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SC Court of Appeals

FORM 13
BRIEF OF APPELLANT*

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM YORK COUNTY
Court of Common Pleas

William A. McKinnon, Circuit Court Judge

Case No. 2021-cp-46-02764

Joe L. Adams Jr.

Appellant

Betty Ogbuneke,

Respondent.

[INITIAL] BRIEF OF APPELLANT

Joe L. Adams Jr.
721 Ogden Rd
Rock Hill, South Carolina
(858) 848-7311
Pros Se Litigant

* Under Rule 267(e), SCACR, the cover of the final briefs should be the following colors: brief of appellant - blue; brief of respondent - red; reply brief - gray; and amicus curiae or intervenor green.
111.

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Table of Authorities

South Carolina Judicial Branch = Rule 50 = Motion for Direct Verdict SC Judicial Branch
(sccourts.org) —
<https://www.sccourts.org/courtreg/displayRule.cfm?ruleID=50.0&subRuleID=&ruleType=C>

1. Rule 19 - SC Judicial Branch (sccourts.org) —e Direct Verdict <https://www.sccourts.org/courtreg/displayRule.cfm?ruleID=19.0&subRuleID=&ruleType=C>
2. Rule 526), SCRCP ofRule 526), SCRCP.

STATEMENT OF ISSUES ON APPEAL

- 1) Did the circuit court and the probate court both err in failing to complete fact finding of the evidence that was presented in violation of Rule 52 (a), SCRCF, by failing to make separate findings of fact of missing testimony, closing arguments, and evidence submissions?
- 2) Did the circuit court err by accepting without review the lower court order and not completing any additional "finding of fact" even after the Appellant stated to the judge that "I didn't get to testify" which is the basis of the complaint that Rule 50, Rule 52, Rule 19 SCRCF were all violated due to the failure of the Probate Court to allow Evidence to be submitted during the steps. The court did not allow closing arguments, no testimony, and skipped the submission of evidence stage of the hearing?
- 3) Did the circuit court err in failing to remove Mrs. Ogbunke or assign Cosigning/Co Personal Representative rights to Mr. Joe L. Adams Jr. as Co personal representative of Decedent's estate when Mrs. Ogbunke allegedly misrepresented the facts of Application for Personal Representative and Falsified the information on the Application that Mr. Joe L. Adams had any type of Guardian appointed?
- 4) Did the Circuit Court err in concluding that the Probate Court Order was correct without error and did not do any Finding of Fact as Mrs. Ogbunke has also committed "Credit Card Fraud against Joe L. Adams Sr." when the credit reports from the agencies were available in court on the day of the Probate Hearing and the Appeals Trial on February 1 2022.
- 5) Did the Probate Court err by not allowing any submission of evidence in violation of Rule 50, Rule 52, Rule 19 SCRCF but as to preserve the evidence all files have been properly proffered in care of the York County Courthouse were all the original receipts and files are located.
- 6) Did the circuit court err in concluding that Joe L. Adams Jr. was not entitled to Cosigning and/or Co Responsible party appointment with out proper "Finding of Facts" even after the Mrs. Ogbunke failed to file the proper Appointment Notification to heirs and Devices paperwork with the court within the 30 days of her appointment.
- 7) The appointment was made in March and we didn't go to court until August and it still had not been filed and Mrs. Ogbunke lied to Judge Woodruff that she turned all the business of probate over to

her Attorney to file the notification, and then her Attorney ask her to file the paperwork herself in open probate court on August 31, 2021?

- 8) Did the circuit court err in concluding that Joe L. Adams Jr. was not entitled to any relief for the constant harassment and bringing the police to the the estate without notice even after 3 events of unannounced appearances with 3-4 cars of Rock Hill Police officers, court officials and others without proper findings of fact?
- 9) Did the Circuit Court erred on its decisions not to conduct Finding of Fact for the claims that the Appellant made to the court on record that he was "not allowed to testify" as the evidence proves that there is no record of evidence submissions during the hearing although all the evidence was present.
- 10)Appellant contends that because all evidence had not been submitted and the court was in the middle of calling additional witnesses that the court erred in its decisions to approve the "Direct Verdict" because Mr. Adams Jr. (Appellant) had not had a chance to testify but was only allowed to only questions and was denied closing arguments and evidence submittal stages as outlined in the Steps of Civil Hearing process.
- 11)Did the Circuit Court err in its decision to deny Finding of Facts in the case as Appellant contends that all evidence was in the court room at the time of the probate trial but Judge Woodruff kept stating that there would be a chance to submit the evidence during Closing Arguments and or later in the case but never did.
- 12)Appellant contends that due to the error in the first Trial which was the basis for the first appeal, the mistake that was made was inherited into the second appeal because the Judge did not take time to review the case and see all the evidence that has been preserved at the York Courthouse under the below listed file numbers.
- 13). Did the circuit court err by accepting the defense explanations even though there were objections regarding the absence of testimony and the absence of evidence submittals during the initial probate hearing?
- 14). Did the circuit court judge err because it was his first admitted probate hearing and he did not have any of his documentation and was not aware of the case content? Did the Judge accept the lower

courts opinion on the order because he was a new judge and didn't know how to judge the case or the procedure?

15). Did the Circuit Court err when the court decided to give Mr. Joe L. Adams Jr. "One Shot" and he explained that he "Never Got to Testify" by not investigating the claims and not doing any "Finding of Facts" to see if the claims were true?

Statement Of the Case

Joe L. Adams Sr. passed away on February 12, 2021 of infection from ulcers that claimed his life. Mr. Adams left a will that appointed Betty Ogbunke as the personal representative of the estate. Mr. Adams willed both his children by Betty Adams equal shares at 50% of all of his assets. During the months following Mr. Adams death his son (Joe L. Adams Jr.) and (Betty Ogbunke) were living in different states and did not always talk or have communications. Mr. Joe L. Adams Jr. has been maintaining and living at the estate for 42 years of his life and is living there now.

This appeal was brought to the court regarding the Probate Court Hearing on August 31, 2021 by the Honorable Caroline Woodruff. The Appellant at the hearing explained that he does not wish to contest the will but he wanted the personal representative removed or be granted Cosigning Privileges regarding matters of the estate while being processed.

1. Appellant contends that during initial probate hearing that he was not allowed to present any of his evidence or testify to support his case..
 - a. The Appellant also states that he was not able to have a Closing Argument as the Judge Woodruff on several instances during the trial stated.
2. The Appellant contends that during the hearing that he was instructed by Evelyn Rodas to bring any and all evidence to court with him and the notice also stated to bring the evidence to be reviewed by the court to the hearing.
3. The Appellant contends that during the course of the probate hearing Judge Woodruff explained that because the Appellant was Pro Se during the initial part of the Hearing that the Appellant can only ask questions.
4. Through the course of the Appellants questions the judge would stop the Appellant not allowing him to finish his statement or tell the Appellant she already knew where he was going.

- a. The Appellant continued with the questioning and the Hearing changed stages and the Respondents Attorney was able to cross examine the witness that was called to the stand..
 - b. During that time the Appellant contends that the witness attorney was allowed to lead the witness and put words in her mouth on several instances as outlined by the transcripts.
5. The Third stage of the hearing the judge spoke directly to the witness who is the Personal Representative Mrs. Betty Ogbuneke and discussed several issues where Mrs. Ogbuneke answered several questions and made several comments and accusations.
 - a. The Defense attorney was again allowed for a second time to cross examine the witness where he again led the witness to perjure herself from the previous conversation with the judge..
6. The Appellant sat in wait on the time for the judge to allow for his testimony or for the time the judge kept referring to when the Appellant would be able to submit his testimony and evidence into record.
7. The Defense attorney motioned for a Direct Verdict at that time and was granted the Direct Verdict without any closing argument..
8. The Respondent was Granted Direct Verdict without any of the evidence submitted by either himself or I and other evidence that was presented to the court was never settled and acknowledged but only alluded to by the judge.
9. Appellant contends that in the Probate Case the Motion for Direct Verdict was premature and that all the evidence had not been presented or discussed..
10. The Appellant believes that because of the mistake that was made at the circuit court and the with the content of the order that court was in violation of Rule 50 SCRPC, and Rule 52. Appellant contends that he was also denied the right to testify on his on behalf.
11. The Appellant was denied every opportunity to speak out regarding all the money he had invested into the estates and all the taxes he solely paid over the 18 year plus this year.
12. The Appellant was stunned that the judge allowed the case to end so abruptly after she stated that "We need to rap this case up because the bailiff will be on overtime".
13. Appellant felt It was not a fair trial so the Appellant decided to appeal the trial in hopes that since the evidence he brought to court was still good he would submit all of it to the clerk of court in York SC where the all of it is preserved and proffered.
14. Appellant has provided file numbers of all the evidence submitted to the court.

