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Apr 21 2023

SC Court of Appeals

FORM 14
DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

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

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

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal:

1. Order from August 31, 2021
2. Order from February 19 2022
3. Application for Personal Representative
Last Will and Testament of Joe L. Adams Sr.
5. Transcript of Proceedings (Circuit Court) pp. 2—3;4-6; 7-13; 14-18
6. Transcript of Proceedings (Probate Court) pp.7-36; 38-40;41-45;42-43;46-57;58-63;64;66-68;69-72;71-81;82-88;89-91.

7. Plaintiff Exhibits filed with Circuit Court Numbers:
Circuit Court FILE# - 141536,141627,141649, 141848,142002, 142506,
142756,143059,143236,142751,144020, 144319,
144602, 144850,145037,145145, 1455579,145938
8. Memo in Opposition to Motion to Dismiss Filed 1/31/2021
9. Motion "Opposition to Hearing" — Filed 2/28/2022
10. Motion Denial to Request New Hearing 3/16/22
11. Memo in Opposition Filed 12/17/2021
12. Defendant "Initial Motion to Dismiss" filed 10/4/2021
13. Defendant " Second Motion to Dismiss"

I certify that this designation contains no matter which is irrelevant to this Appeal. All evidence supports facts that are documented for this appeal and all are relevant.

4/20/23



Joe L. Adams Jr.
721 Ogden Rd.
Rock Hill SC. 29730
(858) 848-7311

These photographs were captured during the time that the plaintiff was in the York County Library trying to complete the appeal to stop the embarrassment and take over. Ms. Ogbuneka and the Rock Hill Police Department and a court person showed up unannounced and began taking pictures of the estate but the plaintiff was gone but the security cam caught the incident. The plaintiff was trying to get the appeal in to the court and stopped at the York County Library and utilized the computer systems and the copies to finish the appeal. The plaintiff felt and still does feel that he did not get a fair hearing through the initial hearing due to misinformation that may have been given to Judge Woodruff. The plaintiff contends that he was not viewed in a positive light in the trial and may have been the result of misinformation given to the judge.

The plaintiff was not allowed to present any of the evidence that he had at the time to show to the court as the letter stated to bring any information. The plaintiff did not understand what happened it happened so fast and sought to file an appeal to be able to submit his evidence of his struggles and present himself worthy to be responsible for my father's estate as I have been taking care of the estate for the last 17 years. The plaintiff responds to the defendants motion to dismiss and would like to present the motion that was served on the plaintiff on January 4, 2022 but filed on October 4, 2021. Please see EXHIBIT 1 The plaintiff also would like to state that through the holiday season without his father he did miss his sister tremendously and would like to have some type of family counseling to help us recover our family and our values. The plaintiff does not dispute the will but does dispute the appointment of the Personal Representative. The plaintiff believes that Judge Woodruff judged on what she had been told and how the information was presented to her but she never allowed herself to hear the plaintiffs side of the story and quickly ruled before seeing any of the evidence that the plaintiff had with him to show at the trial.. The plaintiff also believes that the way that the defendants attorney has served the plaintiff is substandard and the plaintiff contends that the defendant's attorney had his agents posting paperwork in the fence that is more than 50- 70ft away from the gates.. Leaving the unannounced paperwork in front of the estate on the sidewalk for everyone to see.. The plaintiff contends that this is below the standard of the court and will present evidence to prove. The plaintiff is a Pro Se litigant and through all of the searching for attorneys and joining agencies and going through the bar the plaintiff still was not able to come up with the required 2500.00 fee that all the attorneys charge and more.. The plaintiff ask for a continuance as the plaintiff was paying property taxes as well as an unexpected rental that cost the plaintiff the money to pay the attorney so the plaintiff again must come to the court and plead his case Pro Se.

Claim on which relief can be given:

Plaintiff believes that his investment is of a lifetime of savings, work and sweat. The plaintiff has maintained the property using his own monies and suffered through the remodeling and restorations that have been completed. The plaintiff has had the responsibility of paying all the taxes as well as cutting all the grass and fixing he roofs and floors and many other responsibilities and has not been able to ever go on vacations and out traveling as most single people would.

The plaintiff contends that the defendant has been able to realize all of her dreams raising a family, starting 3-4 businesses and putter her children through college while the plaintiff sacrificed these type opportunities because of the expense of the estate as well as the time he kept his father home while sick.. The plaintiff ask that the probate court review all the submitted files and information to see that the plaintiff has been a good steward to his fathers estate and deserves to be the Executor of the estate and or have Co-signing privileges so he is aware of what is happening and not be left in the dark until changes are on the cusp of being made.

The plaintiff ask that if the case is dismissed that it will not be dismissed with prejudice and will be remanded to the lower courts for reexamination. The Plaintiff comes to the court due to the best years of his life have been spent keeping the estate in Great Condition. The plaintiff contends that any of the photographs of the homes exterior are photographs of the plaintiff efforts to sustain his fathers legacy. The plaintiff was told by his father that all the land was his, but the plaintiff has no children and no family yet and does not wish to cut his sister in any way out of her inheritance because we have both had bad experiences with the loss of our loved ones inheritance so I do understand and don't mind sharing.. But the plaintiff contends that the defendant cannot be trusted at this time and would like the court allow signing privileges to the plaintiff if the plaintiffs request for removal is not considered.

The plaintiff submits the table of content to explain the EXHIBITS that were submitted to the court.

Table of Contents

The plaintiff would like to submit this table of content to the court regarding the exhibits that have been submitted as evidence. The plaintiff submitted the evidence but did not know he needed to include a table of contents so please accept this table of contents to review for the different content submitted with the original submission so there is clarity of each of the files. The plaintiff submitted the content to the defendant on the thumb drive with file numbers and names and the file numbers are also listed for the information on the disk to be defined and located.

Applicant would like to clarify each of the 13 EXHIBITS as they all are part of the appeal supporting documentation. Below is a list of EXHIBIT Numbers and Titles as they are submitted to the court as evidence of the continued maintenance that the applicant has done over the past 17 years and further explains what each of the files are and referenced to.

<u>EXHIBIT</u>	<u>FILE Number</u>	<u>FILE NAME</u>
I	141536	FOIA REQUEST City of Rock Hill SC 29730 Provided by City Hall Records Department Submitted by Betty Ogbuneke after mom died To convert dads house into a nursing home and put him out.
II	141627	Alzheimer's Association Proof of care from Alzheimer's Association as Caregiver for Dad
III	141649	Carolina Community Actions Agency to help with utilities and home weatherization for upkeep of home.
IV	141848	Guardianship Application to NC Plaintiff applied for guardianship to have dad moved to new location due to abuse and failing care
IV	142002	Continued Guardianship Application NC
VI	142506	Continued Financial Exploitation Belk Card Copies of Credit cards used by defendant unauthorized.
VI	142756	Continued Financial Exploration Continued exploitation of credit cards from Discover Lowes and others.
VI	143059	Tax Liens

Copies of tax liens that the plaintiff believes influence the defendant to make the wrong decisions during dads last days.

- VI 143236 **Continued Tax Liens**
Copies of tax liens that the plaintiff believes influence the defendant to make the wrong decisions during dads last days.
- VII 142751 **Email: Pressure to fix floor and roof 727 Ogden Rd**
Email Correspondence from Mrs. Ogbuneke pressuring the plaintiff to fix the floors at 727 Ogden Rd a house on the same property that the plaintiff lived in and remodeled and still maintains.
- VIII 144020 **Helping Dad Fight For His Life**
Letters and Correspondence to Government Agencies regarding Abuse
- VIV 144319 **Adult Daycare for Dad**
Documentation from Park Ave Day care where dad went each day for adult activities. Plaintiff got the activities for Dads social life.
- X 144602 **Medications and Visits**
Receipts of doctor visits to help with dads appointments and care
- X 144850 **Continued Medication and Visits**
Receipts of doctor visits to help with dads appointments and care
- XI 145037 **Dixon Automotive Appraisal to Medicaid**
Receipts of the value of dads cars and truck
- XI 145145 **Dixon Automotive Appraisal for Medicaid (Best Copy)**
Better Copy of Scanned receipt information
- XII 145557 **Repair Work Done for 721 and 727 Ogden Rd**
Information on part of the continued and ongoing maintenance requirement and investment.
- XIII 145938 **Original Letter prepared to read at hearing; was not allowed.**
Copy of the original letter prepared to read at the hearing but didn't get a chance to read it.

Opposition to Motion

At the time when the plaintiff was preparing the appeal and submitting the documentation the respondent appeared unannounced to the residence of the applicant again with police and multiple persons outside of the orders that were set forth by the judge.

- 1) The plaintiff received documentation from the defendant through ordinary US Mail and was informed by neighbors of the activities that were happening while the plaintiff was at work or way from home..
- 2) The defendant served the plaintiff with a letter that had 3 separate case numbers.. Each of the case numbers were different.
- 3) Please see EXHIBIT I which is a copy of the letter that was served on the plaintiff through US mail.
- 4) Plaintiff contends that the defendant put unnecessary hardship on the plaintiff by instructing its process servers to affix the letters inside the chain of the chain link fence as service to the plaintiff.
 - a) Plaintiff contends that this was very embarrassing and was unnecessary when normal US mail was available for service.
 - b) Plaintiff contends that the process servers would come and put a letter on the fence and leave it there and then come back and take it off which caused the neighbors to notice the paperwork flying in the air on the front gate with no notice to the plaintiff that anything was left there.
- 5) Plaintiff contends that the respondent is making an unnecessary scene in the neighborhood and continuously uses the Rock Hill Police Department as escorts giving them false information on the orders permissions.
 - a) According to the police report obtained please see EXHIBIT III report received from records department reported on 9/09/2021. The next day after the order was filed on 9/08/2021.
 - i) Plaintiff contends that the report states that Mr. Joe L. Adams Jr. was supposed to be there according to Mrs. Ogbuneke but he was never informed.
 - ii) Plaintiff contends that the order from Judge Woodruff states that there is supposed to be a 48 hours notification given to the plaintiff prior to the visit.
 - iii) Plaintiff contends that the defendant ignored the order and appeared the very next day in less than 24 hours.

- (1) Plaintiff contends that the defendant purposely misinformed the police to be sure of having the police escort but the plaintiff was working on the Appeal within the 48 hours of the notice and was at the library when the neighbors called with the issues of police outside his home.
- 6) Plaintiff contends that the order was not signed until 9:45am on the 8th of September and by the 9th of September the respondent appeared at the residence of the applicant.
- a) Applicant contends that the order was not the required hours before the respondent came with police escort.
- b) Plaintiff contends that the defendant has done this in the past as well.. If the court will look at EXHIBIT I from the defendant there is a copy of the Motion to Dismiss.
- i) Please look at the last page of the motion to document.
- ii) Please see that the last page is the "Proof of Service" page and that it contains the wrong case number as well as the wrong case name..
- (1) Please see that the case was referred to as "Joe L. Adams Jr. vs Betty Ogbuneke and Green Funeral Home".
- (a) Plaintiff contends that this case originated during the time that the plaintiffs father passed during the funeral arrangements and execution of the burial.
- (b) Plaintiff contends that at the time when the plaintiff went to the Greens Funeral Home to set up Arrangements for the funeral that it was agreed that both the Plaintiff and the Defendant would bare equal responsibilities to half of the payment of the funeral.
- (c) The plaintiff was prepared to pay his half and unknowing to the plaintiff Mrs. Ogbuneke came to Rock Hill unannounced and went to the funeral home and paid the plaintiffs part of the bill so the plaintiff would have no say in what was to be done at the funeral or listed on the announcements to the family and publicly.
- (d) The plaintiff submitted the complaint as it was a once in a lifetime chance to be a part of the funeral and he did not request any help from the defendant to pay his part and did not say anything to the Mr. Dave Waters of Greens Funeral home who allowed the verbal contract between us to be broken without my consent.
- (2) Plaintiff found that during the hearing with Judge Woodruff the defendant claimed she had paid for the complete funeral for my father..

