subsequently set the conveyance aside by court order.

b. On October 8, 2001 Defendant as personal representative purported to lease Rumph's Pond to a third party, in an attempt to oust Plaintiff from his possession of the pond. The Probate Court for Dorchester County subsequently declared the lease to be void, by court order.

15. On October 9, 2001 Defendant was removed by court order as personal representative of the Estate of Vesta B. Rumph and Plaintiff was substituted in his stead.

16. Plaintiff is informed and believes that sometime during the daylight or night time hours of Sunday, May 4, 2003, or in the early morning hours of Monday, May 5, 2003 Defendant, acting alone or in concert with others, maliciously and willfully removed dirt from the earthen dam containing Rumph's Pond by the use of a backhoe, causing water thereby to breach the dam and subsequently wash out an approximate 80 foot section of the earthen dam. As a consequence thereof Rumph's Pond was completely drained of water.

17. As a direct and proximate result of the willful and malicious conduct of Defendant in destroying the earthen dam, Plaintiff has been damaged by such amount as will be necessary to rebuild the dam. Plaintiff has been further damaged by the depreciation in value of the 134.71 acre tract caused by the loss of Rumph's Pond.

18. By order of the Probate Court for Dorchester County filed January 8, 2004, Plaintiff was declared to be the owner in fee simple of the 134.71 acre tract which includes Rumph's Pond, or the remnants thereof.

19. The acts of Defendant in willfully and maliciously destroying the earthen dam of

Rumph's Pond constitute waste, which has caused loss and damage to Plaintiff, and because of Defendant's willful and malicious conduct, Plaintiff is further entitled to an award of punitive damages.

WHEREFORE Plaintiff prays for judgment against Defendant for the amount of his actual damages as may be proved at trial, together with such amount of punitive damages as a jury may deem appropriate under the circumstances; together with such other and further relief as may be reasonable and necessary.

BARR, UNGER & McINTOSH, LLC

CAPERS G. BARR, III
P. O. Box 1037 (29402-1037)
11 Broad Street
Charleston, South Carolina 29401
(843) 577-5083; (843) 723-9039 (Fax)
Attorney for Plaintiff

Charleston, South Carolina
November 22, 2005

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

IN THE COURT OF COMMON PLEAS

JAMES T. JUDY)
Plaintiff(s))

CIVIL ACTION COVERSHEET

vs.

RONNIE F. JUDY)
Defendant(s))

05 - CP - 18 - 1793

CERTIFIED COPY
2005 NOV 28 AM 10:23
CLERK OF COURT
DORCHESTER COUNTY

(Please Print)
Submitted By: CAPERS G. BARR, III
Address: P. O. BOX 1037
CHARLESTON, SC 29402-1037

SC Bar #: 542
Telephone #: 843-577-5083
Fax #: 843-577-5084
Other:
E-mail: cgb@barrungermcintosh.com

NOTE: The cover sheet 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. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

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 Circuit Court Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Circuit Court 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)
- ☐ Employment (120)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Other (199)

Torts - Professional Malpractice
- ☐ Dental Malpractice (200)
- ☐ Legal Malpractice (210)
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- ☐ Other (299)

Torts – Personal Injury
- ☐ Assault/Slander/Libel (300)
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- ☐ Premises Liability (330)
- ☐ Products Liability (340)
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Real Property
- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
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- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- ☒ Other (499)

Waste

Inmate Petitions
- ☐ PCR (500)
- ☐ Sexual Predator (510)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
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Judgments/Settlements
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- ☐ Foreign Judgment (710)
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- ☐ Other (799)

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- ☐ Permanent Injunction (830)
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- ☐ Public Service Commission (990)
- ☐ Employment Security Comm (991)
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Special/Complex /Other
- ☐ Environmental (600)
- ☐ Automobile Arb. (610)
- ☐ Medical (620)
- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Other (699)

Submitting Party Signature: Capers Barr III Date: July 6, 2005

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.

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

JUDGMENT IN A CIVIL CASE

Case No.: 2005-CP-18-1793

James T. Judy versus **Ronnie F. Judy**

Plaintiff(s) Defendant(s)

CHECK ONE:

[X] **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and the verdict has been rendered.

[] **DECISION BY 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

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2007 APR 11 PM 3:5[illegible]
CLERK OF COURT
DORCHESTER COUNTY

IT IS ORDERED AND ADJUDGED: [ ] See attached order; [] Statement of Judgment by Court

Jury Verdict for the Plaintiff against the Defendant in the amount of $67,350.00 in actual damages and $22,650.00 in punitive damages.

Dated at ~~Charleston~~, South Carolina,
St. George

4/11/07
Date

Judge

This judgment was entered on the 11th Day of April, 2007, and a copy mailed first class this 11th Day of April, 2007 to attorneys of record or to parties (when appearing pro-se) as follows:

Attorney(s) for Plaintiff(s)
Capers Barr
James Judy

Attorney(s) for Defendant(s)
Glenn Walters
Ronnie Judy

CRP Form 4(Rev. 2/96)

Cheryce Graham
Clerk of Court

0000003

PLAINTIFF'S EXHIBIT 18

The Supreme Court of South Carolina

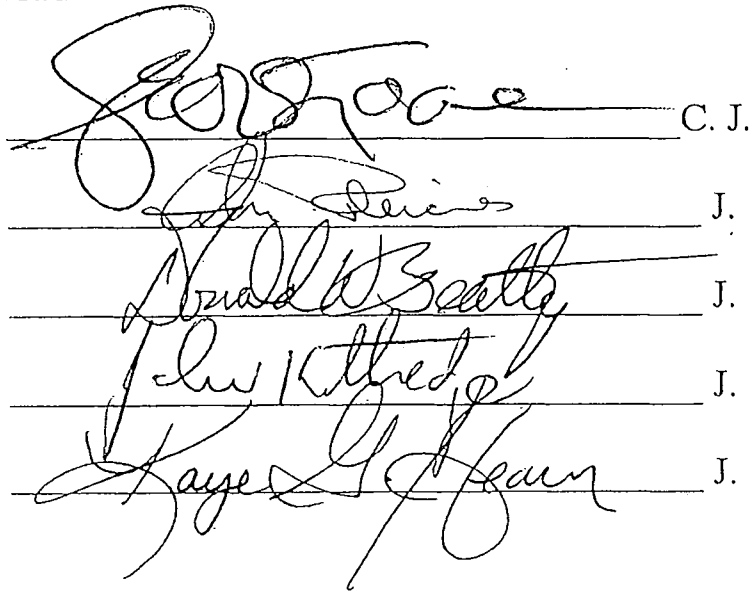
James T. Judy, Petitioner,

v.

Ronnie Judy, Respondent.

ORDER

We grant the petition for a writ of certiorari to review the Court of Appeals' decision in Judy v. Judy, 383 S.C. 1, 677 S.E.2d 213 (Ct. App. 2009). The parties shall proceed to serve and file the appendix and briefs as provided by Rule 242(i), SCACR.



C. J.

J.

J.

J.

J.

Columbia, South Carolina

May 28, 2010

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER) FOR THE FIRST JUDICIAL CIRCUIT
Civil Action No. 04-CP-18- 1530

Bobby Judy,

Plaintiff,

vs.

Ronnie F. Judy,

Defendant.

SUMMONS

FILED-RECORDED
2004 SEP 10 PM 1:15
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve your Answer on the attorneys for the Plaintiff at their offices, located at 111-A East Washington Street Walterboro, South Carolina 29488, within thirty (30) days after the service hereof, exclusive of the date of such service, and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint and judgment by default will be entered against you for the relief demanded in the Complaint.

BARR, UNGER AND McINTOSH, LLC

H. Wayne Unger, Jr.
William E. McIntosh, III
111-A East Washington Street
Walterboro, SC 29488
(843) 549-9406

ATTORNEYS FOR PLAINTIFF
BOBBY JUDY

Walterboro, South Carolina
September 10, 2004

PLAINTIFF'S EXHIBIT 20 7/18/14

STATE OF SOUTH CAROLINA)) COUNTY OF DORCHESTER)	IN THE COURT OF COMMON PLEAS FOR THE FIRST JUDICIAL CIRCUIT CASE NO. 04-CP-18-1530
Bobby Judy)) Plaintiff,)) vs.)) Ronnie F. Judy))) Defendant.)	**COMPLAINT**

FILED - RECORDED
2004 SEP 10 PM 4:15
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

Plaintiff, complaining of Defendant, would respectfully allege and show as follows:

1. That Plaintiff is a citizen and resident of the State of South Carolina, County of York.

2. That Defendant is a citizen and resident of the State of South Carolina, County of Dorchester, and is subject to the personal and subject matter jurisdiction of this Court.