15. Appellant has supplied the court with the initial transcript of the court hearing from the circuit court of appeals as well as the transcript from the Probate court of appeals.
16. The transcript information from Circuit Court was transcribed by the Transcripts Department of the South Carolina Courts, and the Probate Court Transcript was transcribed verbatim by Naegeli Trial and Deposition Inc.
 - a. All information contained in the transcripts are verbatim and the Appellant would like to use the information to show the where the court may have erred in its judgment or administration of the law during the hearing on August 31, 2021.
17. This initial mistake is what started a snowball of mistakes through the appeals process because the evidence and mistakes were never reviewed by the Circuit Court Judge who stated that he was not going to question the previous judges hearing and dismissed the appeal.
18. The Appellant through this document is trying to show that the trial was not conducted fairly and that the "motion for direct Verdict" was placed at the wrong time and should not have been accepted as none of the evidence from the Appellant was not reviewed or discussed by the court.
19. The judge did not allow the evidence during the trial and for a Direct Verdict according to rule 50 can only be obtained after all the evidence has been submitted and all evidence is submitted.

STANDARD OF REVIEW

FACTS

Below are facts that exist in the appeal that have not been noted or reviewed by Circuit Court Judge because he did not complete the Finding of Facts he did not see the inconsistencies and issues surrounding the Probate Hearing not completing all of the steps in the hearing and denying the Appellate any chance to submit evidence or State his own testimony of the events and submit the evidence he was instructed to bring to court. The transcript information below can be verified through review of the transcripts transcribed by:

Cheryl A. Smith

Circuit court Reporter

From DCRP, Digital Courtroom Recorder

Project

And

Jodi Dean of

Naegeli Deposition and Trial

Professional Court Reporting

Transcript From Circuit Court:

I.

P3 (16-24)

1. The Appellant introduced the documentation to the court since the judge did not come to court with the documents he had to be given all the documentation during the court proceeding.
 - a Appellant contends that the same documents on exhibit were also available during the interim while waiting on the court date and during the initial probate hearing.
2. Appellant contends Judge was not ready for court and was very disheveled and unfamiliar with the case content.

II.

Page 4(1-16)

1. Appellant explains the opposition letter and how the Respondent has avoided service to the Appellant and harassed the Appellant during the process service.
2. Appellant contends that the defense lawyer complains about the format of the complaints but at that time there was no structure as there is with the court of appeals and no guidance so the Appellant did the best he could to get the information in the record.

III.

Page 4 (1-16, & 18-25)

1. Appellant complains of fraudulent statements. No submission of evidence no chance to testify from Appellant.

IV.

Page 6. (13-25)

1. Appellant contends that the judge had not read the case file and was not familiar with the content of the case.
 - a. Appellant contends that he felt judge did not give his case consideration instead seemed confused in the documentation and was presented with regarding filings in the case.
 - b. Appellant contends that on lines 16-25 the defense attorney stated that filing date of September 9th 2021 which is how long the evidence has been on file with the Circuit court to the date of the hearing.

V.

Page 7. (Lines 1-9)

1. Appellant contends that this was Judge McKinnons First Probate Case through his admission that “Mr. Corbett, I believe this is the first probate court appeal Ive ever heard, so..”.
 - a. Appellant contends that the hearing was unfair because although it was the first time for the Honorable Judge to hear a probate case on top of that he was also not familiar with the case content it seems to the Appellant.

VI.

Page 7. (Lines 15 – 25)

1. Appellant contends that through his testimony he explained to the judge:

- a. Appellant explained that at the time of the probate hearing he had in the court room all the evidence in a box with him.
- b. Appellant testifies again that he had all the evidence being presented to the court with him at the probate hearing but he was not allowed to testify or present any of his evidence.

VII.

Page 8. (22-25)

1. Appellant testifies regarding the abuse from Mrs. Ogbunke during the interim after the probate hearing regarding not following the orders from the court and appearing with cars of police and other agents.
 - a. Appellant contends that during the planning of these visits with the police according to the Rock Hill Police Department Mrs. Ogbunke explained to them all the details and plans but she did not give any notice to the Appellant and used the Rock Hill Police Department to appear unannounced.
 - i. Appellant contends that this is an embarrassing occurrence and an example of the type of disturbance and objectionable behavior Respondent has shown so far.
 1. Appellant feels that this is a prime example of what he can expect going forward and ask for the Cosigning Privileges and Coexecutor of the Estate.
 2. Appellant contends that without this type of arrangement that the Respondent would become unbearable, but with cosigning privileges there would be discussions and agreements instead of arguments and power struggles.

VIII.

Page 8. (22-25)

1. Appellant contends that the defense attorney has been keeping him and his sister from communicating an maybe being able to come to some type of agreement outside the court.
2. Appellant contends that he has been trying to communicate with Mrs. Ogbunke but her attorney ask him not to speak

IX.

Page 9. (1-8)

1. Appellant contends that he has been trying to resolve the family issues and there has been absolutely no return.
 - a. Appellant ask the court to allow family counseling to try to save the family and reunite the estate but there has been no handshaking or return.

X.

Page 9 (14-23)

1. Appellant complains of abusive tactics that were being used by the Respondent and the abusive way the authority she had been given was being administered.
2. Appellant contends that he explained that the Respondent was taking pictures of his property and not the property of the Respondent because the photographs were not allowed and they were not redacted or approved..
3. Appellant contends that the Respondent waited till the Appellant was not home to arrive and failed to announce any plans to come at any time in the last 17 years for any reason.
4. Appellant explained to the judge the feeling of home invasion after living at the present address and paying taxes for the last 17 years without any help of any kind from Mrs. Ogbunike who never paid.

XI.

Page 10 (3-13)

1. Appellant contends that the judge was not ready and knowledgeable about the case.
 - a. Appellant contends that if Judge McKinnon had at reviewed the case prior to the trial even briefly he may have noticed that there were many documents and exhibits that the Appellant had submitted to the court that were never reviewed or allowed to be submitted during testimony as evidence.

XII.

Page 11. (8-18)

1. Appellant complains of the abuse and constant police visits at the request of the Respondent which is not necessary if both parties had cosigning privileges to control the activities.
2. Appellant complains of the neighbors questions and having to live with all the accusations and stories while Mrs. Ogbunike goes back to Charlotte NC and her neighbors have no idea anything has occurred.
 - a. Appellant contends that this should be considered as an avenue of abuse since it is already occurring and would likely be the method of visits from the Respondent.
 - b. Appellant contends that the Circuit court did not consider any of these issues due to the lack of review of the case and no testimony received from the lower court.

XIII.

Page 12 (23-25) Page 13 (1-9)

1. Judge ask the Appellant: *“Ok Mr. Adams, Im going to give you one shot here. Give me your argument as to why the probate court made a mistake”. Listen to me, okay? It has to be a legal error by the*

probate judge. You understand? I don't want to hear new evidence. I don't want to hear that kind , okay? I want what is the legal mistake you believe the probate judge made?"

- a. Appellant answered: *"she never let me testify" she never took – listened to any of my testimony. She never gave me a chance to present my evidence. So that was one of the errors that if it like she made a mistake"*
2. Appellant contends that the judge erred in not allowing the full extent of the evidence to be submitted and reviewed by the court especially since it contained credit card fraud and other violations committed against the estate by Mrs. Ogbunike.
3. Appellant contends that the problem with just accepting the case as it was that the judge inherited the same mistake and through the absence of question and finding of fact the Appellant contends that there was error.

XIV.

Page 14 (1-3)

1. Appellant again complains to the court that the defense attorney has restricted conversation between us which would give us a chance to agree and get things done but we have not been allowed to speak in years.
2. Appellant contends that Mr Corbett lied on the Appellant to Judge McKinnon by stating in lines 4-6 where he stated that the Appellant had been allowed to give testimony.
 - a. Appellant contends that the transcript from Probate court clearly shows there was never a time that the Appellant was allowed to testify on his own behalf or submit the evidence to the court.

XV.

Page 14 (14-25)

1. Appellant explains to the judge that he was never given a chance to testify but only call witnesses.
2. Appellant contends that in the transcript of the hearing that Judge Woodruff can be heard constantly telling the Appellant that the he would be given time to testify but he was never given this chance.
3. Appellant contends that defense counsel understood that there was not testimony taken but expected that the judge would not be aware of this being it was his first probate appeal.

XVI.

Page 15 (4-24)

1. Appellant contends that Appellant again ask for the cosigning privileges and to be allowed to cosign in protection of his lifetime investment.
2. Appellant please with the court siting that he has been living at the address for the last 17 years.