- (a) She never told the judge what the circumstances were that led to paying the bill.
 - (b) She never told Judge Woodruff that she tricked her brother and took his ability away to list any people on the obituary and lose all control in the planning.
 - (i) Plaintiff contends that there are audio recordings on file from the event that show that the defendant did come to Rock Hill unannounced and unethically paid Mr. Joe L. Adams Jr. part in the funeral then went and claimed to her attorneys and the judge that she paid for the funeral and the burial and left out why she did it.
- 7) Plaintiff contends that with Mrs. Ogbuneke as personal representative there will always be problems with information transparency so he is asking for Co-signing rights to be able to have information freedom as well as notification of what needs to be done and how.
- a) Plaintiff believes he is entitled to cosigning rights because he has lived in the residence for the past 17 years alone and no visit or help from Mrs. Ogbuneke and he is 50% vested into the estate and has contributed a lifetime of monetary investment as well as sweat investment working to maintain two houses and cut the grass sometimes 2 times a week on 4 acres of land.
 - b) Plaintiff does not intend to stop Mrs Ogbuneke from being a part but feel as though it should be done together instead of coming and taking over the estate and embarrassing the plaintiff after all the years of maintaining the property.
- 8) Plaintiff request the court to review the timeline of events from unexpected visits and the amount of hardship and embarrassment the plaintiff has to endure each time it happens.
- a) Plaintiff request that the court please see EXHIBIT II which documents the unexpected visits and the resources used to have this kind of unannounced visit conducted.
 - i) The plaintiff contends that the defendant was not instructed to photograph the property inside and out but was told to inventory.
 - ii) Plaintiff contends that the judge did not state that pictures were to be taken of the Plaintiffs personal items and life inside the home where he has invested so much.

Plaintiff would like to submit Table of Contents of EXHIBITS for this submission to the court.

- EXHIBIT I** Motion to Dismiss served on January 4, 2022.
- EXHIBIT II** Rock Hill Police Report from 9/09/2022
- EXHIBIT III** Documentation of Harassment
- EXHIBIT IV** Emails from Judge Woodruff explaining activities must stop
- EXHIBIT V** Complaint Emails regarding not being able to submit evidence and not testimony
- EXHIBIT VI** Copy of FOIA request submitted in original submission for appeal consideration.

The plaintiff has objections pending for the defendant's motion to dismiss. The plaintiff will go by the motion and plead his objections to the court. Plaintiff will formally reply to the statements made in the defendant's motion to dismiss.

I.

MOTION TO DISMISS PURSUANT TO SOUTH CAROLINA CODE ANN. § 62-1-308(b)

Appellant appeals an Order from Probate Court pursuant to South Carolina Code Ann. §62-1-308(b). The statute requires that the appellant "must file with the clerk of the circuit court a Statement of Issues on Appeal (in a format described in Rule 208(b)(1)(B), SCACR)" Rule 208(b)(1)(B) provides:

A statement of the issues presented for review. The statement shall be concise and direct as to each issue, and may be stated in question form. Broad general statements may be disregarded by the appellate court. Ordinarily, no point will be considered which is not set forth in the statement of the issues on appeal.

Appellant has failed to comply with the requirements of Rule 208(b)(1)(B) and has not stated a single issue in particularity for this court to review. Appellant's Brief focuses on the idea that he

is receiving a second bite of the proverbial apple, which is not a standard for appeal.

Plaintiff Objects:

1. Plaintiff objects to the use of the "Proverbial Apple" statement as it is not accurate and is not why the plaintiff brought the appeal to the appellant court.

- a. The plaintiff submitted the appeal because the plaintiff was not given a fair hearing at the appeals hearing and was not allowed to testify or submit any of the documentation and proof of his supporting evidence before the judge ruled at the bench.
 - b. The plaintiff submitted the appeal because there was false and misleading statements made during the trial and the defendant was never asked to provide any information on the problems and allegations brought to the judge.
 - c. The plaintiff submitted the appeal because the ruling was not fair and the plaintiff was discouraged from filing the paperwork to have the Personal Representative removed and was refused the forms to pay the required fee.
 - i. Plaintiff was told by the staff that the paperwork he filed for the restraint was the first step and not that the judge would be ruling on both the restraint and if there was an application for removal.
2. The plaintiff also has objection as the Plaintiff is not the one waiting for a bite of the Proverbial Apple but if the court would please see EXHIBIT I from the first filings with the court listed in the table of contents for the original submission. The file is File number 141536 **FOIA REQUEST** and has been included as **EXHIBIT VI**.
- a. The plaintiff was able to get the request from Mrs. Betty Ogbuneke from the planning department of the City of Rock Hill of a application that was submitted shortly after the death of Betty Louise Adams.
 - b. The plaintiff would like for the court to examine the full document as it shows that the defendant had intentions even after my mothers death to get her hands on my fathers property and houses..
 - c. The defendant submitted an application to the city of Rock Hill to have my fathers house he was actively living in turned into an Assisted Living Home and he would have nowhere to live.
 - d. The defendant stated in the letter that it was with Tear that she had to rescind the letter due to my father coming to me crying asking where is he gonna live.
 - e. The plaintiff submits this evidence as proof of who wanted to get the bite of the proverbial apple as the plaintiff has been supporting and living at the residence for a lifetime.

3. The plaintiff never considered any bite of any apple because the plaintiff has been living at the address since birth and has contributed a life of monetary support to the estate and the defendant has not done the amount of work and paying bills and paying for supplies and outside labor..
4. The plaintiff contends that the defendant's agents have been very disrespectful to the plaintiff posting notices on the gates and coming back and take them back just for aggravation and unrest to the plaintiff regarding all the questions from neighbors and people who knew the plaintiff.

II.

MOTION TO DISMISS PURSUANT TO SOUTH CAROLINA CODE ANN. § 62-1-308(e)

Pursuant to S.C. Code Ann. §62-1-308, "The appellant's brief shall be in a format described in Rule 208(b)(1), SCACR." (Emphasis Added). Rule 208(b)(1) provides for the brief to contain "under appropriate headings and in the order here indicated" the following:

- A. Table of Contents and Cases
- B. Statement of Issues on Appeal
- C. Statement of the Case
- D. Standard of Review
- E. Argument
- F. Conclusion

Appellant's brief does not contain any of the required headings or sections above. Appellant's brief is disorganized and the only identifiable headings are "Applicant Objects:" followed by sections containing allegations that were not substantiated at the hearing in Probate Court.

Plaintiff Objects:

1. Plaintiff contends that he does not know how to do some of the things that the defendant is requesting to base the dismissal of the case.
2. Plaintiff tried to get an attorney to correct the documentation but was denied the continuance that was requested.
3. Plaintiff did go back and submit a table of contents for the items that were submitted as evidence in the case originally in this review of the motion to dismiss and the plaintiff stated the reasons for bringing the suit as well as a statement of what the case is about..

4. Plaintiff is not sure how to go about the standard of review and hopes that the judge will consider his efforts as a Pro Se Litigant and that the plaintiff is trying to argue the case with what he has and knows how to do.
5. The plaintiff submitted all the evidence to the defendant on a thumb drive as the second one was given to the court of appeals downstairs and the other upstairs at the Court of Common Pleas.

III.

MOTION TO DISMISS PURSUANT TO 12(b)(6) FOR FAILURE TO STATE A CLAIM

ACCORDING TO SOUTH CAROLINA CODE ANN. § 62-1-308(I)

Pursuant to S.C. Code Ann. §62-1-308(I), "The circuit court, court of appeals or Supreme Court shall hear and determine the appeal according to the rules of law: The hearing must be strictly on appeal and no new evidence may be presented." (Emphasis Added). The Appellant seeks to have the appeal consider evidence that he was unable to submit at the hearing. This evidence in the form of exhibits and statements in his appeal. The exhibits were not served on the Respondent for review. Further, the Appellant fails to state an issue of law for this court to consider and for that, his appeal should be dismissed.

Plaintiff Objects:

1. Plaintiff was under duress during the first submission of the appeal information.
2. During the time that the plaintiff was trying to prepare the appeal the defendant had the police at the home and neighbors calling and reporting there were police at the residence.
3. Plaintiff submitted the documentation and evidence to the appeals council that he had at the appeals hearing and submitted it because he never got a chance to do so during the hearing before it was closed.

WHEREFORE, Respondent Betty Ogbuneke moves this court for an Order dismissing this Appeal in its entirety with prejudice. This Motion is based on the SCRPC, statutory and case law as well as the Complaint that was submitted before the court. Due to the adversarial nature of this Motion, Counsel certifies that there is no duty to consult with the Appellant prior to filing this motion under Rule 11(a) SCRPC.

October 4, 2021

Chester, SC

s/ Cyrus Corbett
Cyrus Corbett BAR # 103156
GASTON, MARION & STUBBS, P.A.
124 Gadsden Street
P.O. Box 608
Chester, SC 29706
Phone: (803) 385-2114
Fax: (803) 385-2131
Attorneys for Plaintiff

Plaintiff Objects:

1. Plaintiff objects to the motion being dismissed with prejudice as the information contained in this appeal documents a lifetime of savings and work for the plaintiff.
2. Plaintiff objects because he has worked all this time 17 years my father needed me and I was a Good Caregiver and a Good Keeper of all his things until his death.
3. The plaintiff objects because he did not have any part in the suffering of his father at the hands of the nursing home and regrets that Mrs. Ogbuneke did not come at the final hours and days to be with my father during his transition.
4. The plaintiff objects because he was not given a fair hearing and the judge did not get a chance to see the plaintiff in a positive light and allow the plaintiffs information to be observed and examined prior to just making a judgement at the bench and allowing the defendant to do a home invasion of the plaintiff with authorized police escorts.
5. The plaintiff has so much money tied into the estate and objects to the motion:
 - a. The fixing of the roof
 - b. remodeling both houses on the inside and outside,
 - c. the upkeep and payment of the car insurance for the plaintiffs cars and his fathers cars..
 - d. The replacement of floors and repairs of internal structures of both homes
 - e. The installation of new AC and Heat in both houses
 - f. The upkeep of the yard equipment and tools

- g. The payment of all the property taxes alone for the last 17 years and during high school taxes were beign paid as well as my parents took my checks from driving the school bus to help out with things.. I didn't mind then and still don't mind today as we have been able to keep our property all these years and my father ask me to mix my money with his so we could make it and that is what I did and have been doing for the last 17 years of my life.