3. That this is an action concerning real property and agricultural crops, all of which property is located in Dorchester County, South Carolina, and all of the causes of action herein directly relate to injuries concerning the property ("the Subject Property").

4. That Plaintiff is the owner of an undivided one-half interest in the Subject Property, tracts containing 133 acres, more or less, and shown on the Dorchester County Tax Maps as Parcels Number 044-00-00-086 and 057-00-00107.

5. That at all times relevant herein, the remaining undivided one-half interest in the Subject Property was owned by J. Todd Judy.

6. That Plaintiff has traditionally planted corn and other row crops on a portion of no more than one-half of the Subject Property and that J. Todd Judy and his father Defendant Ronnie F. Judy have traditionally used no less than one-half of the Subject Property for grazing cattle.

FOR A FIRST CAUSE OF ACTION
(*Private Nuisance*)

7. Plaintiff repeats and realleges the allegations contained within Paragraphs 1 through 6 as if fully set forth verbatim herein.

8. On or about June 26, 2003, Defendant intentionally, willfully, wantonly, and maliciously, without prior warning or consent, elected to destroy approximately 25 acres of marketable corn planted on the Subject Property by Plaintiff and to do so with a John Deere tractor owned by him or by his son J. Todd Judy.

9. Defendant's actions were done in spite and malice.

10. Defendant's actions have directly injured Plaintiff, Plaintiff's property interests, Plaintiff's enjoyment of the Subject Property, have created a substantial and personal inconvenience and annoyance to Plaintiff, have diminished the value of Plaintiff's property interests, and have wrongfully, inappropriately, and unreasonably interfered with Plaintiff's peaceful use and enjoyment of the Subject Property.

11. Plaintiff is informed and believes that Defendant's actions constitute a private nuisance and that Defendant had an implied, actual, and

legal obligation to use the Subject Property in such a way to not prevent Plaintiff from enjoying his use of the Subject Property.

12. As a result of Defendant's deliberate, intentional, willful, wanton, malicious and unreasonable actions, Plaintiff is informed and believes he is entitled to actual, special, consequential, and punitive damages as determined by the trier of fact.

FOR A SECOND CAUSE OF ACTION
(*Tort of Outrage*)

13. Plaintiff repeats and realleges the allegations contained within Paragraphs 1 through 12 as if fully set forth verbatim herein.

14. Defendant intentionally and recklessly inflicted severe emotional distress on Plaintiff or knew, in the alternative, that distress would almost certainly result from his conduct.

15. Defendant's conduct was so extreme and outrageous that it exceeded all possible bounds of decency and was, in fact, atrocious and utterly intolerable in a civilized community.

16. Defendant's actions caused and continue to cause Plaintiff emotional distress so severe that no reasonable property owner would ever want to suffer or could be expected to endure under the circumstances.

17. As a result of Defendant's utterly intentional, reckless, and outrageous actions, including the intentional infliction of emotional distress, Plaintiff is informed and believes that he is entitled to actual, special, consequential, and punitive damages.

WHEREFORE, for each of the causes of action alleged above, Plaintiff prays for actual, special, consequential and punitive damages, and in such sum as the trier of fact may determine, and for such other and further relief as is just and proper or as to which Plaintiff is entitled to as a matter of law.

BARR, UNGER & McINTOSH, LLC

H. Wayne Unger, Jr.
William E. McIntosh, III
111-A East Washington Street
Walterboro, South Carolina 29488
(843) 549-9406

ATTORNEYS FOR PLAINTIFF
BOBBY JUDY

September 10, 2004

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER)	CASE NO.: ~~2004-CP-18-~~ 2006-CA-18-1792
BOBBY T. JUDY,)	
)	
Plaintiff,)	
)	
vs.)	**SUMMONS**
)	**(Waste)**
RONNIE F. JUDY,)	**(Jury Trial Demanded)**
)	
Defendant.)	

CERTIFIED COPY
2005 NOV 28 AM 10:20
CLERK OF COURT
DORCHESTER COUNTY

TO THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint upon the subscribers at their office, 11 Broad Street, Charleston, South Carolina 29401, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, the Plaintiff will apply to the Court for the relief demanded in the Complaint.

BARR, UNGER & McINTOSH, LLC

CAPERS G. BARR, III
P. O. Box 1037; 11 Broad Street
Charleston, South Carolina 29402-1037
(843) 577-5083; (843) 723-9039 (facsimile)
Attorney for Plaintiff

November 22, 2005
Charleston, South Carolina

PLAINTIFF'S EXHIBIT 20
7/18/07

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER	)	CASE NO.: ~~2004-CP-18-~~ 2005-CP-18-1792
BOBBY JUDY,	)	
Plaintiff,	)	
vs.	)	**COMPLAINT**
	)	**(Waste)**
RONNIE F. JUDY,	)	**(Jury Trial Demanded)**
Defendant.	)	

CERTIFIED COPY
2005 NOV 28 AM 10:20
Cheryl Strickland
CLERK OF COURT
DORCHESTER COUNTY

Plaintiff by this his complaint, alleges:

1. Plaintiff is a citizen and resident of York County, South Carolina.

2. Defendant is Plaintiff's brother and is a citizen and resident of Dorchester County, South Carolina.

3. On or about 1964 Blease Judy conveyed to his sons, Plaintiff and Defendant herein, as joint tenants, a parcel of real property in Dorchester County comprising 170 acres more or less. Subsequently the property was divided by the condemnation of rights of way for United States Interstate Highway 95. The lands were thereafter identified as two parcels on the public records of Dorchester County identified by tax map numbers as Parcels 044-00-00-086 and 057-00-00-107. (Hereafter the "Subject Property").

4. The Subject Property remained undivided from 1964 until approximately May of 2005. During the passage of years from 1964 until 2005 Plaintiff and Defendant would from time to time plant, cultivate and harvest crops, and raise cattle, upon different areas of the properties.

5. In the Spring of 2003 Plaintiff planted a corn crop on approximately thirty acres of the Subject Property located on Old Mill Pond Road, on the west side of United States Interstate Highway 95.

6. On or about June 26, 2003, shortly before the corn was ripe for harvesting the Defendant Ronnie Judy intentionally and maliciously plowed through the thirty acre corn field which had been planted by Plaintiff, totally destroying the crop.

7. Plaintiff and Defendant had been unable to agree to a subdivision or partition of the subject property, and Plaintiff is informed and believes that the Defendant's action in plowing under the corn crop was spiteful and malicious and was committed by the Defendant for no reason other than the unnecessary waste of the corn crop for the purpose of causing harm to Plaintiff.

8. The acts of Defendant in wilfully and maliciously destroying the corn crop constitute waste, which has caused loss and damage to Plaintiff and because of Defendant's wilful and malicious conduct Plaintiff is further entitled to an award of punitive damages.

WHEREFORE Plaintiff prays for judgment against Defendant for the amount of his actual damages as may be proved at trial, together with such amount of punitive damages as a jury may deem appropriate under the circumstances; together with such other and further relief as may be reasonable and necessary.

BARR, UNGER & McINTOSH, LLC

CAPERS G. BARR, III
P. O. Box 1037 (29402-1037)
11 Broad Street
Charleston, South Carolina 29401
(843) 577-5083; (843) 723-9039 (Fax)
Attorney for Plaintiff

Charleston, South Carolina
November 22, 2005

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER)

BOBBY T. JUDY)
Plaintiff(s)) CIVIL ACTION COVERSHEET
) 05 - CP - 18 - 1792
vs.)

RONNIE F. JUDY,)
Defendant(s))

CERTIFIED COPY
2005 NOV 28 AM 11
CLERK OF COURT
DORCHESTER COUNTY, SC

(Please Print)
Submitted By: CAPERS G. BARR, III
Address: P. O. BOX 1037
CHARLESTON, SC 29402-1037

SC Bar #: 542
Telephone #: 843-577-5083
Fax #: 843-577-5081
Other:
E-mail: cgb@barrungermcintosh.com

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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 Circuit Court Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Circuit Court Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR (certificate attached).

NATURE OF ACTION *(Check One Box Below)*

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- ☐ Debt Collection (110)
- ☐ Employment (120)
- ☐ General (130)
- ☐ Breach of Contract (140)
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- ☐ Sexual Predator (510)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599)

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- ☐ Automobile Arb. (610)
- ☐ Medical (620)
- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Other (699)

Submitting Party Signature: _____ Date: July 6, 2005

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FORM 4

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

JUDGMENT IN A CIVIL CASE
2005CP1801792

FILED-RECORDED
2007 MAY -2 AM 10:22
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

Bobby T. Judy

Ronnie F. Judy

PLAINTIFF(S)

DEFENDANT(S)

CHECK ONE

xxxxxxx 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 12b,SCRCP; ( ) RULE 41a SCRCP (VOL NONSUIT); ( ) RULE 43k, 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_____

IT IS ORDERED AND ADJUDGED: ( ) See Attached order;( ) Statement of Judgment by the court.