XVII.

Page 15 (12-24)

1. Appellant pleads with the court sighting that he has “*invested all his lifetime savings while Mrs. Ogbuneke was able to go out and realize all of her dreams. She put her children through college, she’s been able to start a business, but I couldn’t do any of those because of the burden and financial responsibility of the estate*”.

XVIII.

Page 15 (18-25)

1. *Appellant pleads with the court and states: I’ve been keeping that estate for 17 long years cutting four acres of grass two times a week sometimes. Its been a tremendous burden. And Mrs. Ogbuneke has not helped me at all. 17 years of paying the taxes, she never paid any. The last taxes went all the way up to January 15th. She didn’t pay them either*.
 - a. Appellant contends that he has contributed a huge investment into the maintenance and survival of the home and estate as well as all the property and dwellings.
 - b. Appellant contends that he has paid all the expenses alone and has not had a visit from Mrs. Ogbuneke other than with the police during the probate onset.
 - c. Appellant contends that he has sacrificed his life to take care of his parents till their transitions and continue to sustain the estate he grew up on and has lived for the last 19 years as well as was born at the location while Mrs. Ogbuneke was not born at the estate as our parents were not married when she was born.

XIX.

Page 16 (10-17)

1. Appellant contends that the court erred in its order as there was no testimony ever given the transcript shows that every time the Appellant tried to testify on any level he was denied the opportunity and sometime cut right off and not allowed to continue..
2. Appellant contends that he was never allowed to present the evidence of credit card fraud and all the other allegations and evidence that was not allowed to be presented during the trial in probate court, so because no new evidence is allowed, none of old evidence was considered in the old probate case and not considered in the appeal because the judge did not review or do fact finding during the session but inherited the same mistake..
3. Appellant contends that Judge Woodruff never gave a chance for any evidence to be considered because none was ever allowed and no testimony was allowed nor were any closing arguments.

XX.

Page 17 (1-25)

1. Appellant confused and pleads with the judge to grant understanding but the judge did not.
2. Appellant contends that the court may have had this disposition because it was presented in court and without review and no finding of fact there was inherited err.
3. Appellant contends that the judge did not have any consideration of any of the evidence because through his own testimony earlier in the case he had not prepared for the case and had never heard a probate appeal as he stated to the defense.

Transcript from Probate

The Appellant contends that the order of events in the process of civil trials and hearing was not followed and he did not get a fair trial from the beginning. Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts

I.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts Transcript# 59948

Page 7 (15-22)

1. Appellant complains that the Probate Judge Woodruff did not allow the Appellant to have any Evidence Submission or Closing Arguments during the Probate Hearing that is the original problem that caused the appeal.
2. Appellant contends that the judge was particularly disagreeable and did not allow the Appellant a fair chance to present the evidence that was sitting on right in front of him during the hearing.

II.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts Transcript# 59948

Page 8 (6-9)

Appellant explained to the court that the application was falsified but the judge did not complete any fact finding to see that there were several violations until the hearing.

III.

Rule 19, 50.52 Violations Not allowed Evidence Discovery or Finding of Facts
Transcript# 59948

Page 9 (6-10) Rule 19, 50,

Appellant contends that the attorney is gave false testimony to the court.

1. The Appellant contends that his father was admitted into the nursing home with Stage 4 Alzheimer and there was only select Long Term Care Facilities which limited the areas where Mr. Adams Sr. could get treatment..

IV.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts
Transcript# 59948

Page 9 (11-17) Rule 19, 50, 52

Appellant contends that Mr. Corbet continued to deliver to the judge false testimony as that there was no estranged relationship.

1. The problem between me and Mrs. Ogbuneke is that she never wanted to help with any of the work to help keep the estate going. There were many more of them and no one ever helped cut the grass or help with projects to keep the estate in good condition.
2. Mrs. Ogbuneke started her nursing business from Mr. Adams account and continued to benefit and never do anything but take..
3. Mrs. Ogbuneke has never paid any taxes or helped with any of the financial or labor to keep the estate. That is the reason for the relationship issues..
4. In fact there were not as many issues at all with our relationship until Mr. Corbett got involved as Mrs.. Ogbunekes attorney.
 - a. He has and continues to stand between any negotiation or verbal conversations between Mrs. Ogbuneke and myself so he can continue to run up an unnecessary bill believing everything that his client tells him and not once calling or emailing to see what can be done to resolve the problem..
 - b. I have expressed my desire to Mr. Corbett to have time to speak with Mrs. Ogbuneke but there have been no responses.. no positive feedback so I began to text and call even though I knew there may be a block.. I still did.
 - c. It bothers me that all this time has passed and I thought by now Mrs. Ogbuneke would have just came to the house and said.. "Tiger lets me and you talk so we can get on the same page with this.. but it never happened.. instead there were police and people everywhere.. If we had

cosigning rights we would have a chance to agree and avoid surprises and community embarrassment.

V.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts

Transcript# 59948

Page 9 (18-24)

Again Attorney making false claims to the court as everyone does not plan to go home from the nursing center sometimes as with my father there was no plan to return as in January of 2020 I tried to get my father brought back home trying to work with the nursing company to avoid covid and Mrs. Ogbuneke refused to allow the transfer stating that he may bring covid back and give it to everyone..

The condition Mr. Adams was in when he first went into the nursing center it was understood that he would continue to get treatment until his expiration due to him having Alzheimer's that would progress.

Page 10 (6-14)

VI.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of

Facts Transcript# 59948

Page 10 (9-14)

Appellant sites that the Respondents attorney stated on line 9-14 that he would be glad to see the information from the petitioners side but the judge never did any "fact finding".

1. The judge never ask " well do you have any evidence you would like to present?" The judge failed to seek the truth in the testimony since the Appellant had all the evidence on hand at the court during the trial.
2. The Appellant sites that the Appellant had the supporting evidence of the "Credit Card Fraud" with him at the time of the hearing but was never given a chance to testify on his own behalf or make a closing statement where he would have been able to present the Credit Card Reports.

VII.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of

Facts Transcript# 59948

Page 11 (18-2), Cont: Page 12 (1-25), Page 13 (1-3)

Appellant contends that Mr. Ogbuneke may have perjured himself while on the stand as can be seen in lines 18-25p11 & 1-6p12 before Mr. Corbett stepped in..

Appellant contends that Mr. Corbett is not being honest to the court as all the exhibits were sent to Mr. Corbett via hand delivery to his office in Chester SC. The Respondent has provided Mr. Corbett all the exhibits prior to the hearing when the appeal was initially Filed.

1. According to Evaline Rodas from the Clerk of probate court there was not a way for the evidence to be submitted in probate court that I needed to bring the evidence to court and it was on hand and ready when court began.
2. Appellant contends that the court did not allow the Appellant any opportunity to even discuss the evidence or show the court what was brought in located on the desk..
3. Even after the Appellant told the judge that the documentation and evidence was there the judge did not take any time to allow the evidence to be presented to the court.

VIII.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts Transcript# 59948

Page 12 Lines 19-25), Cont: Page 13 (1-13)

Appellant contends that in this statement the Respondent acknowledged that he did have the copies of the evidence as he stated on Page 13 (2) where he states "nor have I been able to see it for its authenticity" which states that he may has a copy but may have doubt..

The originals of all the evidence has been preserved with the court through submission to the clerks office and relevant file numbers for each submission.

IX.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts Transcript# 59948

Page 12 (4-23)

The Appellant contends that the judge would not allow the Appellant to finish speaking before she would cut him off and not allow his points to be made.

1. Appellant contends that on lines 4-23 the Judge cut the Appellant off several times and did not allow the Appellant to respond to the last statement that was made regarding the "sustained motion".. The judge scorned the Appellant unnecessarily stating "Don't argue with me" before the Appellant even had time to argue or ask a question.

2. Appellant contends that his statements and views were suppressed because fo the constant silencing from Judge Woodruff who seemed to have disliked the Appellant for coming in as a pro se litigant but the Appellant did not have a income at the time and finding probate attorneys is very very hard.

X.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of
Facts Transcript# 59948**

Page 13 (24-25), page14(1-5)

The Appellant explained to the Court in "Open Court" that there was an issue with "Credit Card Fraud" being presented to the court. The Appellant in Line 1-6 explained that the Respondent got credit cards fraudulently and exploited my father and used the credit cards for hundreds of thousands of dollars ruining Mr. Adams Credit and that he had the evidence to present to the court.