Concluding Statement

The plaintiff ask that the court look at all the problems the plaintiff is having already with the defendant and their attorney.. The attorney looks at this as a "Bite of the Proverbial Apple" while I am sure Mrs. Ogbunke is deeply afraid of losing her inheritance which is the wish of the plaintiff.. The plaintiff objects to her being appointed as personal representative and ask the court to award the plaintiff to be the Personal Representative, or the Dual Personal Representative (*plaintiff would like to state that Mr. Joe L. Adams always wanted us to have equal power as he said it was stronger when we were together so he made us Dual Power of Attorneys which the court may consider as evidence of opinion whether dual responsibilities would have preference from him if he were here*), or have Co-Singing privileges. If all cannot be considered the plaintiff motions for the court to have the case sent back to probate court and start the procedure again to be heard in its entirety by a jury and not by just one person. The plaintiff ask that he be allowed time to get an attorney to help with the litigation as he may have time to afford an attorney if there was more time allowed.. The plaintiff ask all these things as alternatives to a "Motion to Dismiss with prejudice as the Defendants attorney has requested.

Sincerely,

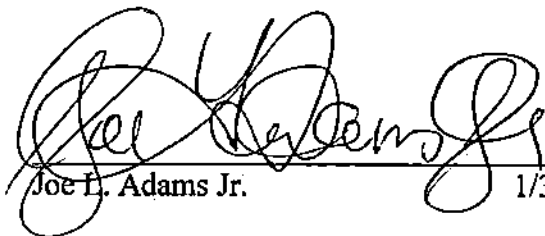

Joe L. Adams Jr. 1/30/2022

EXHIBIT I

Evidence Submission

**Motion to Dismiss served on
Plaintiff January 4, 2022**

*All Documentation and Exhibits are Considered Confidential and
Not for Public Viewing*



GASTON, MARION & STUBBS, P. A.
ATTORNEYS AT LAW
124 GADSDEN STREET
P. O. DRAWER 608
CHESTER, S.C. 29706-0608
FEID NO. 57-0693053

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January 4, 2022

Joe L. Adams, Jr.
721 Ogden Road
Rock Hill, SC 29730

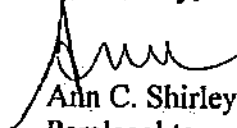
RE: Adams vs. Ogbuneke
2021-ES-46-00777

Dear Mr. Adams,

Please find enclosed a filed copy of the Motion to Dismiss Appeal and Notice of Hearing in connection with the above referenced matter along with our Certificate of Service which is hereby served upon you.

Should you have any questions, please do not hesitate to contact our office.

Yours truly,


Ann C. Shirley
Paralegal to
Cyrus Corbett

/acs
Enclosure

STATE OF SOUTH CAROLINA)

COUNTY OF YORK)

Joe L. Adams, Jr.,)

APPELLANT,)

vs.)

Betty Ogbuneka,)

RESPONDENT(s).)

IN THE COURT OF COMMON PLEAS
OF THE SIXTEENTH JUDICIAL CIRCUIT
CASE NO.: # 21-CP-46-02764

NOTICE OF HEARING

To: **Appellant above named, Joe Adams Jr.**

A motion hearing has been set in the above entitled action for the following:

February 1, 2022 at 9:30 am in the York County Court of Common Pleas

Information for York County Court of Common Pleas:
1675 York Hwy.
York, SC 29745

Date: October 28, 2021

Chester, SC 29730

s/Cyrus Corbett

Cyrus Corbett, SC Bar # 103156
GASTON, MARION & STUBBS, P.A.
124 Gadsden Street
P.O. Box 608
Chester, SC 29706
Phone: (803) 385-2114 Ext. 22
Fax: (803) 385-2131

Attorney for Respondent

is receiving a second bite of the proverbial apple, which is not a standard for appeal.

MOTION TO DISMISS PURSUANT TO SOUTH CAROLINA CODE ANN. § 62-1-308(e)

Pursuant to S.C. Code Ann. §62-1-308, "The appellant's brief shall be in a format described in Rule 208(b)(1), SCACR." (Emphasis Added). Rule 208(b)(1) provides for the brief to contain "under appropriate headings and in the order here indicated" the following:

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MOTION TO DISMISS PURSUANT TO 12(b)(6) FOR FAILURE TO STATE A CLAIM

ACCORDING TO SOUTH CAROLINA CODE ANN. § 62-1-308(I)

Pursuant to S.C. Code Ann. §62-1-308(I), "The circuit court, court of appeals or Supreme Court shall hear and determine the appeal according to the rules of law. The hearing must be strictly on appeal and no new evidence may be presented." (Emphasis Added). The Appellant seeks to have the appeal consider evidence that he was unable to submit at the hearing. This evidence in the form of exhibits and statements in his appeal. The exhibits were not served on the Respondent for review. Further, the Appellant fails to state an issue of law for this court to consider and for that, his appeal should be dismissed.

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October 4, 2021

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Attorneys for Plaintiff

STATE OF SOUTH CAROLINA

COUNTY OF YORK

)
) IN THE COURT OF COMMON PLEAS
) OF THE SIXTEENTH JUDICIAL CIRCUIT

CASE NO.: # 21-CP-46-00564

Joe L. Adams, Jr.,

PLAINTIFF,

vs.

Betty Ogbunke & Greene Funeral Home,

DEFENDANT(s)

CERTIFICATE OF SERVICE

I, the undersigned Paralegal of the law offices of Gaston, Marion & Stubbs, P.A., Attorneys for the Plaintiff herein, do hereby certify that I have served the Plaintiff in this action with a copy of the document(s) herein below specified by mailing a copy of the same by U.S. Mail postage prepaid mail on this date to the following address:

PLEADINGS:

Motion to Dismiss Appeal
Notice of Hearing

PARTY SERVED:

Joe L. Adams, Jr.
721 Ogden Road
Rock Hill, SC 29730

Chester, S.C.
January 4, 2022

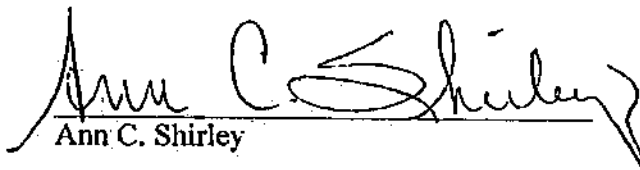

Ann C. Shirley

EXHIBIT II

Evidence Submission

Report from Rock Hill Police Department regarding unauthorized visit from the defendant.

*All Documentation and Exhibits are Considered Confidential and
Not for Public Viewing*



POLICE

Case P2109090313

Printed on January 31, 2022

Status	Approved
Report Type	Patrol
Primary Officer	Kirk Sanders
Investigator	None
Reported At	09/09/21 14:56
Incident Date	09/09/21 14:56 - 09/09/21 14:56
Incident Code	ESCT : Escort
Location	721 OGDEN RD, ROCK HILL, SC 29730
Beat	RH07
Disposition	Administrative Closure
Disposition Date/Time	09/09/21 17:08
Review for Gang Activity	None
Asst Officers	
Orr, Emma	
M.O.	
No MO	
Status Indicator	Administratively Closed
Status Change Date	9/9/21

Offense Information

Offense	INVESTIGATION - OTHER
Statute	INVEST
SCIBRS Code	90Z - All Other Offenses
Counts	1
Date	9/9/21
Include in NIBRS	Yes
Completed	Yes
Bias Motivation	None (no bias)
Location	Residence/Home
Entry Forced	No

Complainant

Ogbuneke, Betty - Age 59

INVEST - INVESTIGATION - OTHER

Primary Narrative By Kirk Sanders, 09/09/21 17:11

On 09/09/2021 at approximately 1600 Officers Sanders and Orr responded to 721 Ogden Rd, which is within the city limits of Rock Hill, SC, in reference to an escort.

On scene Officer met with Betty Ogbuneke and a processor. Betty stated she had court paper work stating she was to photograph the house and the inside of the house and that her brother, Joe Adams, was meant to be on scene to let them in. Betty began taking pictures of the house from the yard but was unable to take pictures of the inside due to

Adams not being on scene. Officer Sanders explained the civil process to Betty.
This case is admin. closed.

EXHIBIT III

Evidence Submission

*Documented Continued Harrasment and Failing to comply with Court Order
with Unnaounced visits before the 48 hour mandate
with police and city officials.*

*All Documentation and Exhibits are Considered Confidential and
Not for Public Viewing*

Supplemental Information regarding Activities since the Order with Unannounced Visits and Personal Space photographs

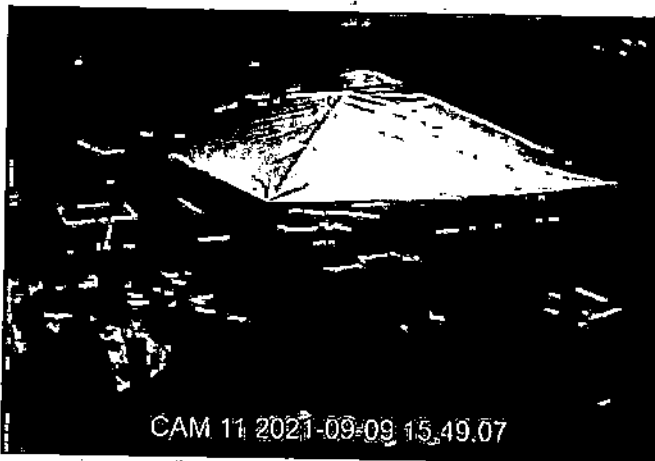
The plaintiff would like to show the court documentation regarding the performance of the Personal Representative during the probate of the estate. The personal representative has not adhered to the order given by Judge Woodruff and made unannounced visits. The plaintiff did not want the pictures of his private possessions and the pictures they took show what the plaintiff has done, not the condition the houses or property would be in if the plaintiff had not lived there. The plaintiff submits this information and pictures to show how the court how things are in reality when the defendant visits unannounced which represents further harassment to the plaintiff and unnecessary attention and embarrassment to the estate and its residence. The plaintiff contends that through the next few pages the information is clear that this is very disruptive and would not be necessary if the plaintiff was the personal representative because he lives in the house and has maintained it for many years.



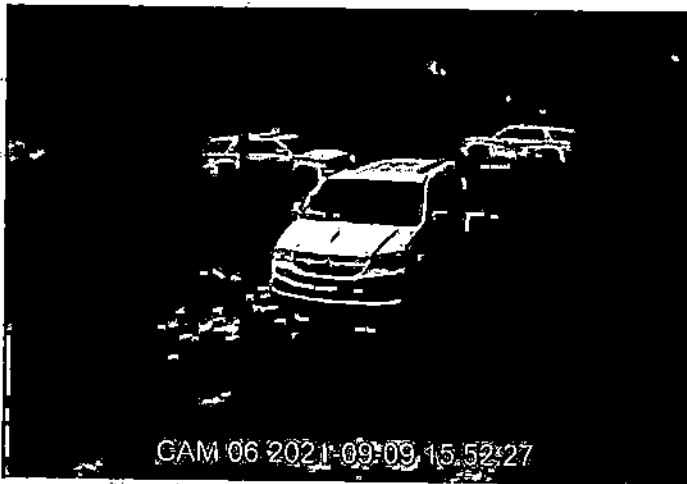
1. B. Ogbuneke arrived on 9-9 2021 without the 48 notice and with 3 cars of police..
2. Plaintiff was at courthouse filing the appeal while Ogbuneke was causing this unsightly scene in front of the house.
3. Mrs. Ogbuneke always comes to Rock Hill and does a lot of unethical things and goes back to Charlotte and never have to hear all the questions from the neighbors and unrest in the neighborhood..
4. The judges orders stated that the plaintiff was to be given a 48 hour notice prior to the visit..
5. Ogbuneke also lied to the police department and explained to them according to the police report that she had already informed me of the visit which was a not true.