Judgment for Plaintiff in amount of $9540.00 = Actual
$28,128 = Punitive
Defendant has 10 days to file motions

Dated at St. George, S.C. this 1st day of May, 2007.

HON. JAMES C. WILLIAMS, JR.
CHIEF ADMINISTRATIVE JUDGE

THIS JUDGMENT WAS ENTERED ON THE 2nd DAY OF May, 2007 AND A COPY WAS MAILED FIRST CLASS THIS 2nd DAY OF May, 2007 TO ATTORNEYS OF RECORD OR TO PARTIES WHEN APPEARING PRO SE AS FOLLOWS;

Capers Barr

Benz Kirby

PLAINTIFF'S EXHIBIT 21 CSM 11/28/07

Blumberg No. 6113

0000003

The South Carolina Court of Appeals

JEANETTE F. BARBER
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

October 22, 2009

REMITTITUR

The Honorable Cheryl L. Graham
101 Ridge Street
St. George, SC 29477

Re: Judy, Bobby v. Judy, Ronnie
2005-CP-18-01792

Dear Ms. Graham:

The above referenced matter is hereby remitted to the lower court. A copy of the judgment of this Court is attached.

The exhibit being return is Pl's Exhibit #1, an Aerial photograph. Please sign attached copy of this letter and return to acknowledge receipt of this item.

Sincerely,

Renee S. Johnson
Administrative Specialist

JFB/rj

cc: Glenn Walters, Sr., Esquire
R. Bentz Kirby, Esquire
Capers G. Barr, III, Esquire

Receipt Acknowledgement:

Name:_____ Date:_____

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

2009 OCT 28 AM 11:
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

Bobby T. Judy, Respondent,

v.

Ronnie Judy, Appellant.

CERTIFIED COPY
2010 AUG -5 PM 1:45
CLERK OF COURT
DORCHESTER COUNTY

Appeal From Dorchester County
James C. Williams, Jr., Circuit Court Judge

Opinion No. 4595
Heard May 13, 2009 – Filed July 21, 2009

AFFIRMED

Glenn Walters, Sr., and R. Bentz Kirby, of Orangeburg, for Appellant.

Capers G. Barr, III, of Charleston, for Respondent.

WILLIAMS, J.: In this civil case, we must determine whether the trial court erred in admitting evidence of a prior civil judgment obtained against Ronnie Judy (Ronnie) by a third party not involved in the present case. We affirm.

FACTS/PROCEDURAL HISTORY

This case involves a civil suit brought by Bobby Judy (Bobby) against his brother, Ronnie, for actual and punitive damages caused by Ronnie's alleged destruction of a corn crop planted by Bobby. The case involves several members of the Judy Family. Bobby and Ronnie are sons of the late Blease Judy (Blease). Blease also had a third son, Jimmy Judy (Jimmy). Ronnie has a son, Todd Judy (Todd).

In 1966, Blease conveyed approximately 133 acres of farmland (the Property) to Bobby and Ronnie, jointly. Some time thereafter, the Property was divided by the construction of U.S. Interstate Highway I-95, creating two fields, one on the east side of I-95 (the East Field) and one on the west (the West Field).[1] From 1966 until 2001, Ronnie farmed the entirety of the Property.[2] During this time, Bobby never received any rents or profits from Ronnie's farming operations on the Property. However, from 1999 until 2001, Bobby attempted to reach an agreement with Ronnie about the division of the Property. These attempts proved unsuccessful.

In 2001, Bobby decided to begin farming on the Property himself. Bobby contacted his nephew, Kevin Judy (Kevin) and his brother, Jimmy, to do the physical labor on the Property. On the day Bobby, Jimmy, and Kevin prepared to plant on the East Field, they were confronted by Ronnie on his tractor. After some discussion, Ronnie and Bobby reached a verbal

[1] At various points in the record, the East Field is referred to as "The Opening" and the West Field is referred to as "The Home Place."

[2] In 1998, Ronnie conveyed his interest in the Property to his son, Todd, for five dollars. However, Todd leased the Property to Ronnie in 2000, and Ronnie continued to farm the Property while Todd maintained full employment with a local cement plant.

agreement whereby Ronnie would farm the West Field, and Bobby would farm the East Field.[3]

Access to the East Field was through a small parcel of land titled to Todd. This access was blocked by Todd, which prompted Bobby to have Jimmy build a separate road to access the East Field. As a result of building the road, Bobby and Jimmy were able to continue farming and harvesting from the East Field in 2001. However, the following year, they were unable to use the new road because it had become too wet from excessive rain. In late 2002, Bobby called Todd to inform him due to the lack of adequate access to the East Field, he intended to farm half of the West Field and half of the East Field in 2003.[4] Bobby testified Todd's response to his proposed change to their agreement was, "We'll plow it up." Kevin and Jimmy planted two areas on the West Field with corn for the farm year of 2003 (the Corn Crop). The Corn Crop covered between twenty-five and twenty-six acres on the West Field.

On the evening of June 25, 2003, during his regular walk with his wife, Kevin went by the Property around 8 p.m. Kevin observed the Corn Crop, and he testified it was "beautiful[,] . . . about seven and a half to eight [feet] tall." He also noticed Ronnie's tractor, with a disk harrow attached to it, parked in front of Todd's trailer, which was immediately adjacent to the Corn Crop. Kevin testified he thought it was strange that the tractor and disk were left in the open yard because "[Ronnie] always keeps his stuff under his shed, [and] it never came out unless he was using it." On the morning of June 26, 2003, Kevin awoke to find the Corn Crop had been destroyed. Kevin noticed whoever had destroyed the Corn Crop during the night had specifically avoided a wellhead pipe that protruded eighteen inches to two feet from the ground on the West Field. The wellhead pipe was not visible under the high

---

[3] There is some confusion as to which brother was to farm which field under this verbal agreement. In his brief, Bobby states the agreement was that Ronnie would farm the East Field while Bobby would farm the West Field. However, Bobby testified the agreement was that he would farm the East Field and Ronnie was to farm the West Field. Jimmy and Ronnie also testified this was the agreement.

[4] That same year, Bobby filed an action to partition the Property.

overgrowth of the Corn Crop. Kevin also saw tractor tracks leading from the destroyed Corn Crop back to the tractor and disk he had seen parked in Todd's yard the evening before, and the tractor and disk were full of corn husks and silkings.

On November 28, 2005, Bobby filed a civil suit against Ronnie seeking damages for the destruction of the Corn Crop. At trial, Bobby sought to introduce into evidence a similar dispute between Ronnie and Jimmy over a different piece of property (the Rumph Tract) that culminated in a lawsuit and jury verdict against Ronnie. Jimmy and Ronnie owned joint interests in the Rumph Tract, which was several miles from the Property. The two brothers had been unable to agree on the division of the Rumph Tract, and Jimmy filed a partition action against Ronnie. While the partition action case was pending, a dam retaining a pond on the Rumph Tract was destroyed on May 5, 2003. Jimmy filed an additional lawsuit against Ronnie for destruction of the dam on November 22, 2005, and the case went to trial on April 4, 2007. The jury found Ronnie had maliciously and willfully destroyed the dam using a backhoe, causing the dam to be washed out and the pond to be destroyed.

At the trial of the present case, Ronnie objected to the admission into evidence of the prior judgment against him on several grounds. First, he argued it was not yet a final judgment, and it was, therefore, more prejudicial than probative. He also argued it was not necessary to prove the act in question. Finally, he argued there was no factual connection between the parties or the acts in the two cases, and that it was simply being offered to prove the crop destruction occurred. Bobby argued the evidence was admissible under Rule 404(b), SCRE, as evidence of prior acts admitted to prove motive, identity, intent, or common scheme or plan, and was relevant for punitive damages as evidence of similar past conduct. The trial court held:

> [T]he testimony of the prior conduct regarding the pond dam is admissible under the Lyle[5] exception,

[5] In State v. Lyle, 125 S.C. 406, 416, 118 S.E.2d 803, 807 (1923), the Supreme Court of South Carolina held, "Generally speaking, evidence of

> or the [404(b)] exception as to identity, also as to common scheme or plan . . . . [T]his conduct is so bizarre, [and it] is just not the type of conduct that occurs every day. . . . There is no question, it's prejudicial, but in weighing that it seems . . . it's very important that this type of conduct is not the type that ordinarily occurs, which would have a profound probative value on the identity, as well as a common scheme or plan. It concerns [the court] somewhat but not a whole lot that it's not necessarily a final judgment in the prior case, because from what [the court has] heard, if that case is reversed for some reason it will probably be on reasons that have no impact whatsoever on the jury's factual determination that [Ronnie] . . . destroyed the dam in that case.