1. Appellant contends that the judge turned a blind eye to the statement and allowed an objection to be sustained in from Mr. Corbett regardless of the true evidence that was present the judge chose to sustain the objection and do no "truth finding" to see what the documentation from Experian and Transunion, Discover Card and other contained.
2. Appellant contends that Judge Woodruff showed favoritism in light of the credit card fraud and falsification of the "initial Probate Application".

XI.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of
Facts Transcript# 59948**

Rule 19, 50, 52 Page 14 (14-25), P15(1-17)

Appellant contends that there were questions about the credit card fraud and examples of the fraud like the use at the "Biltmore House" and "Walt Disney" and several other places where Mrs. Ogbunke used the credit cards fraudulently to live on instead of using the credit card balances for the substantiation of the estate (Pay taxes).

XII.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of
Facts Transcript# 59948**

Page 16 (17-25), P17(3-12)

Appellant ask the Respondent where Mr. Adams was living when he died.. The Respondent answered that Mr. Adams was living at 721 Ogden Rd after putting that information on the application fraudulently. Mr.

Adams was living at the Liberty Nursing and Rehabilitation in Charlotte for 7 or so years and moved to Royal Park of Mathews for another 10 to 12 years. During this time he was not allowed to come home and if he were able to come home there would need to be extensive transportation arrangements as well as nurses on site when he would arrive it was well understood that Mr. Adams could no longer live at his address according to hospital records and recommendations..

XIII.

Rule 19, 50.52 Violations Not allowed Evidence Discovery or Finding of Facts Transcript# 59948

Page 17(13-25)

Court allowed leniency to the Respondent on an unfair number of occasions never asking any questions or requiring any proof of what Mrs. Ogbunke was stating. The court also suppressed the information that the Appellant had as he was not allowed to present his testimony or have any closing arguments or anything.. The judge ruled from the bench unfairly.

XIV.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts Transcript# 59948

Page 19, page 20, page 21

Through all the questions and answers the court never required any proof of anything.. All three pages were used to explain that my father still lived at 721 Ogden rd when at that time Mrs. Ogbunke had all his mail and account information from all institutions forwarded to her home in Charlotte NC. The court did not cross examination or required no proof of any of the testimony that was presented.

XV.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts Transcript# 59948

Page 22, 23, 24

1. Appellant contends that all the statements regarding my father coming home from Mrs. Ogbunke were all lies.. The "Home" that she is referring to is her home in Charlotte NC where in the beginning of my fathers

condition he would be allowed to come out for a holiday but that was not to say that he did not have a "permanent" room at the nursing facilities.

2. Appellant contends that page 23 lines 13-25 the Respondent uses home very loosely expecting that the court would not understand what difference existed between the two locations which is roughly 40 miles.

3. Mr. Adams never returned to 721 Ogden Rd as there were too many health complications and with the feeding tube the distance was a factor.. The nursing home would have record if there were any instances where Mr. Adams came to 721 Ogden Rd.

1. Again at Page 24 lines 15-20

Appellant contents that the Respondent is purposely lying to the court when she responded regarding the proof of Mr. Adams ever leaving the nursing home..

a. there would be no pictures that he would have been able to keep from Mrs. Ogbuneke because all the instances my father left the nursing center on the holiday he went to 6218 Idlebrook drive..

b. So that is where all the pictures of his stay would be located.. There was never a time when he came to 721 Ogden rd as all of his friends and family would have been really excited to see him but he never returned..

c. We all understood that he would not return after the diagnosis of 4th stage dementia and Alzheimer.

2. Appellant contends that this is one of the main reasons he is asking the court for Signing privileges. The Appellant believes that if he has cosigning privileges that would help control the way things are done as well as provide a path for the Appellant and the Respondent to work together and resolve issues without always having to have so much commotion.

XVI.

Rule 19, 509 52 Violations Not allowed Evidence Discovery or Finding of Facts Transcript# 59948

P25, P26 (1-16)

Appellant contends that the Respondent again is lying to the court depending that no one will look into the validity of the information. Respondent has a problem with being accurately honest about issues with paperwork and accountability.

1. The Respondent consistently avoided answering the question regarding the mental state of Mr. Joe L. Adams..

- a. Appellant contends that not only was Alzheimer's one of the conditions but dementia and aphasia were also part of the complications that were mentally wrong with my father and the Respondent is very aware of these facts but chooses to still conceal information from the court.
2. Mr. Adams had 3rd stage Alzheimer's according to Dr. Howard Mandell of Rock Hill South Carolina and Dr. Nicolas Tuttle of Rock Hill SC. Who have maintained all documentation of their treatments and medications.

XVII.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or
Finding of Facts Transcript**

Page 26 (17-20)

Appellant contends that the Respondent made an unannounced visit with police and performed very badly after misinforming the police that she was supposed to come and inventory the estate. Appellant contends that the Respondent tried to be dishonest about the restraining order that was placed on her during her visit to the estate prior to the court appearance..

1. Appellant ask the question regarding the restraining order and the Appellant responded she did not know why she was given a restraining order by the Rock Hill Police Department.
2. Under Sworn Oath the Respondent lied before the court and tried to deny that the Rock Hill Police Department had to issue a restraining order against her during the time she lost control of herself screaming and shouting in front of the house and refusing to leave as the court order had been given.

XVIII.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or
Finding of Facts Transcript# 59948**

Page 26 (21-25), p27 (1-20)

Appellant contends that the Respondent never answered the question. The Appellant contends that the judge was more partial to the Respondent and allowed the witness to dilute the answers and never directly answer the question as in line p27(10-11) where the Respondent states that she thought the Appellant issued the restraining order when the police explained that she was being issued a trespassing order for her disorderly conduct while on the premises.. The order was mailed to Mrs. Obuneke as well as she was contacted by the Rock Hill Police Department to explain the charge.

1. Judge did not fact finding but told the Appellant to go on to the next question. This causes there to be too many unanswered and unresolved issues before the court and there is little or no documentation from the court other than the audio transcript that is very expensive to have transcribed.

XIX.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts
Transcript# 59948

Page 27(1-20)

Appellant contends that the Respondents attorney stated that the question had been “Asked and Answered” but still there was no clear answer to the question and the court did not do any fact finding to try to get to the root meaning of what was being presented.

1. Appellant believes that in the beginning of the trial when the Respondent told the judge that no matter what the will said that there would be a problem.. This statement seemed to cause the judge to be insensitive to the Appellants position in the case.
 - a. Appellant did note that on the day of the hearing both the judge and the defense attorney were both late and both arrived at the same time into the court room..
 - b. Appellant contends that the judge made fun of the way the Appellant was dressed when they initially came into the court room and sat down.. She stated “ oh look Mr. Adams, you really are dressed like an attorney”.

XX.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or
Finding of Facts Transcript# 59948

Page 28 (13-21)

Appellant contends that he was denied his chance for closing arguments and to testify on his behalf about what had transpired because the judge repeatedly stopped the Appellant from any narrative or anything other than asking questions. The judge stated that "what my time was to do is elicit the facts" again alluding to the Appellant that there would be a time at the end of the hearing to speak or give my testimony.

2. Appellant contends that not being able to engage in any discussion and only listening to answers without any chance to testify or submit to the court the evidence that was brought with me as instructed by Evilyn Rodas the clerk working directly for Judge Woodruff.
3. The judge never gave an opportunity for any closing arguments or anything regarding a chance for the Appellant to show his evidence and testify on his own behalf.
4. Appellant f contends that this is suppression of evidence and denial of testimony and closing arguments because the judge ruled from the bench in the middle of the trial and never gave the Appellant any time to show anything or present any proof of the credit card fraud.

XXI.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or
Finding of Facts Transcript# 59948**

Page 29 (1-25)

Appellant submitted evidence of the recent restraining order from the Rock Hill Police Department due to the Respondents behavior and ranting in the middle of the street, The Appellant submitted the document to the court to get it into evidence.. But the judge still did not understand that we were not talking about the restraining order that she granted, but another one submitted by the police.. She never ask to see the document after it was submitted to the Respondent and it was ignored. The court stated that the evidence could be submitted to the court by letting the Respondent identify it.. But even after identifying the record the judge did no fact finding. The Appellant also had video footage of the event but was not able to submit it to the court because the judge never opened the opportunity for the Appellant to say or do anything on his own behalf..

1. Respondent argued that the facts were not in evidence as they did due to the absence of a way to submit physical evidence to the probate court according to Mrs. Evelyn Rodas so all the evidence was brought to the court.

XXII.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding
of Facts Transcript# 59948**

Page 29, 339 34, P35 (1-5)

Appellant contends that during this time the argument was regarding the refusal of Mrs. Ogbuneke to leave the premises when she made an unannounced visit with 2 cars of police. The Appellant did not know that Mrs Ogbuneke had contacted the police to come on the day she came..