1. B.Ogbunke taking pictures of the residence at 727 Ogden Rd after the plaintiff has completed all the repairs and pictures including the plaintiffs own personal property.
2. According to the judge there were to be no pictures taken and the order does not state that any photographs were to be taken..
3. The plaintiff went to the court house and complained about the pictures and the judge sent out an email to both parties to stop with the inventory.



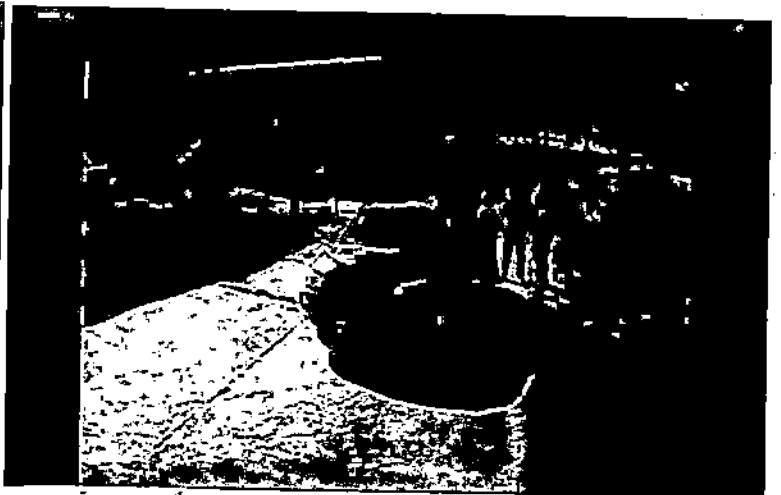
1. Ogbunke taking picture of the plaintiffs tools and other things used to work on car..
2. Ogbunke was taking pictures of things that were not property of Joe L. Adams Sr. and it is an invasion of privacy for this kind of wanton behavior and being dishonest with the police.
3. Mrs. Ogbunke does all these things and runs back to charlotte.
 - a. The police mentioned that she was late to the meeting and had to return a second time because Mrs. Ogbunke was not at the location on time..



1. 9/09/2021 Ogbuneke and police spoke with the court and judge sent email for all activity to stop..
2. Plaintiff complains of all the commotion and Mrs. Ogbuneke gets to go home in charlotte and relax in her neighborhood with no complaints from neighbors or questions or embarrassment.
3. The police did not read the order and did not comprehend the details of the order stated that there was to be a 48 hour notice before the inventory was to take place.
4. Mrs. Ogbuneke according to the police report told the police that the plaintiff was supposed to be at the residence. Please see EXHIBIT III as the police explain as if the plaintiff has been notified and just was not available..



1. Ogbuneke was allowed to take pictures of the property and the plaintiffs personal belongings for 1 hour and 37 min in violation of the order given by the court and under untrue instructions to the police that the plaintiff had been notified 48 hours prior to the visit.
2. Plaintiff motions to be granted singing privileges to have every document has to bear the two signatures since he is 50% vested in the estate he should be able to have some knowledge of what is going on and not allow a person from anther state that has not been to the residence in over 17 years control the estate and everyone has to deal with late meeting and expenses to the state using police escorts that were not necessary.



1. 7/22/2021 Mrs. Ogbuneke appears with no prior warning or notice with the police..
2. The plaintiff was not home but still coming in from work and was not aware of Mrs. Ogbunekes visit.. Mrs. Ogbuneke did not have the right to be in taking any inventory at that time as there was already a restraining order from the judge at that time.

3. The plaintiff came home and had to show the police the documentation regarding the orders for her to stop until the appeal hearing was heard.. Please see EXHIBIT IV



1. Plaintiff was over filled with anxiety when he returned home and found the police and Mrs. Ogbuneke in the yard unannounced and was very embarrassed as he had no knowledge that she was coming.
2. Plaintiff contends that this is harassment over a long period for along time Mrs. Ogbuneke was again acting unethically by appearing with police and no notice to give the plaintiff a chance to get things together and be prepared for the inventory but sought to come as a surprise to see what she could find out of order.
3. Plaintiff contends that after 17 years things are still the same and he has been a good steward of his father's and mothers property.



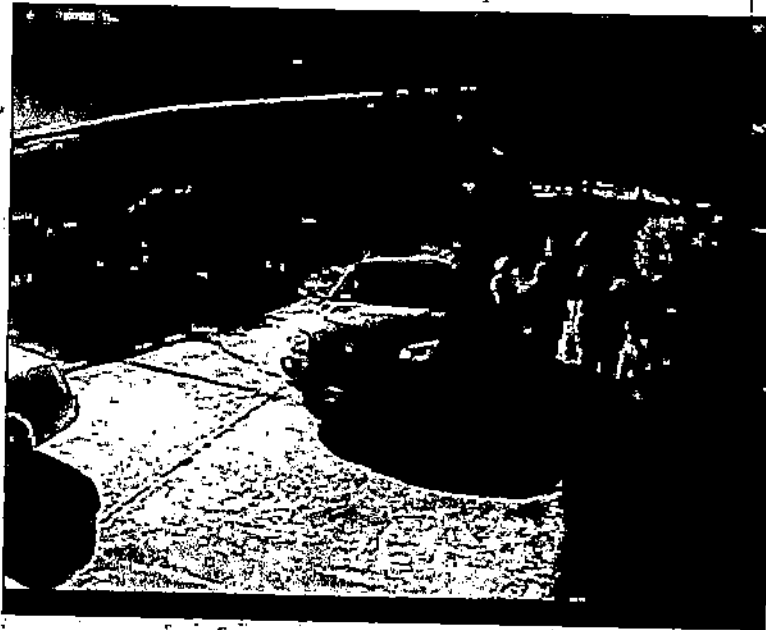
1. Plaintiff was able to produce the paperwork for the restraining order and presented it to the officers and showed where the court had issues a restraint against Mrs. Ogbuneke.



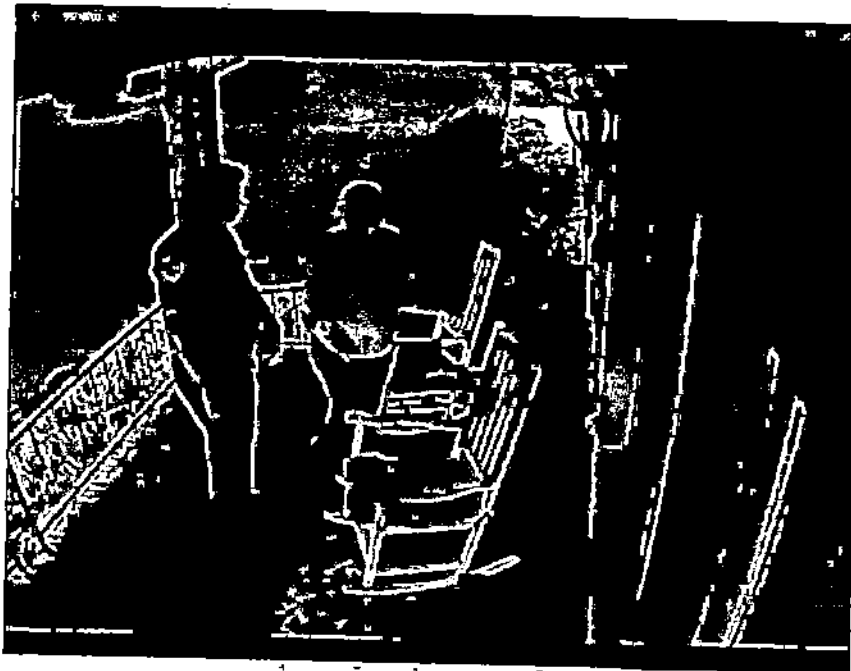
1. Police take the paperwork from the court and show it to the defendant and she becomes angry and did not want to leave.
2. The police insisted that she leave and then she broke into the angry shouting and making a scene in the street in front of the house with the door to her car open.



1. After being ask to leave Mrs. Ogbunke began to scream out the door of the truck at the plaintiff and was being very ugly and uncooperative when ask to leave..
2. Mrs. Ogbunke again threatens the plaintiff with having to move to somewhere else and has always not liked the idea of the plaintiff living at home.

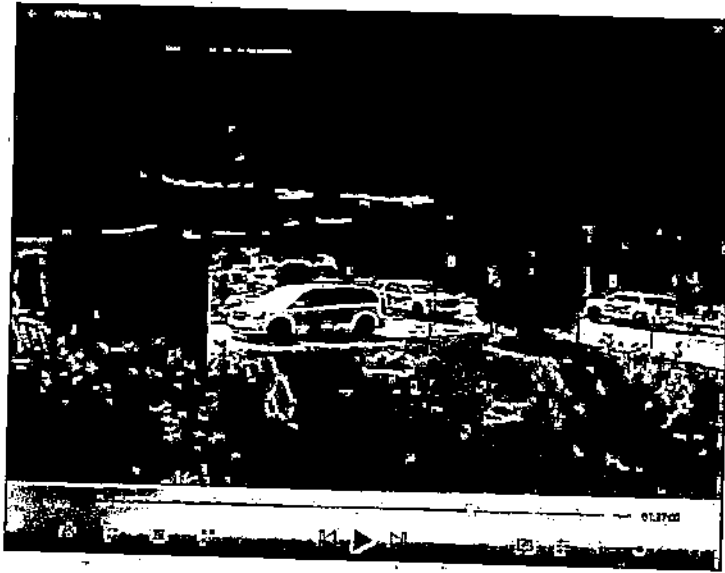


1. Mrs. Ogbunke lied to the court and expressed that there were bad dogs inside the house where I live and it is not true..
2. The only dog that lives inside is pictured in the photograph where the officer is petting the dog..
3. Mrs. Ogbunke request special restraints for the dogs as if the dogs were not well mannered and had plenty room to move around without having to be caged.