This appeal followed.

STANDARD OF REVIEW

The trial court's ruling to admit or exclude evidence will only be reversed if it constitutes an abuse of discretion amounting to an error of law. R & G Constr., Inc. v. Lowcountry Reg'l Transp. Auth., 343 S.C. 424, 439, 540 S.E.2d 113, 121 (Ct. App. 2000).

LAW/ANALYSIS

"All relevant evidence is admissible, except as otherwise provided by the Constitution of the United States, the Constitution of the State of South Carolina, statutes, [the South Carolina Rules of Evidence], or by other rules promulgated by the Supreme Court of South Carolina." Rule 402, SCRE.

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other crimes is competent to prove the specific crime charged when it tends to establish, (1) motive; (2) intent; (3) the absence of mistake or accident; (4) a common scheme or plan embracing the commission of two or more crimes so related to each other that proof of one tends to establish the others; (5) the identity of the person charged with the commission of the crime on trial."

Evidence meets the test of relevance if it tends to establish or to make more or less probable some matter in issue upon which it directly or indirectly bears. Crowley v. Spivey, 285 S.C. 397, 410, 329 S.E.2d 774, 782 (Ct. App. 1985). However, relevant evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice. Rule 403, SCRE; State v. Aleksey, 343 S.C. 20, 35, 538 S.E.2d 248, 256 (2000). Determinations of relevance are largely within the trial court's discretion, and its decision to either admit or exclude evidence will not be disturbed on appeal unless there is an abuse of discretion amounting to an error of law to the prejudice of the appellant's rights. Merrill v. Barton, 250 S.C. 193, 195, 156 S.E.2d 862, 863 (1967).

1. Admissibility of Prior Bad Acts Evidence

The trial court held the prior judgment was admissible under Lyle as evidence of a common scheme or plan and also for identity. Because we believe the prior judgment is relevant as evidence of a common scheme or plan and its probative value outweighs its prejudicial effect, we affirm.[6]

As a general rule, evidence of a person's prior bad acts is not admissible for the purpose of proving action in conformity therewith on a particular occasion. Rule 404(a), SCRE. However, evidence of other crimes, wrongs, or acts may be admissible to establish (1) motive, (2) intent, (3) the absence of mistake or accident, (4) a common scheme or plan embracing the commission of two or more crimes so related to each other that proof of one tends to establish the other, or (5) the identity of the perpetrator. Rule 404(b), SCRE; State v. Martucci, 380 S.C. 232, 251-52, 669 S.E.2d 598, 608 (Ct. App. 2008) (citing Lyle, 125 S.C. at 416, 118 S.E.2d at 807); see also Citizens Bank of Darlington v. McDonald, 202 S.C. 244, 265, 24 S.E.2d 369, 377 (1943) (holding Lyle is also applicable in civil cases). Where the other bad acts are not the subject of conviction, they must be proven by clear and convincing evidence. State v. Kennedy, 339 S.C. 243, 247, 528 S.E.2d 700, 702 (Ct. App. 2000). When considering whether there is clear and

[6] This court may affirm the trial court based on any grounds found in the record. Rule 220(c), SCACR; I'On, L.L.C. v. Town of Mt. Pleasant, 338 S.C. 406, 418, 526 S.E.2d 716, 722 (2000).

convincing evidence, this Court is bound by the trial court's findings unless they are clearly erroneous. State v. Tutton, 354 S.C. 319, 325, 580 S.E.2d 186, 189 (Ct. App. 2003).

"The law in civil cases, as well as in criminal cases, permits proof of acts other than the one charged which are so related in character, time and place of commission as to . . . tend to show the existence of [] a common plan or system." Citizens Bank of Darlington, 202 S.C. at 262-63, 24 S.E.2d at 376 (citations omitted). In the case of the common scheme or plan exception to the general rule barring admission of prior bad act evidence, a close degree of similarity between the prior bad act and the present case is necessary. Martucci, 380 S.C. at 255, 669 S.E.2d at 610. Prior bad act evidence is admissible where the evidence is of such a close similarity to the charged offense that the previous act enhances the probative value of the evidence so as to outweigh the prejudicial effect. See, e.g., State v. McClellan, 283 S.C. 389, 392, 323 S.E.2d 772, 774 (1984) (holding testimony from victim's sisters admissible in trial for criminal sexual conduct with a minor where all three sisters were attacked by defendant beginning around their twelfth birthday, late at night, at which time defendant explained the Biblical verse that children are to "Honor thy Father"); State v. Patrick, 318 S.C. 352, 356, 457 S.E.2d 632, 635 (Ct. App. 1995) (holding evidence of a robbery in Georgia admissible in trial for burglary, armed robbery, and assault with intent to kill because in both cases, the perpetrators used the same disguises (gloves, wigs, and bandannas) and the same tools (walkie-talkies and flashlights), cut telephone lines, and generally carried the same type of weapons); State v. Blanton, 316 S.C. 31, 32, 446 S.E.2d 438, 439 (Ct. App. 1994) (holding testimony from other women that defendant sexually assaulted them was admissible in a trial for criminal sexual conduct with a minor because of the similarity of the prior acts to the charged offense).

We find the facts of the prior judgment are so similar to the present case that the probative value of the evidence outweighs its prejudicial effect. In both cases, Ronnie was embroiled in a dispute with a brother over land that was jointly titled between them. In both cases, Ronnie had refused to cooperate with each of his brothers, leading them to file a court action for partition. In both cases, substantial improvements to the land were deliberately destroyed. In both cases, the destruction of the improvements

had been effected by use of heavy equipment. Finally, the two incidents occurred only a few miles from each other, and only fifty-three days apart. Although there were some slight factual differences between the prior case and this case,[7] we do not believe these differences constitute such a meaningful distinction that the trial court's admission of the prior judgment into evidence constituted an abuse of discretion.

Furthermore, to the extent the admission of the prior judgment may have prejudiced Ronnie, we find any prejudice was alleviated when the trial court gave a limiting instruction to the jury as to the proper purpose for which the evidence of the prior judgment was to be used:

> Ladies and gentlemen, you have heard testimony in this trial of . . . other acts, bad acts or improper acts allegedly committed by [Ronnie]. And [the court] tell[s] you that that testimony . . . was not given for the purpose of showing that [Ronnie] is a bad person who does bad things, and it would be improper for you to reach such a conclusion from that testimony. That testimony was allowed . . . only as to the identity of the perpetrator in this case, as to any possibly motive, and/or to the existence of a common scheme and plan, and for no other purpose.

Because the trial court specifically warned jurors not to infer from the fact of the prior judgment that Ronnie "is a bad person who does bad things," we believe any prejudice that might have otherwise resulted from the admission of the prior judgment was removed by the trial court in its curative instructions to the jury. See State v. Dawkins, 297 S.C. 386, 394, 377 S.E.2d 298, 302 (1989) ("[C]urative instructions usually cure any prejudice caused by the admission of incompetent evidence"). In sum, we find no error in the trial court's admission of the prior judgment into evidence.

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[7] In the prior case, Ronnie used a backhoe to destroy the dam, whereas here, he allegedly used a tractor to destroy the Corn Crop. Also, the prior case involved him and Jimmy, whereas this case involves him and Bobby, his other brother.

2. Finality of the Prior Judgment

Ronnie also argues the prior judgment should not have been admitted because his appeal in the case is still pending and, if the prior judgment is reversed, its admission into evidence in this case would taint the verdict. However, Ronnie has cited no legal authority to support the argument that this was an error of law. As such, this argument is conclusory, and such arguments are deemed abandoned on appeal. See Mulherin-Howell v. Cobb, 362 S.C. 588, 600, 608 S.E.2d 587, 593-94 (Ct. App. 2005) (finding party abandoned an issue on appeal due to failure to cite any supporting authority and making only conclusory arguments).

3. Relevance to Punitive Damages

As an additional sustaining ground for the trial court's admission of the prior judgment, Bobby argues the trial court should be affirmed because the prior judgment is relevant to the issue of punitive damages. We agree.