XXIII.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts

Transcript# 59948

Pg30 (line 22-25) Pg31 (1-8)

Mrs. Ogbunke was prepared for problems as she asked for 2 more officers because she also knew she was coming unexpected. But the court misinterpreted the restraining order given by the Rock Hill Police Department as the one that was given by the court.. It was not the same one.. The restraining order was given because Mrs. Ogbunke became upset that the court issued the court order and refused to cooperate with the officers but the judge misunderstood and did not look at the order after it was presented into evidence.. She ruled from the bench and didn't review anything..

XXIV.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or

Finding of Facts Transcript# 59948

Page 35 (6-25), P36 (4-6)

Appellant in an "Interested Party" as written on the original application submitted to the probate court. The Appellant tried to submit evidence regarding the huge financial investment he has made to the estate but again the judge sustained the objection because it was not in the record.. when the Appellant was instructed by Evelyn Rodas the secretary for the judge that there was no way to submit evidence to the probate court and that it needed to be brought to the court for the hearing.

Appellant contends that the court objected to his presenting the fact regarding paying all the taxes for the estate and having brought records of the tax billing to the court for the hearing.. The court never allowed the testimony. The Respondent according to her own testimony did not have any tax records to show.. The Respondent spoke of paying taxes with the money my mom gave her to go pay taxes.. She never contributed and has no record according to her own testimony (Pg 35 6-22).

XXV.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts

Transcript# 59948

Page 38 (20-25), pg 39 (1-25, pg40 (1-25)

Appellant contends that the Respondent lied on the application in several areas. During the hearing the question was ask about the question number 7 on the initial application. The court sited that the Respondent had lied on the application again.. The Respondent purposely put on the application that no guardian had

been appointed when she herself had been appointed guardian due to her location in Charlotte NC closer to the facility in charlotte nc and the hospital. The Appellant lives in SC.

The Appellant was never allowed to testify where he had documentation supporting his argument that the lying is excessive and intentional. Its was not just a mistake but it was an intentional attempt to defraud and falsify the application to become Personal Representative.. this is in violation of SC Probate Code and it seems that the court not only is not acknowledging the "credit Card Fraud" but the misleading attempt to fraud the application were also ignored as the Appellant was not allowed any closing argument no chance to present any evidence to the court during the hearing.

XXVI.

Rule 19.50.52 Violations Not allowed Evidence Discovery or Finding of Facts

Transcript# 59948

Pages 44, and 45

Appellant contends that the Respondent was not being honest and stated that she did not know what the cause of death was to my father when she was the person who brought the death certificate to the probate office as well as provided the any copies to his creditors.. The Appellant contends that this consistent dishonesty shows very apparent in the pages as they progress.. The Appellant contends that if this is the case Mrs. Ogbuneke is not competent enough not being able to read or understand so many words and other issues that have to do with the management of the estate. Through her own testimony the judge had to help with her understanding of the meaning of cause of death. This level of dishonesty cannot be trusted and the Appellant request signing privileges to be able to make sure too many things are not done behind the scenes.. Mrs. Ogbuneke's lawyer will not allow us to speak and I have tried on several occasions to break through but no luck.

XXVII.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts

Transcript# 59948

Page 41 (1-25)

Appellant contends that the witness acted as if she was not competent to answer the questions presented by the court.. All the answers were vague to the degree that the court had to reprimand her not to "try the patience of the court" after she ask the court to make the Appellant look at her instead of looking across the room..

But through all of these problems with testimony and evidence not being presented the judge still moved to rule from the bench completely denying the Appellant of his right to testify on his own behalf as well as even be allowed to call himself as a witness as the judge stated that the Appellant would get time at the end of the proceeding but she closed the proceeding before anything could be presented or any testimony from the Appellant to be put on record for his own defense.

XXVIII.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or
Finding of Facts Transcript# 59948**

Page 42 (1-19)

Appellant contends that the judge told the witness or the Respondent what to say.. The judge cut the Respondent off and didn't allow her to answer the question and stated that to say: I don't remember. The Appellant feels that this is again very unfair and shows direct favoritism to the Respondent and stil denying the Appellant of any of the questions. Before the Respondents lawyer could object the judge answered for the Respondent.

XXIX.

**Rule 19. 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts
Transcript# 59948**

Page 43 (13-25), pg44 (2-6) p45 (1-13)

Appellant contends that the court did not fact finding during the hearing.. The Mrs Ogbuneke testified that . she did not have a copy of the death certificate.. in the transcript the wording is very clear.. she never answered the question. Then she lied and changed the question to "I thought you meant do a have a copy now". The Respondent became agitated. The judge tried to make a statement and was cut off again.. the Respondent was told to "Stop Talking".. This is the same type of defiance and anger the Appellant has had to deal with and request cosigning rights as he is 50% of the estate and ask for cosigning rights.

Appellant contends the court ignored all these problems with the witness and the deliberate falsification of the application. The Appellant is the "interested Party" and has had his testimony and evidence suppressed.

XXX.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or
Finding of Facts Transcript# 59948**

Page 45 (19-24) 46 (1-20)

Appellant contends that the witness lied under oath. Appellant contends that the witness made up the story to slander the Appellant when the witness should have know the condition of her father but never came to visit. There was never any abuse at home. Appellant hired nurses to care for father and has testimony on record in the Circuit Court of Neighbors testimonies of the care that was given to Mr. Adams as well as the activities at the Park Ave Day Care Center in Rock Hill SC.

Mr. Adams attended regular doctor visits with Dr. Nicolas Tuttle of Rock Hill Family Practice and attended daily day care activities for adults at the Park Ave Day Car of Rock Hill SC. If there was any abuse it would have been reported. The witness is lying under oath. The front porch has no sun it has a 15 ft cover over the top of the porch area. The neighbors have denied ever making any of the statements.

Again the questions were unanswered and the court again stopped the questioning and would not allow any answers.. It seems all the answers were denied none of the points that the Appellant introduced even with the evidence on the desk were all pushed off till the end of count then the judge ruled from the bench and didn't allow any of what she had promised would happen during the duration of the hearing.

XXXI.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts
Transcript# 59948**

P47 (1-25) p48 (1-25)

Appellant contends that the Respondent was so over zellus during the hearing that there were objections before I could ask the question. There were problems from the start with the constant suppression of my statements and all of my evidence. I could barely get a chance to support my own argument and never got any chance to testify of why I brought the action to court. I was denied the chance to speak on the reson. Lines 1-10 show that the Respondent objected prior to the questions being ask but the judge did not take any control of the situation but seemed to be confused as well because the question was not ask..

Appellant contends that the integrity issue is constant through the transcript and has been the basis for the appeal as the Appellant does not trust that the personal representative is mentally competent because of all the way she was not able to answer basic questions. There have been several issues with the application and unannounced visits with law enforcement 3 times now.. During this proceeding was the first unannounced visit which ended with a trespassing violation to Mrs Ogbuneke and a restraining order.

XXXII.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts

Transcript# 59948

Pg50(19-25), Pg51 (1-10)

Appellant contends that every time he ask a question that the court would step in and stop the questioning even before there was an objection. Here in these lines there is clear evidence of the court directing that there would be another portion of the court proceeding where the Respondent would not have to answer anything. The Respondent stated in her own testimony that she was appointed guardian of Mr. Adams but yet she does not know the court dates, reasons for death? The Appellant feels that the court was very lenient and very much suppressing all the testimonies and evidence the Appellant had.

Appellant contends on pg51 (1-10) the judge states that "lets just wait till you have a chance to ask questions. Ill ask your attorney to clarify that." . Appellant contends that the judge continuously makes a way for there to be no answers given from the Respondent and all of the Appellants questions are suppressed or explained away

XXXIII.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts

Transcript# 59948

P51 (1-25), p52 (1-25)

Appellant contends that the Respondent purposely filled out the application wrong due to her direct recollection of the probate hearing and the lawyer that was present.. She recalled all the information leading up to the hearing but still filled out the application that there was "never a personal representative appointed". This is clear fraud on the part of the witness mrs. Ogbuneke but the judge did not do any fact finding and cut the trial ruling from the bench without reviewing the transcript of the hearing or ordering a transcript to be able to make sure the ruling was fair.

Again, The court stepped in and did not allow Mrs. Ogbuneke to answer the question with understanding.. she said yes but the statements were only 60% true. Mrs. Ogbuneke has an attorney that is directing her on all these issues.. She was not proceeding without direction and she spent valuable time with Mrs. Evelyn Rodas prior to the Appellant meeting Mrs. Rodas.