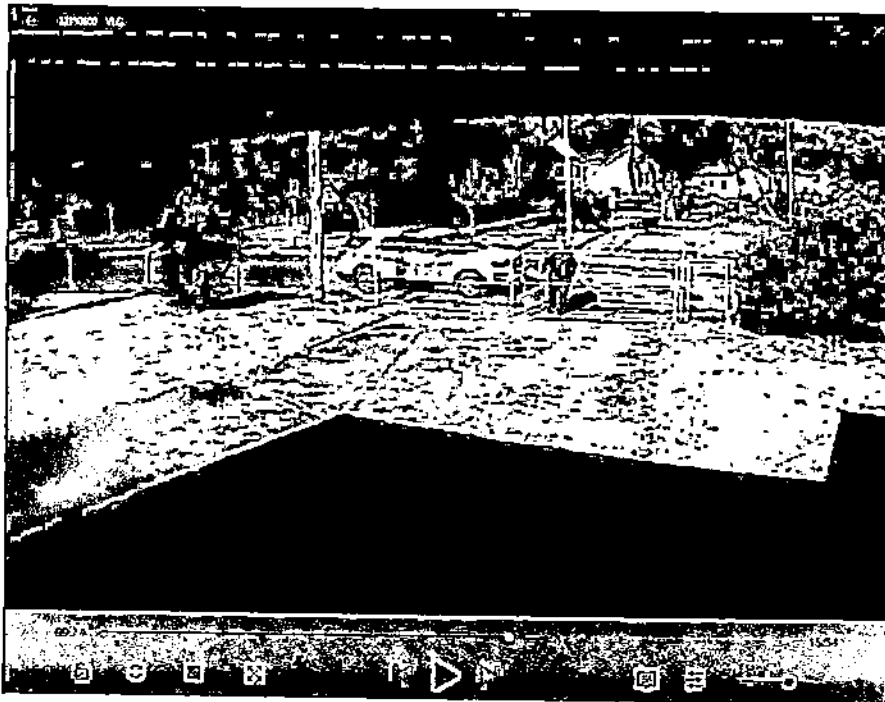
1. 9/09/2021 Officer and court agent at front door ringing the doorbell.
2. Mrs. Ogbunke was well aware that the plaintiff was not home as his car was not at the house.

3. Mrs Ogbuneke knew but did not tell the police because she originally told the police that Mr. Adams the plaintiff was going to be at the house during the inventory but had in fact never told the plaintiff she was coming nor did she wait the required 48 hours after the order was given..
4. The order was not 30 hours old before Mrs.Ogbuneke was at the house with the police in an unsightly takeover and show of power.



1. 9/9/2021 so many police cars outside the residence impeding the traffic and causing a big scene when all of this could have been avoided if Mr. Joe L. Adams Jr. was the personal representative that lives in the home.
 - a. There would be no need for police or escorts or any of the problems that we are seeing now with the unethical unannounced visits with police escort.
 - b. This type of parking on both sides of the road causes unsafe driving conditions.

Process Servers

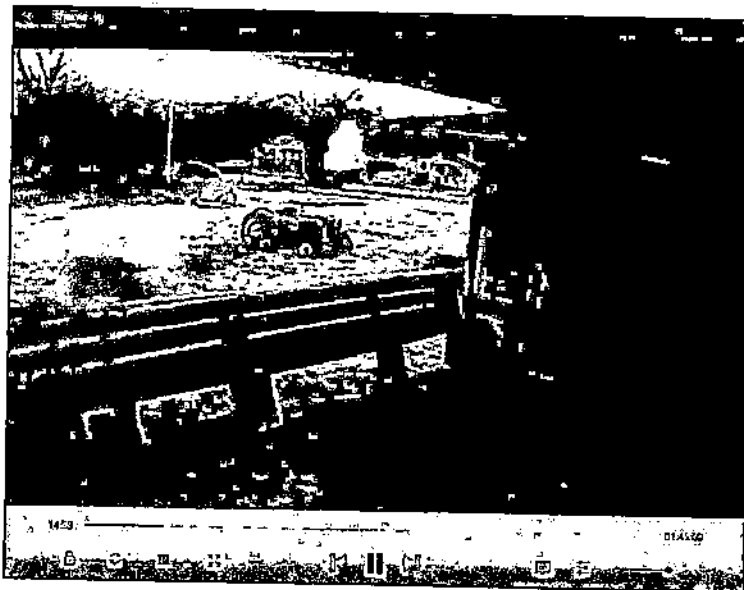


1. 12/15/2021 Officer was called to my home early one morning because the plaintiff had gotten notice from a friend that there was some paper stuck in the front fence..
2. The plaintiff was at work but already had heard there was a van parked in front of the house the previous night outside just sitting there..
3. The neighbors said it was a white male in a van parked but the plaintiff was not home from work yet...
4. After going back and reviewing the security footage the plaintiff saw the person in the van put a paper on the fence and then left and drove away on 12/14/2021 through video security footage later..
5. The plaintiff called the police to see if they would mind going by to see what the package was and let me know if they were riding in the area..
 - a. The police returned the call and stated that it was paperwork from an attorney that was not in an envelope but bare paperwork.
 - b. The plaintiff works 60 miles away from home and by the time he got home he called ahead to see if anyone saw the paperwork in the fence still and Mrs. Hardin Massey explained no there was nothing there when she came home.
 - c. The plaintiff came home and also found nothing there..
 - d. Through the review of the film footage and after carefully examining the security footage the plaintiff saw the process server from Mrs. Ogbunke come back the next day and take the paperwork out of the fence after almost 24 hours of humiliation to the plaintiff..

- e. The plaintiff contends that this is harassment and that the defendants' agents have been harassing him and embarrassing the family name.



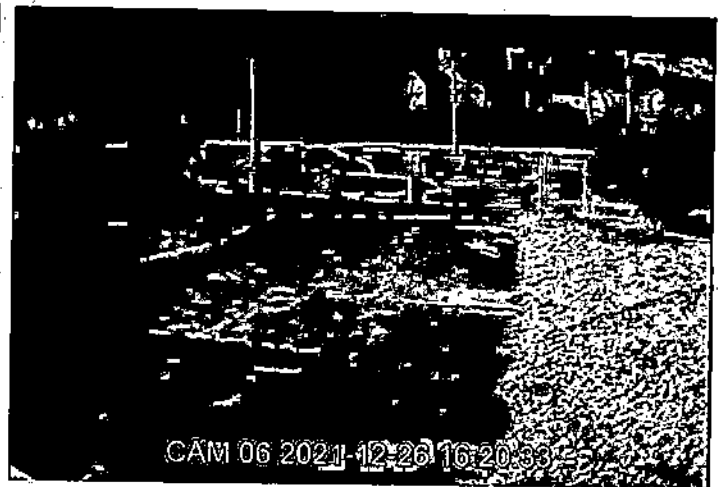
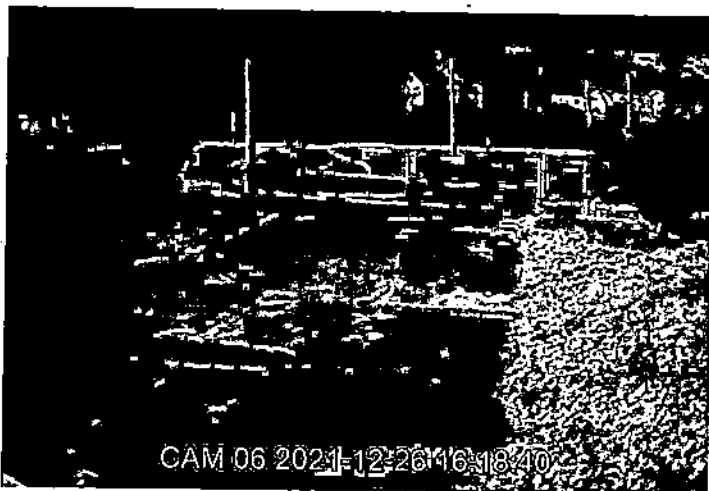
1. The process server is taking the mail back and left the premises. There is full video footage of the removal of the paperwork.



1. 12/16/2021 process server sitting outside the gate for 3 hours and going door to door to my neighbors asking questions about when I would be home and what time do I usually get home unannounced.
2. At the time the plaintiff was complaining about his car getting fixed to the insurance company and thought the process servers were from the insurance company trying to serve him paperwork regarding the car repair that was headed at the time for mediation.
- a. The plaintiff thought that he would get something to identify who it was but knew it was an attorney as the police had seen the paperwork the first time.



1. 12/18/2021 same process server from Defendant returns 2 days later and puts the paperwork on the fence again for everyone to see and read.
2. The plaintiff had no knowledge of the visit and did not see the paperwork because there was a storm shortly after the process server left the paperwork and the plaintiff was not home.
3. The plaintiff believes she came back and got the paperwork again just like the first time to put some kind of pressure and stress on the plaintiff.
 - a. Plaintiff contends that this was very embarrassing as the defendants embarrassed the estate.



1. 12/26/2021 same process server that sat outside the back gate for hours now returns in front of the house and throws garbage out of the car on the sidewalk while waiting.
 - a. Please see under the door in the second picture shows the paper they threw out before closing the door.

The plaintiff submits this supplementary information with pictures so the court can see the suffering the order is causing and how the defendant is behaving with disregard to the orders content and use of public resources. The plaintiff feels that we should be able to do this without having to have police and so much confusion and embarrassment. The plaintiff also feels that he would like to have family counseling to help with the understanding of this matter with Ms. Ogbunike who has not been home in almost 15 years and has lost contact with the plaintiff.

The last few holidays are very rough with Dad not being here as the plaintiff can remember the efforts that we would put to insure Dad was not left out of the Holidays. The plaintiff believes that the introduction of the lawyers and all the legal confusion has made the distance greater and the family needs to be able to work as one and everyone help with the upkeep of the estate and not just the plaintiff as it has been over the years. The plaintiff ask for a continuance on this case to try to get the money to pay for an attorney but the continuance was denied and the plaintiff was forced to use what he had to mount a defense against the Motion to Dismiss with prejudice filed by the defense

The plaintiff ask that the court does not dismiss this case and if it does dismiss the case, please do not dismiss it with prejudice as the plaintiff has a lifetime of labor and dedication to the property. Mrs. Ogbunike has already realized all of her dreams while the plaintiff took care of the estate now the plaintiff loses control after all this time and feels that he should be given equal or majority share of the responsibilities regarding anything to do with the administration and upkeep of the estate that he has been keeping since he was a child growing up at the estate from Birth.

Thank You,

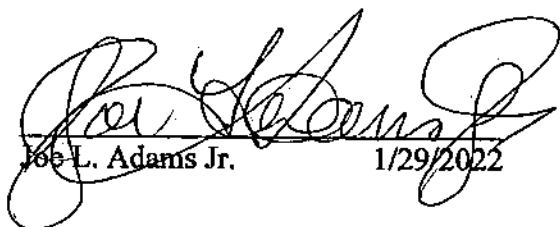

Joe L. Adams Jr. 1/29/2022

EXHIBIT IV

Evidence Submission

Emails from Judge Woodruff instructing the actions to stop as no pictures were supposed to be taken. The time frame and announcement were also not given.

*All Documentation and Exhibits are Considered Confidential and
Not for Public Viewing*

Application for Restraint/Performance of the Personal Representative in the Joe Adams Estate 2021ES4600777

From: Woodruff, Carolyn (carolyn.woodruff@yorkcountygov.com)

To: corbettwc@gmail.com; tj_malik@yahoo.com

Date: Friday, September 10, 2021, 05:06 PM EDT

Mr. Adams and Mr. Corbett:

I'm emailing both of you to ensure there is no confusion as to the status of the Joe Adams Estate.

An appeal has been filed. Until the appeal is resolved, the PR's obligation to file the Inventory as outlined in the 09/08/21 Order is suspended. No supplemental Order will be issued until the appeal is concluded.

Thank you.

Carolyn Woodruff
Judge of Probate
Probate Court
York County Government

Carolyn.Woodruff@yorkcountygov.com
Phone: 803-684-8513
Fax: 803-684-8536



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ES Adams

From: Woodruff, Carolyn (carolyn.woodruff@yorkcountygov.com)

To: corbettwc@gmail.com; tj_malik@yahoo.com

Cc: Evelyn.Rodas@yorkcountygov.com

Date: Friday, September 10, 2021, 05:22 PM EDT

Mr. Adams and Mr. Corbett:

Well, sorry for the confusion. It appears the inventory was filed earlier and I was not made aware of it. The paralegal for this file has left for the day but I'll confirm on Monday.