Trial courts are required to conduct a post-trial review of punitive damage awards and consider the following factors: (1) defendant's degree of culpability; (2) duration of the conduct; (3) defendant's awareness or concealment of the conduct; (4) existence of similar past conduct; (5) likelihood the award will deter the defendant or others from like conduct; (6) whether the award is reasonably related to the harm likely to result from such conduct; (7) defendant's ability to pay; and (8) other factors deemed appropriate. Gamble v. Stevenson, 305 S.C. 104, 111-12, 406 S.E.2d 350, 354 (1991)

In Burbach v. Investors Mgmt. Corp. Int'l, this c ourt affirmed a judgment against a landlord for unlawful conversion of a tenant's security deposit. 326 S.C. 492, 498, 484 S.E.2d 119, 122 (Ct. App. 1997). The Court held evidence of the landlord's treatment of prior tenants and his attempts to keep their security deposits was admissible to support the plaintiff's claim for punitive damages, even though the other tenants were not parties to the case. Id. The Court held such evidence was relevant to the first five of the Gamble factors, i.e., it went to the landlord's degree of culpability, the duration of his

conduct, his awareness or concealment of his conduct, similar past conduct, and likelihood the award would deter the landlord and others from similar conduct. Id.

We believe here, as in Burbach, the evidence of the prior judgment against Ronnie is relevant to the issue of punitive damages because it pertains to at least two of the Gamble factors. Given the factual similarities between the prior judgment and this case discussed above, the prior judgment is evidence of similar past conduct by Ronnie that could assist jurors in assessing punitive damages. Moreover, the fact that Ronnie had committed similar bad acts on a prior occasion could inform the jury as to the likelihood that an award would deter Ronnie from similar conduct in the future. Accordingly, we find evidence of the prior judgment admissible as relevant to punitive damages.

4. Harmless Error

Even assuming, arguendo, the trial court erred in admitting the prior judgment into evidence, we believe such error was harmless.

As stated above, determinations of relevance are largely within the trial court's discretion, and its decision to either admit or reject evidence will not be disturbed on appeal unless there is an abuse of discretion amounting to an error of law to the prejudice of the appellant's rights. Merrill, 250 S.C. at 195, 156 S.E.2d at 863; see Powers v. Temple, 250 S.C. 149, 159, 156 S.E.2d 759, 763-64 (1967) (holding to justify reversal based upon improper admission of evidence, appellant must show prejudice and that jury was likely influenced thereby).

Whether an error is harmless depends on the circumstances of the particular case. In re Harvey, 355 S.C. 53, 63, 584 S.E.2d 893, 897 (2003). "No definite rule of law governs this finding; rather, the materiality and prejudicial character of the error must be determined from its relationship to the entire case." State v. Mitchell, 286 S.C. 572, 573, 336 S.E.2d 150, 151 (1985). Error is harmless where it could not reasonably have affected the result of the trial. Harvey, 355 S.C. at 63, 584 S.E.2d at 897. Generally, appellate courts will not set aside judgments due to insubstantial errors not

affecting the result. State v. Sherard, 303 S.C. 172, 176, 399 S.E.2d 595, 597 (1991). The admission of improper evidence is harmless where the evidence is merely cumulative to other evidence. State v. Blackburn, 271 S.C. 324, 329, 247 S.E.2d 334, 337 (1978).

To the extent the prior judgment was improperly admitted, we believe the other evidence presented in this case was more than sufficient to sustain the verdict that Ronnie willfully and maliciously destroyed the Corn Crop. First, there was testimony that the corn around the wellhead pipe on the West Field had not been destroyed, that it "was clearly [disced] around." Thus, whoever cut down the Corn Crop must have known the location of the pipe because it was purposefully avoided, even at night. The only people who knew about the pipe and were in the area on the night of June 25, 2003, were Jimmy, Kevin, Ronnie, and possibly Todd. It is highly unlikely Jimmy or Kevin would destroy their own crop after spending so much time and energy growing it. Moreover, even though Todd was the legal holder of the joint interest in the Property, Todd worked full-time at a local cement factory, and it was Ronnie who had farmed the property since 1966, so it is unlikely Todd was the one who destroyed the Corn Crop. Second, on the morning after the Corn Crop was destroyed, there was a trail of corn husks and silks leading from the West Field back to where Ronnie's tractor was parked, and the tractor and disk harrow were covered with stalks and husks. We believe the only reasonable conclusion to draw from the evidence is that Ronnie destroyed the Corn Crop.

Therefore, we believe to the extent the admission of the prior judgment into evidence was error, it was an insubstantial error not affecting the result of the trial.

CONCLUSION

Accordingly, the trial court's decision is

AFFIRMED.

SHORT and LOCKEMY, JJ., concur

Form **1040** Department of the Treasury - Internal Revenue Service **U.S. Individual Income Tax Return** **2004** (99) IRS Use Only-Do not write or staple in this space.

For the year Jan. 1-Dec. 31, 2004, or other tax year beginning , 2004, ending , 20 OMB No. 1545-0074

Label (See instructions on page 16.) Use the IRS label. Otherwise, please print or type.

Your first name and initial	Last name
RONNIE F	JUDY
If a joint return, spouse's first name and initial	Last name
Home address (number and street). If you have a P.O. box, see page 16.	Apt. no.
City, town or post office, state, and ZIP code. If you have a foreign address, see page 16.	
DORCHESTER SC 29437	

Important! You must enter your SSN(s) above.

Presidential Election Campaign (See page 16.) Note. Checking "Yes" will not change your tax or reduce your refund. Do you, or your spouse if filing a joint return, want $3 to go to this fund? ▶ You: [ ] Yes [X] No Spouse: [ ] Yes [ ] No

Filing Status Check only one box.

1 [ ] Single
2 [ ] Married filing jointly (even if only one had income)
3 [X] Married filing separately. Enter spouse's SSN above and full name here. ▶ WANDA B JUDY
4 [ ] Head of household (with qualifying person). (See page 17.) If the qualifying person is a child but not your dependent, enter this child's name here. ▶
5 [ ] Qualifying widow(er) with dependent child (see page 17)

Exemptions

6a [X] **Yourself.** If someone can claim you as a dependent, **do not** check box 6a
b [ ] **Spouse**
c **Dependents:**

(1) First name Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) Check if qualifying child for child tax credit (see pg18)
If more than four dependents, see page 18.			[ ]
			[ ]
			[ ]
			[ ]

Boxes checked on 6a and 6b: 1
No. of children on 6c who:
- lived with you
- did not live with you due to divorce or separation (see page 18)

Dependents on 6c not entered above
Add numbers on lines above ▶ 1

d Total number of exemptions claimed 1

Income Attach Form(s) W-2 here. Also attach Forms W-2G and 1099-R if tax was withheld.

If you did not get a W-2, see page 19.

Enclose, but do not attach, any payment. Also, please use Form 1040-V.

7	Wages, salaries, tips, etc. Attach Form(s) W-2	7	
8a	**Taxable** interest. Attach Schedule B if required	8a	85
b	**Tax-exempt** interest. **Do not** include on line 8a (8b)		
9a	Ordinary dividends. Attach Schedule B if required	9a	
b	Qualified dividends (see page 20) (9b)		
10	Taxable refunds, credits, or offsets of state and local income taxes (see page 20)	10	
11	Alimony received	11	
12	Business income or (loss). Attach Schedule C or C-EZ	12	
13	Capital gain or (loss). Attach Schedule D if required. If not required, check here ▶ [ ]	13	
14	Other gains or (losses). Attach Form 4797	14	
15a	IRA distributions (15a) b Taxable amount (see page 22)	15b	
16a	Pensions and annuities (16a) b Taxable amount (see page 22)	16b	16,008
17	Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E	17	
18	Farm income or (loss). Attach Schedule F	18	(8,533)
19	Unemployment compensation	19	
20a	Social security benefits (20a) b Taxable amount (see page 24)	20b	
21	Other income.	21	
22	Add the amounts in the far right column for lines 7 through 21. This is your **total income** ▶	22	7,560

Adjusted Gross Income

23	Educator expenses (see page 26)	23	
24	Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ	24	
25	IRA deduction (see page 26)	25	
26	Student loan interest deduction (see page 28)	26	
27	Tuition and fees deduction (see page 29)	27	
28	Health savings account deduction. Attach Form 8889	28	
29	Moving expenses. Attach Form 3903	29	
30	One-half of self-employment tax. Attach Schedule SE	30	
31	Self-employed health insurance deduction (see page 30)	31	
32	Self-employed SEP, SIMPLE, and qualified plans	32	
33	Penalty on early withdrawal of savings	33	
34a	Alimony paid b Recipient's SSN ▶	34a	
35	Add lines 23 through 34a	35	
36	Subtract line 35 from line 22. This is your **adjusted gross income** ▶	36	7,560