Appellant contends that there is still a problem with the understanding and that the personal representative has not been able to answer the most basic questions..

XXXIV.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts

Transcript# 59948

P53 (1-25)

Appellant contends that Mrs. Ogbunke is perjuring herself regarding all the statements she made regarding the payment. The whole incident was cough on recording and is available at the York County Court House. Mrs. Ogbunke and Green Funeral home conducted the this incident unknowing to Mr. Joe Adam sJr. And all the statement from 9-23 are outright lies. It never happened. She came down to Rock Hill in Secret never asking me anything about my ability to pay.

XXXV.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts

Transcript# 59948

P53 (1-25)

Appellant contends that the facts are falsified and that there are recordings of Mr. Waters account of what happened as well as an account for what was said and done located in record at the York county courthouse. Appellant contends that the judge was more concerned with the fact that the bill was paid rather than the conditions and stated that we were having family dysfunction issues. The problem is this testimony is falsified and completely fabricated non of the statement that she made are correct. This transcript shows that the ranting and ravings that were being mentioned were the way that the Respondent got support from her attorney and others through all the misleading lies. Mr. Corbet has not tried to reach out to me for any clarification on any of these accusations.

XXXVI.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding
of Facts Transcript# 59948**

Pages 53(1-25), P54(1-25)

The Circuit Court or Probate did not take into account that there were issues that caused problems stemming from Mrs. Ogbunke continually doing many unethical and unlawful things such as coming to Rock Hill secretly paying the bill for my father's funeral without asking me if I needed help. Then lying to the judge stating that I told her I was not paying and it was just on and on with lies to make a picture of a

person.. But through all of it she never mentions that I sued her for the problems with the payment of my father's funeral because the funeral home would only listen to her wishes.. It was unfair and secretly done behind my back and I fear that this is what I am in store for next that the Respondent will do hurtful things and damaging things and not have to give any account as in this particular instance.. The judge just accepted that she paid the bill not the illegal breach of contract she did to do it.

Appellant contends that the court was very biased for Mrs. Ogbuneke and through this hearing was able to suppress all my evidence and testimony.

XXXVII.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts

Transcript# 59948

P55 (22-25) P56 (1-25)

Appellant contends that the court again cut him off from the line of questioning because they didn't understand what the questions were because I never finished asking the question. The Respondents attorney was given complete control to object to my question before I was able to ask them.. Again here is the prime example on page P56 (18-25). The defense attorney cut me off before I could get any answers and it happened repeatedly through the whole case.. Constant sustain of objections or interruptions during my questions because the judge felt she knew what I was going to say. Suppression of evidence and testimony are the main reason the judge didn't understand any of the issues.

XXXVIII.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts Transcript# 59948

Page 57

1. Appellant contends that he did not get a fair trial and that this trial was unfair and prejudiced because the presiding judge explained to the Appellant that the hearing had to end before he was able to get all of the evidence and other information submitted..

2. The judge stated that she was ending the hearing because "The deputies were going to be on overtime soon."

A. The Appellant contends that the court could have continued the case to give the Appellant his opportunity to submit his evidence and other information.

3. Appellant contends that again the Judge Woodruff explained to the Appellant that he would get a chance at the end of the hearing to submit his closing arguments and she spoke of the time when the Appellant

would be allowed to testify. But it never happened because she also stated that she had to cut the hearing short because "the deputies were going to be on overtime soon".

XXXIX.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts

Transcript# 59948

Pages 58-63

During cross examination the defense attorney was allowed to lead the witness and answer the questions at the same time.. The judge allowed this to go on and on and did not intervene. The witness has clear recollection of facts when her lawyer ask the question but acted as if she did not know any of the answer to the full line of questioning..

1. The judge was unfair in this trail and allowed an unfair advantage. The defense attorney went over all of the details of the guardianship hearing and still even though the Respondent had an attorney she still filled out the application erroneously and purposely and intentionally answered the questions under his direction falsely to give herself advantage for PR.
2. Appellant believes that the judge had contact with the defense attorney in this case prior to the hearing and was able to get a brief that was full of lies.. I want to be clear that this is how I feel is what happened for any judge to deny the person bringing the complaint a chance to testiW or give any evidence for review in the case.

XL.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts Transcript# 59948

Page 63 Lines (1-25)

1. Appellant contends that all of these statement made by the Respondent are lies.. There was no proof and no attempts to be disbarred.. There were no names called nor was there any issues with the Bar Association.
2. The Appellant contends that these are the lies that the Respondent has told to her attorney and that is why he is trying to convince the court that they are true as he has never taken time to speak with me regarding anything associated with this case.
3. Appellant contends that these are slanderous comments that the judge just let it go after asking Mr. Corbett what was his response he was never directed to speak about the topic. Where does the chance come that the Appellant will be able to say if these are lies or not.. The court allowed all these things to be said and made

promises for a closing argument and submissions of evidence but in every respect it was false. Everything the judge promised during the duration of the case was cancelled because the judge stated that the court employee would be on overtime instead of listening to the case and delivering a fair verdict she ruled from the bench and never took time to review all the evidence.

XLI.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts
Transcript# 59948

Page 63 (1-12)

Appellant contends that court shows prejudice again and does not require the Respondent to even answer the question. The Appellant was treated unfairly and was not given any kind of trial.. The Appellant was instructed by the judge to withhold testimony through the full Hearing and then was denied the opportunity to testify or have any closing argument to dispute any of the false fraudulent information that was presented by Mrs. Betty Ogbunike who has no proof and has not submitted any proof of anything she stated to the court. The court believes her and is prejudiced toward Mr. Adams as she has not been requested to prove anything she said.. The full burden of proof is on the Appellant and his evidence and testimonies are being denied by the court for unexplained reasons.

XLII.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts
Transcript# 59948

Page 66 (18-25), 67 (91-25), 68 (1-4)

Appellant contends that the court allowed Mr. Corett to continue his statement regarding the getting the assets from the home.. He was leading the witness and ask to the best of your knowledge and best of your ability.. So there was an objection by the Appellant. The Appellant voiced the objection and was again interrupted by the court and was told on page 68(3-4) that "we are going to get to that" then over ruled the object but never came back or discussed it any further after stating that "we will get to that". The Appellant complains that this was done over and over during this hearing and it was a unfair hearing due to the constant promises from Judge Woodruff that the Appellant would get a chance to testify on his own behalf. She promised that the Appellant would get a chance for closing arguments and they took advantage of the Appellants pro se status.

XLIII.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding
of Facts Transcript# 59948**

Page 68 (7-13)

Appellant contends that the defense attorney was leading the witness to what to say and when. The court allowed this to happen and did not do anything but object to everything the Appellant was stating.. This is unfair and should not be allowed to happen this way. It was clear that the lawyer was leading the witness in the statements as it is read from the verbatim transcripts.

XLIV.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or
Finding of Facts Transcript# 59948**

P68 (17-25)

Court ask if Ms. Ogbunke was appointed guardian of the person or the estate? Mrs. Ogbunke knew the answer as she had just completed questioning with Mr. Corbett who went over the appointment of the guardianship in great detail.. Mrs Ogbunke was only guardian of the person. Mr. Adams remained guardian of the estate as the court stated that there were no liens or loans on the property so there was no need to any changes that Mr. Adams would remain in control of the estate. This was what the result of the guardianship hearing ended up being.. She would handle the healthcare in Charlotte nc and the Appellant would continue to manage all the aspects of the estate in South Carolina.

XLV.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts
Transcript# 59948**

Pg69 15-25, 70, 71, and pg 72,

Court ask about the financial assets but never asked for any documented proof of the state of the accounts..

XLVI.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding
of Facts Transcript# 59948**

Pg70 (18-25)

Appellant contends that the statements that Mrs. Ogbunke is making are all lies that she fabricated and went to these institutions alone and told the same lies as she is telling now.. There were never any problem

financially with Mr. Joe Adams Jr. taking any money from Mr. Joe Adams Sr. But there are records of the Credit Card Fraud that Mrs. Ogbuneke took part in running up discover accounts and Sears during the time she was repairing and buying supplies for her night club with my fathers credit.. Mrs. Ogbuneke took lavish vacations to Disney worlds and Biltmore house using my fathers credit cards. I had all the documentation and preserved it though submitting it to the Circuit Court as evidence since the Probate Courts Mrs. Evelyn Rodas stated that the Court of Appeals did not accept physical evidence but to bring it to court to show the judge.

Appellant contends that during the time when the credit card fraud was happening my father complained that he didn't have decent underwear and other items to wear which sparked interest from the Appellant who at the time was living at 727 Ogden Rd a house that was gifted to the Appellant by his father for remodeling it located next door to 721 Ogden Rd.