Carolyn Woodruff

Judge of Probate

Probate Court

York County Government

Carolyn.Woodruff@yorkcountygov.com

Phone: 803-684-8513

Fax: 803-684-8536



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EXHIBIT V

Evidence Submission

Emails regarding not being able to submit my evidence or testify.

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RE: Case File Progress

From: Rodas, Evelyn (evelyn.rodas@yorkcountygov.com)

To: tj_malik@yahoo.com

Date: Wednesday, September 8, 2021, 04:07 PM EDT

Mr. Adams,

If you wish to file the document with the exhibits, please do so. Neither Summer or I said that you cannot file the documents. I cannot guarantee you that Judge Woodruff will review all the data/ Evidence but I know for sure she will read the letter.

Evelyn Rodas

Estate Paralegal

Probate Court

York County Government

evelyn.rodas@yorkcountygov.com

Phone: 803-684-8513

Fax: 803-684-8536



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From: tj_malik@yahoo.com <tj_malik@yahoo.com>

Sent: Wednesday, September 8, 2021 2:13 PM

To: Rodas, Evelyn <Evelyn.Rodas@yorkcountygov.com>

Subject: Re: Case File Progress

WARNING: The email below is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Mrs. Rodas,

I am sorry about the way things are going.. I didn't ask anyone about any mail.. I only ask about the transcripts.. I cannot help but express my disappointment in having worked so hard the last couple of days to provide information to the judge and for some reason she just does not like me and does not seem to be too interested in my side of the story.. I had all the evidence at the hearing as instructed but never got a chance to testify, never got a chance to submit anything and she ruled.. it was prejudicial and the judge is not impartial.. I have complained for days and she has seemingly turned a blind eye to my concerns. Now the order is in and the unredacted transcripts i ordered will not be ready until next week some time i was told this morning.. I was told i could submit the documents and i stayed up for 2 days working on it only to get to the courthouse this morning and find the judge rushed and signed the order with all the typos and date mistakes included..

I was never given a chance to submit nothing and the bad part is i had it all with me at the trial but she would not allow me any time to speak only to ask questions.. I hope you understand I do think you tried to help but it was not enough to derail the injustice that was on the way during and after the trial.. I still dont see why the judge refused my evidence again today and I am very very disappointing in the lack of civil procedure and all the favoritism and leniency extended to the personal representative that was appointed as a minor.. Its a bad trial.. I dont know what all to do but i do know i have to fight.. Its not that I dont appreciate your help it is the course lack of resources and information and the prejudice shown against Pro Se litigants.. I ask for an time extension to get an attorney after i found out that legal aid didn't do litigation.. i could hear the judge mention in the background while we were talking they dont do litigation but they have for me in the past.. but the most disheartening thing was she criticized me in court for not having an attorney after she refused to allow me time to get one or at least try. Its an unfair trial.. Im sorry you feel this way.. I have already tried several times this morning to submit documentation but the receptionist refused to clock in my documents and during the time i was waiting in the lobby for you to come out the judge signed the order.. it was another kick in the teeth.. its been prejudicial since the first letter.. I was told not to put in the other documents just put in the restraint and i did complain in the restraint but they are trying to use every single shot they can to stop me after a lifetime of investment..

Thanks,

Joe

On Wednesday, September 8, 2021, 1:54:56 PM EDT, Rodas, Evelyn <evelyn.rodas@yorkcountygov.com> wrote:

Mr. Adams,

At this point I believe you need to get legal advice. If you wish to file paperwork please do so with the receptionist. I've done all that I can to better assist you.

Evelyn Rodas

Estate Paralegal

Probate Court

York County Government

evelyn.rodas@yorkcountygov.com

Phone: 803-684-8513

Fax: 803-684-8536



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From: tj_malik@yahoo.com <tj_malik@yahoo.com>
Sent: Wednesday, September 8, 2021 1:45 PM
To: Rodas, Evelyn <Evelyn.Rodas@yorkcountygov.com>
Subject: Re: Case File Progress

WARNING: The email below is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Mrs. Rodas,

If you dont mind.. I remember we discussed this a couple of times.. Please stop referring to Mrs. Ogbuneke as my sister as the record needs to be clear and i dont like her being called my sister during formal proceedings.. Im not sure what you are talking about, i never ask about a letter from Mrs. Ogbuneke.The delivery was never completed because there was no return address and no information on who sent the document. I have never been served. I sent my documents by Fedex and the document was refused by the court as you said the judge said she had to know that the defendant received it.. So i incurred a 30.00 charge when in the court the judge said that Mrs. Ogbuneke could use regular mail.. Why is the judge being so one sided? Why is this preceding being handled with so much prejudice?

Why is so much prejudice being forced upon me.. Why is there so much forgiveness being given to the PR. I have a witness that the letter was blank.. All the other letters that were sent to all the other parties were not blank and were filled out completely.. I object to the reception of a blank letter.. I contest the service as being incorrect.. I feel that the case is being prejudiced on several levels and i am very disappointed in the probate court requiring different rules for me than others. I would like to see the envelope that the letter was sent.. there is nothing on the letter to let me know who it was sent from .. also if the same letter was dropped in the mail with no return address and was misdelivered it would not be returned.. Mrs. Ogbuneke said she sent everyone a certified letter but the only one blank was mine..

Thank You,

Joe

On Wednesday, September 8, 2021, 11:19:46 AM EDT, Rodas, Evelyn <evelyn.rodas@yorkcountygov.com> wrote:

Mr. Adams,

Summer mentioned you had asked about the document your sister was supposed to file. She did file the proof of delivery but it has not been scanned.

Evelyn Rodas

Estate Paralegal

Probate Court

York County Government

evelyn.rodas@yorkcountygov.com

Phone: 803-684-8513

Fax: 803-684-8536



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From: JLouis Adams <tj_malik@yahoo.com>
Sent: Wednesday, September 8, 2021 4:48 AM
To: Rodas, Evelyn <Evelyn.Rodas@yorkcountygov.com>
Subject: Case File Progress

WARNING: The email below is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Good Morning Mrs Rodas,

I up early working on the box of evidence and file information to organize label and explain the documents and materials. It is a lot of information and a lot to copy, and a lot to do and I was not able to do it all last night. I was so tired from the day running back and forth to York really wore me down.. I am trying to prepare and excellent file for the judge by labeling and providing exhibits of the evidence.. I'm up early trying finish the copies of originals, finish the narrative and submit as early as I possibly can. Making the copies is really slowing me down. I am submitting the originals.. it so important and I sure would like for the judge to see everything I have before she signs. I think I have enough to at least make a very valid argument. I'm trying my best to give enough proof to have this judgement reconsidered including the valid evidence. I'm gone for now. Got too much to do. Time is just a ticking and I need to work work work.. I will be at th probate office as soon as I can finish with a organized documented file, well prepared and suited for the judge.

Thank You,

Joe Adams

Sent from Yahoo Mail for iPhone

EXHIBIT VI

Evidence Submission

Copy of Defendants Letter to the City of Rock Hill back in
November 12, 2004 right after mom died in September 11, 2004
same year..

*All Documentation and Exhibits are Considered Confidential and
Not for Public Viewing*

EXHIBIT I

Evidence Submission

FOIA Request

City of Rock Hill SC 29730

Provided by City Hall Records Department

Letter to City rescinding Application to Convert

721 Ogden Rd to Daycare

DAVID HAMILTON
C.O.C.P. & GS
YORK COUNTY, SC

2021 SEP -9 PM 4: 54

FILED-RECEIVED

All Documentation and Exhibits are Considered Confidential and

Not for Public Viewing

8

✓



FREEDOM OF INFORMATION ACT (FOIA) REQUEST FOR PUBLIC RECORDS

DATE OF REQUEST 10/12/2020

REQUESTOR Joe L. Adams Jr

STREET ADDRESS 721 Oden Rd

CITY/STATE/ZIP Rock Hill SC, 29730

EMAIL tj_malik@yahoo.com PHONE 704-469-3171 / 858-848-7311 cell

PLEASE INDICATE DEPARTMENT REQUEST SHOULD BE FORWARDED TO:

- LAW ENFORCEMENT
- FIRE DEPARTMENT (FIRE CODE VIOLATIONS, CURRENT INSPECTIONS, ETC.)
- BUILDING CODE (CERTIFICATES OF OCCUPANCY, BUILDING CODE VIOLATIONS, ETC.)
- ZONING CODE (ZONING DISTRICTS, ZONING CODE VIOLATIONS, ETC.)
- OTHER _____ (PLEASE SPECIFY)

DESCRIPTION OF RECORDS REQUESTED:

Need copy of original documentation for request SE for type A group home. Appeal: E-2001-26 and any additional receipts or payment information. Please include all related docs

ARE THESE RECORDS FOR A COMMERCIAL USE/PURPOSE? YES NO

PURSUANT TO S.C. CODE ANN. § 30-2-50, A PERSON OR PRIVATE ENTITY SHALL NOT KNOWINGLY OBTAIN OR USE PERSONAL INFORMATION OBTAINED FROM THE CITY FOR COMMERCIAL SOLICITATION DIRECTED TO ANY PERSON IN THIS STATE. ALL PERSONS MAKING FOIA REQUESTS TO THE CITY ARE HEREBY NOTIFIED THAT ALL PERSONS OBTAINING OR USING PUBLIC RECORDS FOR COMMERCIAL SOLICITATION DIRECTED TO ANY PERSON IN THIS STATE IS PROHIBITED. A PERSON KNOWINGLY VIOLATING THE PROVISIONS OF S.C. CODE ANN. § 30-2-50 IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, MUST BE FINED AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS OR IMPRISONED FOR A TERM NOT TO EXCEED ONE YEAR, OR BOTH.

PLEASE INDICATE HOW YOU WOULD LIKE TO RECEIVE THIS INFORMATION:

- INSPECTION AT CITY OFFICES
- HARD COPY BY MAIL (WILL BE SENT TO ADDRESS ABOVE)
- HARD COPY FOR PICK UP
- FAX TO
- EMAIL TO tj_malik@yahoo.com
- OTHER Please send the fastest route @ tj_malik@yahoo.com and mail.

IN ACCORDANCE WITH FOIA, THE CITY OF ROCK HILL MUST:

1. FOR RECORDS LESS THAN 24 MONTHS OLD, NOTIFY THE PERSON MAKING THE REQUEST OF THE CITY'S DETERMINATION AS TO THE PUBLIC AVAILABILITY OF THE REQUESTED PUBLIC RECORD WITHIN 10 WORKING DAYS (EXCLUDES SATURDAYS, SUNDAYS AND LEGAL PUBLIC HOLIDAYS) AND PRODUCE THE REQUESTED INFORMATION WITHIN 30 CALENDAR DAYS OF THE LATER OF EITHER CITY'S NOTIFICATION AS TO THE AVAILABILITY OF THE REQUESTED PUBLIC RECORD OR THE DATE THE ADVANCE DEPOSIT IS MADE IF REQUIRED BY THE CITY.