PLAINTIFF'S EXHIBIT 23 (Blumberg No. 6113)

Tax and Credits	37	Amount from line 36 (adjusted gross income)	37	7,560
	38a	Check if: ☐ You were born before January 2, 1940, ☐ Blind. ☐ Spouse was born before January 2, 1940, ☐ Blind. } Total boxes checked ▶ 38a		
Standard Deduction for— • People who checked any box on line 38a or 38b or who can be claimed as a dependent, see page 31. • All others: Single or Married filing separately, $4,850 Married filing jointly or Qualifying widow(er), $9,700 Head of household, $7,150	b	If your spouse itemizes on a separate return or you were a dual-status alien, see pg 31 & check here ▶ 38b ☐		
	39	**Itemized deductions** (from Schedule A) **or your standard deduction** (see left margin)	39	4,850
	40	Subtract line 39 from line 37	40	2,710
	41	If line 37 is $107,025 or less, multiply $3,100 by the total number of exemptions claimed on line 6d. If line 37 is over $107,025, see the worksheet on page 33	41	3,100
	42	**Taxable income.** Subtract line 41 from line 40. If line 41 is more than line 40, enter -0-	42	0
	43	**Tax** (see page 33). Check if any tax is from: a ☐ Form(s) 8814 b ☐ Form 4972	43	0
	44	**Alternative minimum tax** (see page 35). Attach Form 6251	44	
	45	Add lines 43 and 44 ▶	45	
	46	Foreign tax credit. Attach Form 1116 if required 46		
	47	Credit for child and dependent care expenses. Attach Form 2441 47		
	48	Credit for the elderly or the disabled. Attach Schedule R 48		
	49	Education credits. Attach Form 8863 49		
	50	Retirement savings contributions credit. Attach Form 8880 50		
	51	Child tax credit (see page 37) 51		
	52	Adoption credit. Attach Form 8839 52		
	53	Credits from: a ☐ Form 8396 b ☐ Form 8859 53		
	54	Other credits. Check applicable box(es): a ☐ Form 3800 b ☐ Form 8801 c ☐ Specify _____ 54		
	55	Add lines 46 through 54. These are your **total credits**	55	
	56	Subtract line 55 from line 45. If line 55 is more than line 45, enter -0- ▶	56	0
Other Taxes	57	Self-employment tax. Attach Schedule SE	57	
	58	Social security and Medicare tax on tip income not reported to employer. Attach Form 4137	58	
	59	Additional tax on IRAs, other qualified retirement plans, etc. Attach Form 5329 if required	59	
	60	Advance earned income credit payments from Form(s) W-2	60	
	61	Household employment taxes. Attach Schedule H	61	
	62	Add lines 56 through 61. This is your **total tax** ▶	62	0
Payments	63	Federal income tax withheld from Forms W-2 and 1099 63 24		
If you have a qualifying child, attach Schedule EIC.	64	2004 estimated tax payments and amount applied from 2003 return 64		
	65a	**Earned income credit (EIC)** 65a		
	b	Nontaxable combat pay election ▶ 65b		
	66	Excess social security and tier 1 RRTA tax withheld (see page 54) 66		
	67	Additional child tax credit. Attach Form 8812 67		
	68	Amount paid with request for extension to file (see page 54) 68		
	69	Other payments from: a ☐ Form 2439 b ☐ Form 4136 c ☐ Form 8885 69		
	70	Add lines 63, 64, 65a, and 66 through 69. These are your **total payments** ▶	70	24
Refund	71	If line 70 is more than line 62, subtract line 62 from line 70. This is the amount you **overpaid**	71	24
Direct deposit? See page 54 and fill in 72b, 72c, and 72d.	72a	Amount of line 71 you want **refunded to you** ▶	72a	24
	▶ b	Routing number X X X X X X X X X ▶ c Type: ☐ Checking ☐ Savings		
	▶ d	Account number X X X X X X X X X X X X X X X X X		
	73	Amount of line 71 you want applied to your 2005 estimated tax ▶ 73		
Amount You Owe	74	**Amount you owe.** Subtract line 70 from line 62. For details on how to pay, see page 55 ▶	74	
	75	Estimated tax penalty (see page 55) 75		

Third Party Designee Do you want to allow another person to discuss this return with the IRS (see page 56)? ☐ Yes. Complete the following. ☒ No

Designee's name ▶ Phone no. ▶ Personal identification number (PIN) ▶

Sign Here Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Joint return? See page 17. Keep a copy for your records.

Your signature	Date	Your occupation	Daytime phone number
		FARMER	
Spouse's signature. If a joint return, both must sign.	Date	Spouse's occupation	

Paid Preparer's Use Only

Preparer's signature	Date	Check if self-employed	Preparer's SSN or PTIN
	04-12-2005	☐	P00133825

Firm's name (or yours if self-employed), address, and ZIP code: Dantzlers Bookkeeping Tax Servic; 351 North Parler Avenue; St George SC 29477 — EIN 57-0810278 — Phone no. 843-563-3267

SCHEDULE F (Form 1040)

Department of the Treasury Internal Revenue Service (99)

Profit or Loss From Farming

▶ Attach to Form 1040, Form 1041, Form 1065, or Form 1065-B.

▶ See Instructions for Schedule F (Form 1040).

OMB No. 1545-0074

2004

Attachment Sequence No. 14

Name of proprietor: RONNIE F JUDY

A Principal product. Describe in one or two words your principal crop or activity for the current tax year: CATTLE, CROPS

B Enter code from Part IV: ▶ 112111

C Accounting method: (1) [X] Cash (2) [ ] Accrual

D Employer ID number (EIN), if any: 43-0951685

E Did you "materially participate" in the operation of this business during 2004? If "No," see page F-2 for limit on passive losses. [X] Yes [ ] No

Part I Farm Income - Cash Method. Complete Parts I and II (Accrual method taxpayers complete Parts II & III, & line 11 of Part I.) **Do not include sales of livestock held for draft, breeding, sport, or dairy purposes; report these sales on Form 4797.**

1	Sales of livestock and other items you bought for resale	1			
2	Cost or other basis of livestock and other items reported on line 1	2			
3	Subtract line 2 from line 1			3	
4	Sales of livestock, produce, grains, and other products you raised			4	33,831
5a	Total cooperative distributions (Form(s) 1099-PATR)	5a		5b Taxable amount	5b
6a	Agricultural program payments (see page F-2)	6a		6b Taxable amount	6b 8,574
7	Commodity Credit Corporation (CCC) loans (see page F-3):				
a	CCC loans reported under election				7a
b	CCC loans forfeited	7b		7c Taxable amount	7c
8	Crop insurance proceeds and certain disaster payments (see page F-3):				
a	Amount received in 2004	8a		8b Taxable amount	8b
c	If election to defer to 2005 is attached, check here ▶ [ ]			8d Amount deferred from 2003	8d
9	Custom hire (machine work) income				9
10	Other income, including Federal and state gasoline or fuel tax credit or refund (see page F-3)				10
11	**Gross income.** Add amounts in the right column for lines 3 through 10. If accrual method taxpayer, enter the amount from page 2, line 51 ▶				11 42,405

Part II Farm Expenses - Cash and Accrual Method. Do not include personal or living expenses such as taxes, insurance, repairs, etc., on your home.

12	Car and truck expenses (see pg. F-4 - also attach Form 4562)	12		25	Pension and profit-sharing plans	25	
13	Chemicals	13	10,289	26	Rent or lease (see page F-5):		
14	Conservation expenses (see page F-4)	14		a	Vehicles, machinery, and equipment	26a	
15	Custom hire (machine work)	15		b	Other (land, animals, etc.)	26b	400
16	Depreciation and section 179 expense deduction not claimed elsewhere (see page F-4)	16	3,466	27	Repairs and maintenance	27	5,609
				28	Seeds and plants purchased	28	
				29	Storage and warehousing	29	
17	Employee benefit programs other than on line 25	17		30	Supplies purchased	30	3,568
18	Feed purchased	18		31	Taxes	31	221
19	Fertilizers and lime	19		32	Utilities	32	
20	Freight and trucking	20		33	Veterinary, breeding, and medicine	33	
21	Gasoline, fuel, and oil	21	10,948	34	Other expenses (specify):		
22	Insurance (other than health)	22		a	COWS	34a	11,850
23	Interest:			b		34b	
a	Mortgage (paid to banks, etc.)	23a		c		34c	
b	Other	23b		d		34d	
24	Labor hired (less employment credits)	24	4,587	e		34e	
				f		34f	

35	**Total expenses.** Add lines 12 through 34f ▶	35	50,938
36	**Net farm profit or (loss).** Subtract line 35 from line 11. If a profit, enter on **Form 1040, line 18,** and also on **Schedule SE, line 1.** If a loss, you **must** go on to line 37 (estates, trusts, and partnerships, see page F-6)	36	(8,533)

37 If you have a loss, you **must** check the box that describes your investment in this activity (see page F-6).
- If you checked 37a, enter the loss on **Form 1040, line 18,** and also on **Schedule SE, line 1.**
- If you checked 37b, you **must** attach **Form 6198.**

37a [X] All investment is at risk.
37b [ ] Some investment is not at risk.