There was never any money taken from my fathers account other than when the change was secretly made by Mrs. Ogbuneke.. 1,000.00 was transferred secretly to another account that was not my fathers account.. The bank records for the transaction are available. Mrs. Ogbuneke has no proof of anything she is stating because it is all fabricated but there are records of the credit card fraud that are available that she abused my father's credit.

XLVII.

Rule 19, 50. 52 Violations Not allowed Evidence Discovery or Finding of Facts Transcript# 59948

Pg 71 (13-25)

Mrs. Ogbuneke has admitted through her own testimony that there was an account that was a custodial account for my father.

Appellant contends that there were more than one stimulus check where did all the money go.. through the testimony only \$600.00 was accounted for and another 600.00 from the stimulus checks.. Where is the account for the money left over in addition as the social security check? Mr. Joe Adams Sr's Check from Social Security was never signed over to the nursing home. He may have also had a disability check as well but none were signed over to the nursing home. Mrs. Ogbuneke would get the check each month and apply the money and never give account of what when or how she spent it. This is why the appellant is pleading for the court to intervene as there would be no account for any action and no remorse to whom it hurt if Mrs. Ogbuneke is allowed to continue as sole Co Executor which is why the balance of Co-executorship and Cosigning Rights is so necessary for the Appellant as his investment and interest are at stake.

XLVIII.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding
of Facts Transcript# 59948**

P73 (1-25)

1. Appellant contends that Mrs Ogbuneke failed to supply the court with proof of delivery that all that all the notices were done within 30 days of her appointment.. She had not done it and tried to blame it on Evelyn Rodas the clerk that was helping Mrs. Ogbuneke and also the person that the Appellant feels was able to get to the judge providing one sided insight of the case as she understood it from speaking with Mrs. Ogbuneke..
2. All of these things were happening and the Appellant was not aware of any of them.. There were no phone calls or anything until a strange letter with no return address came in the mail and I did not accept it because there was no return address and I didn't know who it was from.. Later to find that it was Mrs. Ogbuneke who admitted that she sent the letter after I explained that a strange letter came..
3. Appellant contends that this also supports the integrity issues as mentioned earlier in the documentation.. There was no need to not put the address and lead the Appellant down a long road of discovery.. The Appellant had nothing to do with her failure to supply the documentation to the court on time and would like to ad this as an example of the problems that would happen if the Appellant is not allowed co signing rights to the estate.
4. Mrs Ogbuneke always like to play the role of the person who just does not know.. she always tries to act as if no matter what happened she was not wrong and that everyone else must have misinformed her of the events.. She just did it in line 5-8. The judge acknowledges that she was sure Evelyn told Mrs. Ogbuneke to file the paperwork but she failed.

XLIX.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding
of Facts Transcript# 59948**

P74 (1-25)

Appellant contends that the Respondent is lying about the paperwork.. The judge never did any fact finding on when the paperwork was filed.. She said she didn't file it because she could not get in the house.. That was not true.. She could have made arrangements and still filed that all the notices had been delivered.. She did neither of the two and made excuse after excuse. All of the assets that she named as assets were all accounted for but she is still looking to take pictures of my assets and my furniture and things I have paid.

L.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding
of Facts Transcript# 59948**

P75 (1-7)

Court explains that the furniture and other personal effects are given a modest price and Mrs. Ogbunke agreed but still wanted to get inside to take pictures of Mr. Adams Jr. personal items and other things he has personally purchased.

LI.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts
Transcript# 59948**

Page 76 (1-23)

Appellant contends that the Mrs Ogbunke stated that she had no intention on taking any personal injury lawsuit out as personal representative for my father against the facility where he lived? The court ask the direct question. Mrs. Ogbunke worked for the facility during the time while my father was suffering with bed sores. Mrs. Ogbunke turned a blind eye to the broken nose and the damaged eye that left my father disables in his right eye and broken disfigured nose. There were stage bed sores but Mrs. Ogbunke stated that she did not want to pursue a lawsuit because maybe there is an agreement signed. During the time my father was in the nursing home Mrs. Ogbunke entered into several agreements with management at the facility and began offering rehabilitation to the some of the clients.. This is at the same time while my father was suffering with Bed Sores and losing his life. The sores were 4th stage unrepairable and non treatable bed sores but Mrs. Ogbunke as his personal representative chose not to fight for her dads life through all the suffering he did..She answered the questions directly to the judge no lawyer speaking..

Appellant contends that Mrs. Ogbunke is not fit to be the personal representative for my father due to her not being concerned enough during his sickness and during his suffering to even come and visit him in the hospital and to know she stated that she was not interested in fighting for his right and for the lose of his life is very disheartening and the judge went back a second time but the answer was the same.

Appellant contends that the judge made it very clear what she was asking and the Mrs. Ogbunke stated no..

LII.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding
of Facts Transcript# 59948**

Page 77 (1-25)

Appellant contends that through the whole court hearing that all of his motions and statements were either cut off, the judge took over the statement, or there were objections before the question were ask and they were all allowed by Judge Woodruff who the Appellant feels was very much partial to the Respondent and accepted all the problems and failures of the Respondent to even carry out the initial orders from the court and to file the paperwork on time and properly. Mrs. Ogbuneke did none of the requirements but was still allowed a verdict from the bench and no review of the trial or evidence recording during the hearing.

LIII.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts
Transcript# 59948**

Page 77(17-22)

Judge sustains another objection and never ask for any clarity or for the Respondent to explain anything. Suppression of evidence and denial of discovery from the judge. Not sure where all the prejudice is coming from but it is clear that there is prejudice and there are issues with no testimony and no closing arguments.

LIV.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding
of Facts Transcript# 59948**

Page 78 (1-25)

Appellant contends that the attorney is leading the witness to what he told her or what he discussed with her and not what her wishes were. He lead into the questioning telling the witness in his question what to say even after Mrs. Ogbuneke had clearly answered contradicting answers directly to the judge and court.

Appellant contends that this is what Mr. Corbet wants and is not what Ms. Ogbuneke wanted as she would have told the judge what she was interested in doing while the judge ask question regarding if she was planning any law suits on her fathers behalf and she said no.. Mr. Corbett now is going back through all the question answered by the judge leading the witness to answer in support of what he told her she could do and not what she wanted to do.. She told the judge directly what she wanted to do.

Appellant objected but the judge allowed the defense attorney to lead the witness and make all these statements that were not what she had just stated to the judge with perfect understanding of what was being asked. The judge was clear and repeated the question.

LV.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts

Transcript# 59948

Pg 80 (1-25)

The attorney is obviously leading the witness and not asking questions on how she feels about the topics but alluding to the correct answer leading her only to say correct.. There were no statements to the judge regarding any of the statements her attorney is now making so she can be on record saying these things that are not true but made up from the attorney.

Look at the where she he is leading the witness stating that "its been a lot on you is that correct?" The Appellant contends that Mrs. Ogbuneke is not an honest person and any lawsuit that was taken on her was because she did something to deserve it.. there are reviews online from the Better Business Bureau from her clients complaining of how they were treated and the drugs her employees were using and stealing from their residences.. This is the integrity issue again.. The defense lawyer is trying to paint a picture that Mrs. Ogbuneke is not deserving of the lawsuits that were taken against her. The Appellant objects to all of this covering up the truth.

LVI.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts Transcript# 59948

Pg 81 (1-25)

Appellant contends that there is a lie here.. Mrs Ogbuneke testified to the court that she turned all the information over to her lawyer and that he was supposed to file all the paperwork to the court and that is why the documentation was not filed.. But here the attorney is asking (lines 1-5) if she plans to file the information with the court immediately. This is in direct conflict with her testimony to the judge on page 74 (lines 7-25). She told the judge that she talked to her attorney and he said he said he was going to handle the probate from that point". Now the Defense lawyer on Page 81 (line 1-5) her attorney ask her if she plans to file the paperwork with the court immediately.. so there is a lie that the court needs to be clear on..

Appellant contends that if the judge had not ruled from the bench and at least reviewed the audio from the hearing maybe some of these issues would have been discovered but she had it in for me and ruled from the

bench after denying all of my testimony and never allowing any evidence submission and even the one that was submitted was never addressed again.

LVII.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding
of Facts Transcript# 59948**

P81(10-25)

The defense lawyer made a mistake in his delivery of his question. There were mistakes made by the Respondent that she did not file the paperwork properly and that she had been involved in violations against the estate with credit card fraud and others. .But the judge had stated that the court was concerned about the bailiff getting overtime pay and that we had to end the session instead of continuing it.