¹ The determination is not required to include a final decision or express an opinion as to whether specific portions of the documents or information may be subject to redaction according to exemptions provided for by Section 30-4-40 or other state or federal laws



2. FOR RECORDS MORE THAN 24 MONTHS OLD, NOTIFY THE PERSON MAKING THE REQUEST OF THE CITY'S DETERMINATION AS TO THE PUBLIC AVAILABILITY OF THE REQUESTED PUBLIC RECORD³ WITHIN 20 WORKING DAYS (EXCLUDES SATURDAYS, SUNDAYS AND LEGAL PUBLIC HOLIDAYS) AND PRODUCE THE REQUESTED INFORMATION WITH 35 CALENDAR DAYS OF THE LATER OF EITHER CITY'S NOTIFICATION AS TO THE AVAILABILITY OF THE REQUESTED PUBLIC RECORD OR THE DATE THE ADVANCE DEPOSIT IS MADE IF REQUIRED BY THE CITY.

THE CITY MAY REQUIRE AN ADVANCE DEPOSIT OF UP TO 25% OF THE REASONABLY ANTICIPATED COSTS FOR REPRODUCTION OF THE RECORDS PRIOR TO THE CITY SEARCHING FOR OR MAKING COPIES OF RECORDS.

BY MY SIGNATURE, I HEREBY STATE THAT I HAVE RECEIVED INFORMATION ABOUT THE CITY OF ROCK HILL'S FOIA PROCESS AND A COPY OF THE FEE SCHEDULE OUTLINING POSSIBLE CHARGES I MAY INCUR AS PART OF THIS REQUEST. I ALSO CERTIFY TO THE CITY OF ROCK HILL THAT I WILL NOT USE PERSONAL INFORMATION OBTAINED FROM THE CITY FOR PURPOSES OF COMMERCIAL SOLICITATION NOR WILL I PROVIDE SUCH PERSONAL INFORMATION TO OTHERS FOR PURPOSES OF COMMERCIAL SOLICITATION.

SIGNATURE [Handwritten Signature] DATE: 12/2/2020

PLEASE SUBMIT YOUR REQUEST TO: CITY OF ROCK HILL, CITY MANAGER'S OFFICE
PO BOX 11706 ROCK HILL SC 29731
FAX 803-329-7007 EMAIL FOIA@CITYOFROCKHILL.COM

FOR OFFICE USE ONLY Date Received: _____ Date of Initial Response: _____
City Attorney Involvement YES NO
Associated Fees: _____ Paid: YES NO

②

Zoning Board of Appeals

Staff Report

Appeal No. Z-2004-26

Date of Report: November 12, 2004

Date of Meeting: November 30, 2004

Applicant: Betty Ogbuneke

Property Owner: Joe L. Adams, Sr.

Location: 721 Ogden Road

Zoning: RS – 2, Single Family

Type of Appeal: Special Exception

Request: To allow for the operation of a home Type A Group Home.

Relation to the Zoning Code:

Type A Group Homes are allowed by Special Exception in the RS-2 zoning district.

RS-1	RS-2	RS-3	RS-4	RG	RG-O	PRD	PLD	NI/NU	OI	LC	T	NC	GC	CH	TC	CBD	M-L	MH	RH	PRHS	MUC
Z	Z	Z	Z	O	O	Z	Z	Z	O	O	O	O	O	O	X	X	X	X	Z	Z	O

Note: O=Permitted, Z=ZBA Review (Special Exception), X=Specifically Prohibited

Comments:

The applicant is requesting a Special Exception to allow for the operation of a Type A Group Home. This use is allowed in the RS – 2, Single Family district upon approval of a Special Exception. The Planning and Development Department will review the application for conformance to all applicable City codes.

Staff has received no public comment regarding this application.

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Analysis of Request for Special Exception (Section 320.02)

To approve a Special Exception, the Board shall make the following findings:

1. That it is empowered under the section of this ordinance described in the application to grant the Special Exception requested.
2. That no other section of this ordinance would be violated by granting the permit;
3. That granting the permit will not adversely affect the public interest.

Attachments

- ZBA Map
- Application

November 22, 2004

Mr. Chris Rice
City of Rock Hill
155 Johnston Street
Rock Hill, SC 29730

RE: Special Exception to Open Type A Group Home
Property at 721 Ogden Road

Dear Chris:

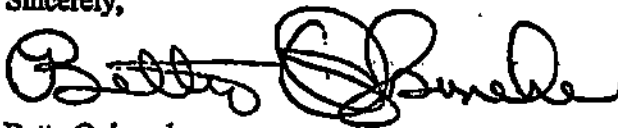
It is with a lot of tears and heartbreak that I write this letter to you to "resend my application" to open an Assisted Living (Group Home) at the residence of 721 Ogden Road in Memory and Honor of the Late Betty Adams who died on September 11, 2004.

Please accept this letter as documentation of my verbal request to you this morning, November 22, 2004, to terminate my application that was submitted to the City for a Special Exception request earlier this month.

Chris, I have enjoyed working with you. It is quite unfortunate that we will not be able to honor my mother, Betty Adams, with this business to cherish her good works. My mother always helped people. She was a nurse by profession and an angel at heart. Doctor's called on her to patient sit for their patients as well as for themselves when they became ill. She was a good person.

Thank you again for all your help and your patience with my multiple questions while trying to complete my application.

Sincerely,



Betty Ogbuneke
Applicant for Special Exception

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Subject Re: Request for information for 721 Ogden Rd
From tj_malik@yahoo.com
To: Thomas, Matthew C.
<matthewc.thomas@cityofrockhill.com>, Miller, Janice
<Janice.Miller@cityofrockhill.com>
Date Wed, Dec 2 2020 at 12:09 PM

Good Morning Mrs. Miller,

I have completed the application and attached.. Please if possible can i get email as soon as possible.. I need the document prior to tomorrow evening if its available. I would also like a hard copy if its not too much trouble that I can either pick up or you can mail.. I live only roughly 5-6 minutes from city hall rock Hill. I also have a color fax if that helps any.. Thank You Mr. Thomas.

Thank You,

Joe L. Adams Jr.

On Wednesday, December 2, 2020, 11:16:11 AM EST, Miller, Janice
<janice.miller@cityofrockhill.com> wrote:

Mr. Adams,

Please complete the attached FOIA request describing the documents you need and respond to foia@cityofrockhill.com.

Regards,

6

Janice Miller
Historic Preservation Specialist
Planning & Development

City of Rock Hill
P.O. Box 11706
155 Johnston Street (29730)
Rock Hill, South Carolina 29731-1706
o: 803-817-5129
f: 803-329-7228

Janice.Miller@cityofrockhill.com
www.cityofrockhill.com

From: Thomas, Matthew C. <MatthewC.Thomas@cityofrockhill.com>
Sent: Wednesday, December 2, 2020 8:59 AM
To: Miller, Janice <Janice.Miller@cityofrockhill.com>
Cc: tj_malik@yahoo.com
Subject: Request for information for 721 Ogden Rd

Janice,

Mr. Joe Luis Adams, Jr. (copied here) is requesting a copy of the original signed application that was filed and later withdrawn for the following appeal:

Appeal: Z-2004-26

Meeting Date: 11/30/2004

Applicant: Betty Ogbuneke

Address: 721 Ogden Rd

Zoning District: RS-2

Request: SE for Type A group home

Action: Withdrawn

②
Will you please reply to Mr. Adams regarding his request?

Matthew C. Thomas

Open for Business Program Coordinator
Planning & Development

City of Rock Hill

P.O. Box 11706

155 Johnston Street (29730)

Rock Hill, South Carolina 29731-1706

o: 803-329-7093

f: 803-329-5544

MatthewC.Thomas@cityofrockhill.com
www.cityofrockhill.com



Email correspondence along with any related attachments to and from this address may be subject to the South Carolina Freedom of Information Act and may be disclosed to third parties in accordance with applicable law.



citY foia.pdf

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STATE OF SOUTH CAROLINA

COUNTY OF

Plaintiff Joe L. Adams Jr

v.

Defendant. Betty Ogbunike

IN THE COURT OF COMMON PLEAS

CASE NO.

2021-CP-46-02764

MOTION AND ORDER INFORMATION
FORM AND COVER SHEET

Plaintiff's Attorney: <u>Rose</u> 7, Bar No. Address: <u>721 Ogden Rd</u> <u>Rock Hill SC, 29730</u> phone: <u>858-848-7311</u> fax: e-mail: other:	Defendant's Attorney: <u>Cyrus Corbett</u> , Bar No. <u>Cyrus Corbett</u> Address: <u>P.O. Box 608</u> <u>Chester SC,</u> <u>29706</u> phone: <u>803-209-5635</u> fax: 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: Opposition
 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.

[Signature] 2-28-2022
 Signature of Attorney for Plaintiff / Defendant Date submitted

SECTION III: Motion Fee

- PAID - AMOUNT:
 EXEMPT: Rule to Show Cause in Child or Spousal Support
 (check reason) 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:

FILED-RECEIVED
 2022 FEB 28 PM 1:20
 DAVID HAMILTON
 C.C.P. & GS
 YORK COUNTY SC

JUDGE'S SECTION

- Motion Fee to be paid upon filing of the attached order.
 Other:

JUDGE

CODE: Date:

CLERK'S VERIFICATION

Collected by: D. Hawkins

Date Filed:

- MOTION FEE COLLECTED: \$ 25.00
 CONTESTED - AMOUNT DUE:

STATE OF SOUTH CAROLINA
 COUNTY OF YORK
 SIXTEENTH JUDICIAL CIRCUIT

FILED-RECEIVED
 2022 FEB 28 PM 1:00
 DAVID H. HILTON
 C.C. C.P. & C.D.
 YORK COUNTY

Joe Louis Adams Jr.

Applicant/Plaintiff

Betty Ogbuneke,

Respondent/Defendent

IN THE MATTER OF:

Joe Louis Adams Sr.

In The Court of Common Pleas
 IN THE PROBATE COURT

Case No.: 2021-CP-46027464

Motion &
 Opposition

to

Hearing February 1, 2022

Opposition to Order

Request for New Hearing with Formal
 Probate and not "Informal Probate"

To the Probate Court of York County,

The Plaintiff submits this opposition to the order and to the hearing held on February 1, 2022. The plaintiff has received a copy of the proposed Order to Dismiss the Appeal EXHIBIT I. The plaintiff is in disagreement with the order and the way the hearing was handled. The plaintiff writes this letter to ask the court to throw out the case and rehear the case to allow all the documents to be filed correctly. Prior to the hearing the plaintiff ask the court for more time to be able to get an attorney to help him with the hearing and preparing documents for response to the defendant. The plaintiff was not served by the defendant until January of 2022 and was not aware of the motion content. The plaintiff has opposition to the hearing due to several reasons.