Form **4562**

Department of the Treasury
Internal Revenue Service

Depreciation and Amortization
(Including Information on Listed Property)

▶ See separate instructions. ▶ Attach to your tax return.

OMB No. 1545-0172

2004
Attachment Sequence No. **67**

Name(s) shown on return: RONNIE F JUDY

Business or activity to which this form relates: SCHEDULE F - 1

Part I Election To Expense Certain Property Under Section 179

Note: If you have any listed property, complete Part V before you complete Part I.

1	Maximum amount. See page 2 of the instructions for a higher limit for certain businesses	1	$102,000
2	Total cost of section 179 property placed in service (see page 3 of the instructions)	2	
3	Threshold cost of section 179 property before reduction in limitation	3	$410,000
4	Reduction in limitation. Subtract line 3 from line 2. If zero or less, enter -0-	4	
5	Dollar limitation for tax year. Subtract line 4 from line 1. If zero or less, enter -0-. If married filing separately, see page 3 of the instructions	5	

	(a) Description of property	(b) Cost (business use only)	(c) Elected cost
6			

7	Listed property. Enter the amount from line 29	7	
8	Total elected cost of section 179 property. Add amounts in column (c), lines 6 and 7	8	
9	Tentative deduction. Enter the **smaller** of line 5 or line 8	9	
10	Carryover of disallowed deduction from line 13 of your 2003 Form 4562	10	
11	Business income limitation. Enter the smaller of business income (not less than zero) or line 5 (see instructions)	11	
12	Section 179 expense deduction. Add lines 9 and 10, but do not enter more than line 11	12	
13	Carryover of disallowed deduction to 2005. Add lines 9 and 10, less line 12 ▶	13	

Note: Do not use Part II or Part III below for listed property. Instead, use Part V.

Part II Special Depreciation Allowance and Other Depreciation (Do not include listed property.)

14	Special depreciation allowance for qualified property (other than listed property) placed in service during the tax year (see page 3 of the instructions)	14	
15	Property subject to section 168(f)(1) election (see page 4 of the instructions)	15	
16	Other depreciation (including ACRS) (see page 4 of the instructions)	16	

Part III MACRS Depreciation (Do not include listed property.) (See page 5 of the instructions.)

Section A

17	MACRS deductions for assets placed in service in tax years beginning before 2004	17	3,014
18	If you are electing under section 168(i)(4) to group any assets placed in service during the tax year into one or more general asset accounts, check here ▶ ☐		

Section B - Assets Placed in Service During 2004 Tax Year Using the General Depreciation System

	(a) Classification of property	(b) Month and year placed in service	(c) Basis for depreciation (business/investment use only-see instructions)	(d) Recovery period	(e) Convention	(f) Method	(g) Depreciation deduction
19a	3-year property						
b	5-year property						
c	7-year property STATEMENT #1						452
d	10-year property						
e	15-year property						
f	20-year property						
g	25-year property			25 yrs.		S/L	
h	Residential rental property			27.5 yrs.	MM	S/L	
				27.5 yrs.	MM	S/L	
i	Nonresidential real property			39 yrs.	MM	S/L	
					MM	S/L	

Section C - Assets Placed in Service During 2004 Tax Year Using the Alternative Depreciation System

20a	Class life					S/L	
b	12-year			12 yrs.		S/L	
c	40-year			40 yrs.	MM	S/L	

Part IV Summary (see page 8 of the instructions)

21	Listed property. Enter amount from line 28	21	
22	Total. Add amounts from line 12, lines 14 through 17, lines 19 and 20 in column (g), and line 21. Enter here and on the appropriate lines of your return. Partnerships and S corporations - see instr.	22	3,466
23	For assets shown above and placed in service during the current year, enter the portion of the basis attributable to section 263A costs	23	

Form **4562**
(Rev. 11/04)
SC

Depreciation and Amortization
(Including Information on Listed Property)

Note: SC does not allow any additional depreciation benefits provided by I.R.C. Section 168(k) and 1400L and Section 179(b) is treated as it was in effect before enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003. SC has not adopted any provisions of the Working Families Tax Relief Act of 2004 or the American Jobs Creation Act of 2004.

▶ See separate instructions. ▶ Attach to your tax return.

2004

Name(s) shown on return: RONNIE F JUDY

Business or activity to which this form relates: SCHEDULE F - 1

Part I Election To Expense Certain Tangible Property Under Section 179

Note: If you have any listed property, complete Part V before you complete Part I.

1	Maximum amount. See page 2 of the instructions for a higher limit for certain businesses	1	$102,000
2	Total cost of IRC Section 179 property placed in service (see page 2 of the instructions)	2	
3	Threshold cost of IRC Section 179 property before reduction in limitation	3	$410,000
4	Reduction in limitation. Subtract line 3 from line 2. If zero or less, enter -0-	4	
5	Dollar limitation for tax year. Subtract line 4 from line 1. If zero or less, enter -0-. If married filing separately, see page 2 of the instructions	5	

	(a) Description of property	(b) Cost (business use only)	(c) Elected cost
6			

7	Listed property. Enter the amount from line 29	7	
8	Total elected cost of IRC Section 179 property. Add amounts in column (c), lines 6 and 7	8	
9	Tentative deduction. Enter the **smaller** of line 5 or line 8	9	
10	Carryover of disallowed deduction from line 13 of your 2003 Form 4562	10	
11	Business income limitation. Enter the smaller of business income (not less than zero) or line 5 (see instructions)	11	
12	IRC Section 179 expense deduction. Add lines 9 and 10, but do not enter more than line 11	12	
13	Carryover of disallowed deduction to 2005. Add lines 9 and 10, less line 12 ▶	13	

Note: Do not use Part II or Part III below for listed property. Instead, use Part V.

Part II Special Depreciation Allowance and Other Depreciation (Do not include listed property.)

14	Special depreciation allowance for qualified property (other than listed property) placed in service during the tax year (see page 3 of the instructions)	14	Not allowed for SC purposes
15	Property subject to IRC Section 168(f)(1) election (see page 3 of the instructions)	15	
16	Other depreciation (including ACRS) (see page 3 of the instructions)	16	

Part III MACRS Depreciation (Do not include listed property.) (See page 3 of the instructions.)

Section A

17	MACRS deductions for assets placed in service in tax years beginning before 2004	17	3,219
18	If you are electing under IRC Section 168(i)(4) to group any assets placed in service during the tax year into one or more general asset accounts, check here ☐		

Section B - Assets Placed in Service During 2004 Tax Year Using the General Depreciation System

	(a) Classification of property	(b) Month and year placed in service	(c) Basis for depreciation (business/investment use only-see instructions)	(d) Recovery period	(e) Convention	(f) Method	(g) Depreciation deduction
19a	3-year property						
b	5-year property						
c	7-year property STATEMENT # 1						452
d	10-year property						
e	15-year property						
f	20-year property						
g	25-year property			25 yrs.		S/L	
h	Residential rental property			27.5 yrs.	MM	S/L	
				27.5 yrs.	MM	S/L	
i	Nonresidential real property			39 yrs.	MM	S/L	
					MM	S/L	

Part IV Section C - Assets Placed in Service During 2004 Tax Year Using the Alternative Depreciation System

20a	Class life				S/L	
b	12-year			12 yrs.	S/L	
c	40-year			40 yrs.	MM	S/L

Summary (see page 6 of the instructions)

21	Listed property. Enter amount from line 28	21	
22	**Total.** Add amounts from line 12, lines 14 through 17, lines 19 and 20 in column (g), and line 21. Enter here and on the appropriate lines of your return. Partnerships and S corporations - see instr	22	3,671
23	For assets shown above and placed in service during the current year, enter the portion of the basis attributable to IRC Section 263A costs	23	

Do not write in this space - OFFICE USE

SC 1040
(Rev. 11/9/04)