Respondent made a statement about the reason the petition was brought to the court that was untrue but because the judge never took time to review anything that was available and never allowed any closing arguments or statements she could not summarize the case and not allow anyone to present any evidence that was actually available in the court at that time.

LVIII.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding
of Facts Transcript# 59948**

Pg 81 Line (23-25)

Defense attorney stated that there was no evidence that his client had acted improperly and so fro that.. But there was a lot of evidence against his client that was suppressed because the Appellant was not given any opportunity to present his evidence that was available and the judge did not allow his testimony continuously through out the whole case telling the Appellant to hold on and that he could not testify.. hold on we will get to that part later.. hold on we will have time at the end to do this.. but none of it was heard and there was no time allowed at the end of the hearing for any evidence or closing arguments so the Appellant never had a chance to submit any evidence to the court or testify of the wrong doing because the judge consistently interrupted as the transcript shows.

LIX.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding
of Facts Transcript# 59948**

Pg81 (1-5)

Appellant contends that the judge was preparing for the next witness to be called or for the defense lawyer to make another statement so she told him clearly again as she told me through the whole case.. "You'll have a chance. Just sit down.". Then she changed and accepted his motion for a "directed vierdict" and did not allow any.

LX.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding
of Facts Transcript# 59948**

P82. (17-25) pg83 (1-9)

1. The judge said that I had not provided enough evidence... But there was no chance to provide any evidence.. There was no chance for testimony because Judge Woodruff would always interrupt and say "hold the testimony and you will be given a chance to testify", or she would say "we will go over this later" or "Sustain every objection" but in any event the Appellant was not givne any fair opportunity to present his evidence due to the constant stopping every turn by the judge and refusing to hear any testimony or closing argument.

2. Appellant contends that there is no way the judge did not think there was evidence to be submitted because all of the paperwork was in the court on the table at the time of the hearing.

Appellant contends that this lasted through to the appeal as the second judge stated that he would accept all that the first judge had said and never accepted the transcripts as they were offered in court. The judge ruled from the bench but the items for discussion and that were brought to the court were a lot more than just whether the Respondent had done wrong as personal representative, and she had, but there were issues of fraud and abandonment that were never discussed and any attempt to bring any evidence was put off stating we would get to it at the end of court.

LXI.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of

Facts Transcript# 59948 On page 81 (6-9)

1. Judge woodruff admits that she was aware that the Appellant did not do all the things that she was supposed to do and yet she allowed the motion on the assumption that the defense stated that she had done nothing wrong..
2. Through the hearing there were things that were definitely done wrong so ruling from the bench and not reviewing the case for discovery and informational background caused Mr. Adams Jr. to be greatly prejudiced and unlawfully given an order that was not in his best benefit and that allowed his rights to be denied.

LXII.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding
of Facts Transcript# 59948**

Page 83 (6-13)

Appellant contends that the court showed extreme favoritism to the Respondent as they also allowed her defense lawyer to write the order for the directed verdict that denied all the Appellants rights to a fair trial. Appellant contends that his civil rights have been violated through this order as the trial was not fair and suppressed all the Appellants testimony and submission of evidence.

LXIII.

**Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts
Transcript# 59948**

Page 83 (14-15)

The Appellant was completely confused and caught off guard by the motion and activity in the court. The Appellant did not understand what was happening after so many times Judge Woodruff told him to wait and hold his testimony, hold your evidence, we will get to that later in the case.. All these things were told to the Appellant but the judge did not allow any of the evidence or testimony or closing arguments.. The case was in violation of the civil rights act to the right to a fair trial.

LXIV.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of

Facts Transcript# 59948

P88 (12-25), 89

The Appellate contends that the judge through this conversation ignored the fact that the appellee explained to her that he had all the evidence with him.. He stated that he had the receipts with him at that time but the judge did not accept or explain why the court did not allow them into evidence.

LXV.

Rule 19, 50, 52 Violations Not allowed Evidence Discovery or Finding of Facts

Transcript# 59948

P89, 90,91

The Appellate felt abused as all the items that he has invested his money into keeping are now being sold and his investment seems to be being squandered. No fact finding or submission of any evidence not even a closing argument. The Appellate feels violated.

Arguments

1. **Rule 520, SCRCP**

The Appellant argues that the Circuit Court and the Probate Court committed a reversible error in failing to make specific "Findings of Fact in violation of Rule 52(a), SCRCP Rule 50 and Rule 19 SCRCP.

2. Appellant argues that the Circuit Court did inadequate Finding of Fact for the case. The court failed to check to see if the Appellate had in fact made testimony or had the chance for closing arguments when in fact the record shows none were done.

3. Appellant argues that the transcript shows that during the Hearing by Judge McKinnon the Appellant offered the transcripts to the judge and explained that they were available to review in open court with the transcripts in court.

4. Appellant argues that he was set up and all of his evidence has been suppressed over and over again first from the Probate Court then by the Circuit Court.

Conclusion

For the reasons stated, the Appellant pleads with the Court to reverse the judgment of the circuit court and Probate court. The Appellant ask that he be given cosigning rights as well as Co Executor of the entire estate with Mrs. Ogbuneke to insure that we have time to decide on the activities that may have a great impact on the welfare of the estate. The Appellant has not taken any loans or any type of credit against the estate and has used his own hard earned money to sustain the quality of the estate for the past 19 years. The Appellant contends that his father made both siblings Copowers of Attorney because he said ‘Yall two work better together and between the two of yall.. I believe I’ll be alright’ creating dual power of attorneys for balance and security. Bruce Poore was the attorney that handled the POA drafting as well as the Arbitrations regarding outside properties. The violations and unethical activities that have been happening are basis of reason that creates the concern and uncertainty.

The Appellant wish that the Respondent will help with the taxes now that there is co ownership. There is a 100 year legacy in this location for our family from my Grandfather and Father and Mom.. The Appellant is the last of the Adams family from his father and has been a good steward of the Estate and wishes to continue with Mrs. Ogbuneke helping physically, monetarily, and morally.

The appellant ask the court to grant the Cosigning Rights and Full Co Executorship of the estate to both siblings. My mother always said that it was her and my fathers intention to leave the estate where both of us have to agree to sell before anything is sold..

The Appellant contends that if in the probate court hearing he had been allowed any chance to testify on his own behalf and present the evidence to Judge Woodruff that he had with him, she could have considered the evidence before ruling from the bench and denying the Appellant the opportunity to testify or have any closing arguments as she promised and persisted would be given. The Appellant further contends that if Judge McKinnon had taken time to review the transcript that was available in court at the time of the hearing, it would have provided insight into the error of the lower court. But instead he had to be given all the documents for court in open court by the Respondents attorney. All these things are the reason the Appellant has brought this case to the court of Appeals pleading for someone to see that there have been many violations, credit card fraud, unannounced police escorted visits, not following court orders, abandonment, and more that provide so much uncertainty of what may come to pass with the Respondent having full control. There would be no peace, as the Appellant

believes that there may be plans that he may never be party to but he is willing to start over again and go from here.

Cosigning Privileges and Full Co-Executorship rights would put to rest all the issues and would provide an opportunity for the Appellant and Respondent to have more interaction and conversation without Mr. Corbett and without any legal issues just family again. The Appellant pleads with the court to consider his financial investment, clean record, and Good History of Maintaining the state for the last 2 decades, and being born in the home that he lives in. The Appellant has done this with one salary which almost took it all. The Appellant sustained the estate alone with the absence of any help from the Respondent or any other family members. The Appellant ask that the court look at the issues of Credit Card Fraud and intention to convert Mr. Adams home into a nursing facility while he was living in it, and all the issues the Appellant has presented and Reverse the decisions and help us balance... These are the reasons the Appellant ask for Cosigning Rights and Co-Executorship. The Appellant also ask for majority share of the estate as there has been sacrifices and history of a huge monetary investment in Taxes, upkeep, maintenance cost and living for so long.

Respectfully
submitted,

A handwritten signature in cursive script, appearing to read "Joe L. Adams Jr.", written in black ink.

Joe L. Adams Jr. *Pro Se*
4/21/2023

Statutes

1. South Carolina Judicial Branch = Rule 50 = Motion for Direct Verdict - SC Judicial Branch (sccourts.org) <https://www.sccourts.org/courtreg/displayRule.cfm?ruleID=50.0&subRuleID=&ruleType=CIV>
2. Rule 19 - SC Judicial Branch (sccourts.org) — Direct Verdict <https://www.sccourts.org/courtreg/displayRule.cfm?ruleID=19.0&subRuleID=&ruleType=CRM>
3. Rule 52(a), SCRCP of Rule 52(a), SCRCP.

Other Authorities