SOUTH CAROLINA INDIVIDUAL INCOME TAX RETURN 2004

For the year January 1 - December 31, 2004, or fiscal tax year beginning ____ and ending ____

PLACE LABEL HERE

Print Your first name and initial (Sr, Jr, 2nd, 3rd, 4th) Last name — Check if Deceased ☐
RONNIE F JUDY

Spouse's first name and initial, if married filing jointly — Spouse's last name — Check if Deceased ☐ — Spouse's Social Security number

Present home address (number and street, or P. O. Box) — Apt. No. — Area Code Daytime telephone — Do not write in this space - OFFICE USE

City, state and ZIP code — County code
DORCHESTER, SC 29437

If you do not wish to receive a booklet next year, but need a name and address label for your 2005 return, check here. ▶ ☐

Check this box if you are filing SC Schedule NR (Part year/Nonresident) . . . ▶ ☐

Check this box if you have filed a federal or state extension . . . ▶ ☐

Check this box if filing a composite return for partnership or "S" corporation. . . . ▶ ☐

CHECK YOUR FEDERAL FILING STATUS (1) ☐ Single (3) ☒ Married filing separately. Enter spouse's SSN here: 248-86-6822
(2) ☐ Married filing jointly (4) ☐ Head of household (5) ☐ Widow(er) with dependent child

Federal Exemptions: Enter the number of exemptions from line 6 (d) of your 2004 federal return. ▶ 1
How many of the exemptions listed above were under the age of 6 years on December 31, 2004? ▶ 0
Enter the number of taxpayers age 65 or older, as of December 31, 2004. ▶ 0

STAPLE PAY HERE

				Dollars	Cents
1	**Enter Federal taxable income from your federal Form 1040, line 42; 1040A, line 27; or 1040EZ, line 6; or line K-1 of federal Telefile. If zero or less, enter zero here.**		1	0	00
	STOP! **Resident filers complete** lines 29 through 50. **Nonresident filers complete** Schedule NR and enter total from line 47 on line 5 below.				
2	TOTAL ADDITIONS. Enter amount from line 34.		2		00
3	Add lines 1 and 2. Enter total here.		3		00
4	TOTAL SUBTRACTIONS. Enter amount from line 50.		4	< 3,595	00 >
5	South Carolina INCOME SUBJECT TO TAX. Residents subtract line 4 from line 3 and enter the difference. Nonresidents enter amount from Schedule NR, line 47. If less than zero, enter zero.		5	0	00
6	TAX: Enter tax from SOUTH CAROLINA tax tables.	6 00			
7	TAX on Lump Sum Distribution (Attach SC4972)	7 00			
8	TOTAL South Carolina tax. Add lines 6 and 7. Enter the total.		8		00
9	Child and Dependent Care (See Instructions)	9 00			
10	Two Wage Earner Credit (See Instructions)	10 00			
11	Other Non-refundable Credits (Attach SC1040TC)	11 00			
12	TOTAL Non-refundable Credits. Add lines 9 through 11 and enter the total.		12		00
13	SUBTRACT line 12 from line 8. Enter the difference BUT NOT LESS THAN ZERO.		13	0	00
14	**SC INCOME TAX WITHHELD** (Attach W-2 or SC41)	00	17	NR sale of real estate	00
15	2004 Estimated Tax Payments	00	18	Other SC Withholding (Attach Form 1099)	00
16	Amount Paid with extension	00	19	Tuition Tax Credit (Attach I-319)	00
20	ADD lines 14 through 19 and enter the total.		20		00
21	If line 20 is LARGER than line 13, subtract line 13 from line 20 and enter the OVERPAYMENT.		21		00
22	If line 13 is LARGER than line 20, subtract line 20 from line 13 and enter the AMOUNT DUE.		22		00
23	**USE TAX** (Due on Out-of-state Purchases. See Instructions)	23 0 00			
24	Amount of line 21 to be credited to your **2005 ESTIMATED TAX.**	24 00			
25	Total Contributions for Check-offs (Attach I-330)	25 00			
26	ADD lines 23 through 25 and enter the total.		26		00
27	NET REFUND: If line 26 is larger than line 21, go to line 28. Otherwise, subtract line 26 from line 21 and enter the **AMOUNT TO BE REFUNDED TO YOU.**	**REFUND** ▶	27		00
28	NET DUE: ADD lines 22 and 26 and, if applicable, penalty amount. If line 26 is larger than line 21, subtract line 21 from line 26. Enter the AMOUNT YOU OWE. If subject to penalty for Underpayment of Estimated Tax, attach SC2210. (See instructions)	Penalty: $			
	Staple a check or money order for the full amount payable to "**SC Department of Revenue.**" Write your Social Security number and "2004 SC1040" on the payment.	**BALANCE DUE** ▶	28		00

Tip Make sure lines 14-19 are completed.

STAPLE W-2/1099 HERE

ATTACH A COMPLETE COPY OF YOUR FEDERAL RETURN ONLY IF you have income and/or (loss) on federal Schedules C, D, E, F or filed a SC Schedule NR, SC1040TC or I-319.

STOP! **Resident filers complete** lines 29 through 50.
Nonresident filers complete Schedule NR. Do not complete lines 29 through 50.

PART 1 ADDITIONS TO FEDERAL TAXABLE INCOME

				Dollars	Cents
29	State tax addback, if itemizing on federal return.	29	00		
30	Out-of-state losses - (See instructions)	30	00		
31	Expenses related to National Guard and Military Reserve income.	31	00		
32	Interest income on obligations of states and political subdivisions other than South Carolina.	32	00		
33	Other additions to income. Explain.	33	00		
34	TOTAL ADDITIONS --- add lines 29 through 33 and enter your total additions to income here and on line 2.	34			00

PART 2 SUBTRACTIONS FROM FEDERAL TAXABLE INCOME

35	State tax refund, if included on line 10, on your federal Form 1040.	35		00	
36	Permanent disability retirement income, if taxed on your federal return.	36		00	
37	Out-of-state income/gain - Do not include personal service income. (See instructions)	37		00	
38	44% of net capital gains held for more than **one year** (See instructions)	38		00	
39	Volunteer Firefighters/Rescue Squad/HAZMAT Member/Reserve Police Officer/DNR Deputy Enforcement Officer Deduction. (See instructions)	39		00	
40	Contributions to the SC Tuition Prepayment Program or College investment Program. (See instructions)	40		00	
41	Interest income from obligations of the US government.	41		00	
42	National Guard or Reserve annual training and drill pay. (See instructions)	42		00	
43	Social Security and/or railroad retirement, if taxed on your federal return.	43		00	
44	**Caution: Retirement Deduction - (See instructions)**				
	a) Taxpayer: Date of Birth 01-01-1947	44a	3,000	00	
	b) Spouse: Date of Birth	44b		00	
	c) Surviving Spouse(s): DOB	44c		00	
45	Age 65 and older deduction - (See instructions)				
	a) Taxpayer: Date of Birth	45a		00	
	b) Spouse: Date of Birth	45b		00	
46	Negative amount of federal taxable income.	46	390	00	
47	Subsistence Allowance ____ days @ $6.67	47		00	
48	Dependents under the age of 6 years on December 31, 2004. Date of Birth ____ SSN ____ Date of Birth ____ SSN ____	48		00	
49	Other subtractions. (See Instructions) FD/ST Depr Diff	49	205	00	
50	TOTAL SUBTRACTIONS --- add lines 35 through 49 and enter the total here and on line 4.	50		3,595	00

I declare that this return and all attachments are true, correct and complete to the best of my knowledge and belief.

Your Signature	Date	Spouse's Signature (if jointly, BOTH must sign)

I **authorize** the Director of the Department of Revenue or delegate to discuss this return, attachments and related tax matters with the preparer. Yes ☐ No ☒ Preparer's Printed Name: Debra Hutto

If prepared by a person other than taxpayer, his declaration is based on all information of which he has any knowledge.

Paid Preparer's Use Only

Prepared by ____ Date ____ Address: 351 North Parler Avenue

EI Number 57-0810278 Phone Number 843-563-3267 City St George, SC State SC Zip 29477

COPY

ATTACH A COMPLETE COPY OF YOUR FEDERAL RETURN ONLY IF you have income and/or (loss) on federal Schedules C, D, E, F or filed a SC Schedule NR, SC1040TC or I-319.

MAIL RETURN TO THE PROPER ADDRESS:

REFUNDS OR ZERO TAX: SC1040 PROCESSING CENTER, P.O. BOX 101100, COLUMBIA SC 29211-0100

BALANCE DUES: TAXABLE PROCESSING CENTER, P.O. BOX 101105, COLUMBIA SC 29211-0105