1. Plaintiff contends that the probate was done in the wrong court in the wrong forum as the value of the estate exceeds \$300,000.00 and should have been handled with a Formal probate instead of informal probate.
 - a. Plaintiff contends that the value of the estate exceeds what is listed as for formal probate and the estate should have gone through Formal Probate instead of Informal.
2. Plaintiff contends that several facts were misrepresented during the first hearing and that the full case should be sent back to the beginning and conducted with a formal probate so all the information would be discussed and none of the plaintiff's evidence would be suppressed and the plaintiff would get a chance to testify on his own behalf.

copy

3. Plaintiff contends that during the trial on February 1, 2022 that judge McKinnon was not prepared for the hearing and was not aware of all the exhibits that were online submitted as proof of the plaintiff's claim.
 - a. Plaintiff contends that the same problem with the first hearing was evident in the second hearing as the judge did not review the case prior to the hearing.
 - b. Plaintiff contends that in the first hearing his evidence was ignored and in the second hearing the evidence was also ignored and not recognized.
 - i. Plaintiff feels that if the judge had taken any time to read the data or look at the all the submissions of evidence that he would have seen the plaintiff had credible documents.
4. Plaintiff contends that during the trial Judge McKinnon ask the plaintiff to state an issue that would be heard on appeal and the plaintiff did tell the judge that he was "never given a chance to testify" or "show his evidence" to Judge Woodruff the probate judge at the time.
5. Plaintiff contends that during the hearing with Judge Woodruff that the plaintiff was not given any opportunity to present his information due to the Judge stating in the beginning of the hearing that:
 - a. The plaintiff was appearing pro se and that he needed to be careful because it was tricky.
 - b. The plaintiff was to call witnesses before anything else because at that time she was taking him as the attorney and not the plaintiff.
 - i. The plaintiff called 2 witnesses and ask questions but was constantly stopped by the judge as she would say that the plaintiff needed to wait till another part of the hearing to ask those questions or that the plaintiff questions need to be ask a different way.
 - ii. The plaintiff directly after that portion of the hearing was told by the judge that the defense attorney was asking her to rule on from the bench.
 - iii. The plaintiff ask at that time.. "What does that mean" and the judge agreed to rule from the bench and did.
6. Plaintiff was never given a chance to read the letter he wrote to the court of his objections and reasons for not wanting the personal representative.
7. Plaintiff was never given any opportunity to testify on his own behalf and show his proof to the court due to the defense requesting the judge to rule from the bench.

During the hearing on February 1, 2022. The Judge McKinnon came into court and did not have a copy of the latest pleading from the plaintiff and had not seen any of the exhibits that accompanied the original appeal as they were online and available. During the hearing the judge stated that he had "never heard of an appeal of a probate case" directly to the defense attorney. The plaintiff is requesting that because the

judge had never tried a case from probate that he would consider rehearing this case after reading over the case file and not just accept the previous judges order as nothing is wrong.. There was something wrong and when the plaintiff spoke with the judge she was not sure if she had heard any testimony or not.. The plaintiff ask again for this case to be reconsidered and that the case be heard again so the plaintiff will have a fair chance..

The plaintiff did submit a complaint to the court that the defendant had not sent the documentation for the Motion to Dismiss to the plaintiff.

1. The plaintiff was not served the "Motion to Dismiss" documents until January after writing the letter to the court regarding never being served but these documents were never reviewed by the judge prior to the hearing.
2. During the trial Judge McKinnon stated that the letter that the plaintiff wrote was late and he did not read it.. He stated that it was supposed to be received 45 days or so after the motion to dismiss was entered.
 - a. The plaintiff had never received the letter as the defendant never sent a copy of the letter until January and the plaintiff responded.
 - b. The letter was not late after it was received in January and the plaintiff could see what the complaint was.
 - c. The letter had 2 other letters and case numbers on the letter, but the plaintiff did write a rebuttal to the motion but the judge did not read it prior to the hearing because he ask the plaintiff for a copy.
3. Plaintiff states that Judge McKinnon may not have had time to review the case due to the problems during the case that were never resolved as in the lack of testimony from the plaintiff..
 - a. The defense based the motion to dismiss on statutes that were stated during the trial, but because Judge McKinnon was not familiar with the case he had to look up the statutes during the trial and took quite a bit of time but found them.
 - i. Plaintiff contends that the judge was not ready for the trial and that maybe had he read the Pleadings from the plaintiff and saw the evidence submitted in the last pleading prior to the beginning of court, he may have had a totally different outlook on the case.
 - ii. Plaintiff gave the judge a copy of the plaintiff's rebuttal at his request during the court hearing but he did not read.
4. The judge during the trial ask the plaintiff if he could state any issue that he could base the appeal on and the plaintiff stated that he had been denied a testimony and submission of evidence at the original hearing with Judge Woodruff.

- a. Judge McKinnon stated did not have a copy of the original order at that time and got one from the defendant as I remember..
 - i. The defendant stated that “he called witnesses at the hearing” and the judge automatically stated that he would “go by the order that the previous judge had written” and never gave any second thought to the pro se status of the plaintiff.
 1. The pro se status of the plaintiff is the reason Judge Woodruff forgot to go back and take the testimony.
 - a. Judge Woodruff allowed the plaintiff to call a witness prior to taking the testimony because she stated that the plaintiff was both attorney and plaintiff so she allowed the attorney part to ask questions and call a witness..
 - i. The problem came in when after asking the questions she accepted the defendants motion to rule and never allowed the plaintiff another chance to speak at the trial as it was over.
 - ii. The plaintiff ask several times what was happening but it was over and the plaintiff took his evidence and started to complain that he never got to read his letter and never got a chance to testify on his own behalf..
 2. Judge Woodruff did not allow the testimony or the submission of the evidence from the plaintiff so the error was carried on to the next court level and the same thing happened again.. Because the appeal judge McKinnon just accepted judge Woodruffs ruling the error was again carried on to the second order and never corrected as the plaintiff has still not had a chance to present any evidence or submit his testimony using the evidence that has been available online to Judge McKinnon for more than 3 months online..
 3. During the trial all the plaintiffs evidence was again suppressed.
 5. Plaintiff complains that this is the second time all of his evidence was ignored and not reviewed by the judge.
 6. Plaintiff has had the evidence to support the first appeal submission online since the appeal was submitted and none of the evidence was reviewed during the case as if it did not exist..
 7. Plaintiff contends that all the evidence was available but the judge may not have had time to review the documentation online or for some reason did not see the EXHIBITS.

- a. Plaintiff contends that during the court hearing that the judge went online and downloaded a copy of one of the documents.
8. Plaintiff contends that during the court hearing that the judge held up the original complaint by the plaintiff and ask “is this it?” asking if the written document was all of the submission for the appeal..
 - a. Plaintiff contends that at that moment is when he realized the judge was unfamiliar with all the parts of the complaint.
 - b. Plaintiff contends that if the judge had taken time to review the case there would have been an much more favorable outcome as none of the evidence and additional pleadings were reviewed prior to the hearing prior to the case.
9. Plaintiff believes that the case is mishandled as the value of the estate is well over 200,000.00 and there should have been a jury trial instead of a informal probate proceeding.
10. Plaintiff request that the court throw out the case and send it back through again and all the documentation be resubmitted.
 - a. Plaintiff contends that by the defendant not serving the plaintiff for more than 3 months that the plaintiff had no way of knowing what the motion to dismiss was until the defendant sent the copy to the plaintiff regular mail.
11. Plaintiff request that Judge McKinnon review and dismiss the whole case so everyone has a fair chance.
12. Plaintiff contends that the defendant has not had to show any proof of anything and has not had to present any type of testimony other than the one at the original Hearing.
 - a. Plaintiff contends that during the hearing that the defendant lied in her statements and that there is a transcript available that will prove the plaintiffs position.
13. Plaintiff contends that he has the transcript of the case and offered the transcript to Judge McKinnon but he did not accept the transcript and decided to just take the judges word for it when if the judge did not realize she made a mistake the mistake carries over to all the proceedings.
 - a. Plaintiff ask that Judge McKinnon review the transcript of the case so he can see that the plaintiff is not lying.
 - b. Plaintiff contends that he submitted testimony to the court regarding the lack of service of the documents from the defendant.
 - i. Plaintiff contends that this is not the first time the defendant did not serve the plaintiff but the second time.
 - ii. Plaintiff contends that the defendant never did serve the plaintiff in the onset of the complaint until the plaintiff wrote to the court regarding never seeing the complaint then the defendant sent the process server to serve the paperwork.

14. Plaintiff contends that the defendant has violated the judges order already 2 times before the appeal hearing could be heard.
15. Plaintiff contends that none of the problems have been properly acknowledged and that the thought that the judge had never seen a probate appeal is concerning as there were so many problems with the appeal and process that the plaintiff is asking for the case to be recused and sent back to probate court but this time with a full trial and not a informal probate proceeding.
16. Plaintiff contends that the informal probate was wrong and that the estate value too high for informal probate and ask the court to throw this case out and allow it to be heard by a jury and trial.

In Conclusion

Plaintiff would like to submit this pleading in opposition to the order that is being prepared by the defendant as it is misleading in its composition. The written order states that “the plaintiff failed to claim an issue that could be properly heard on appeal” which was incorrect. The plaintiff did submit many issues that could be heard on appeal but because the judge never read the complaint and saw the evidence the proof was never properly acknowledged by the court and subsequently ignored. The judge during the trial through his own words was not familiar with the content of the appeal as he ask “is this all there is” regarding the appeal when online as he searched for the original appeal there were 13 other exhibits and testimonial pleadings and evidence that were never acknowledged or presented. The plaintiff ask the judge why he dismissed the case.. he said “because you didn’t follow court rules” and he did not say because you don’t have a case as the defendant included into the preparation of the statements in the “Order Dismissing Appeal”.

The defendant states twice that the plaintiff did not state an issue that could be appealed but that is not true. The plaintiff ask the judge why was he dismissing the case and he said “because the plaintiff did not follow court procedure” and that was the full statement. In that statement that statement he did not state that the plaintiff didn’t have a issue that could be appealed as the plaintiff had repeatedly stated because he never got a chance to testify or show his evidence.. The plaintiff contends that he is being severely prejudiced by the court system for being pro se. The plaintiff has repeatedly ask the court for permission to Efile and would have gotten the motions as soon as they were submitted. The plaintiff ask that the court examine that the plaintiff was not served until January not in November as the defendant would have the court believe as he submitted the motion online but never mailed the information to the plaintiff until January of the next year a short while before the trial. The plaintiff tried to get an attorney to help but was not able to get the needed extension that he needed for the payment to get the representation. The plaintiff was denied the extension by another judge and not Judge McKinnon who the clerk describes as the “New judge”.

If the judge is indeed a new judge it will explain a lot, but causes concern to the plaintiff as he feels that he was prejudiced a second time because the full appeal was based on the fact that he never got to show his evidence in court and was never allowed to testify and present his case before judge Woodruff because she ruled from the bench cutting off the opportunity.. Since there was a present emergency with the defendant the plaintiff was forced to appeal the discission immediately due to the defendant bringing cameras and police officers to his residence unannounced causing tremendous disruption. The plaintiff has supplied security footage, letters from city hall, testimony from neighbors, and many other submissions but all have been suppressed through the whole proceeding from the beginning.

The plaintiff is asking for a fair trial with a jury so a jury of his peers will be able to see the story and hear all that has happened and make a decision on the case so everyone is fairly treated and no one is denied their rights. The plaintiff ask that Judge McKinnon please review this case again prior to signing this order and please order this case to go back to probate so all the evidence and testimonies can be heard. The plaintiff also submits a copy of the proposed order for the judge to review. The plaintiff opposes that order as it is written as there was not a fair trial and the plaintiff did submit an issue that could be properly heard on appeal.. This was an untrue statement. The plaintiff is seeking justice and a fair trial.

Sincerely,

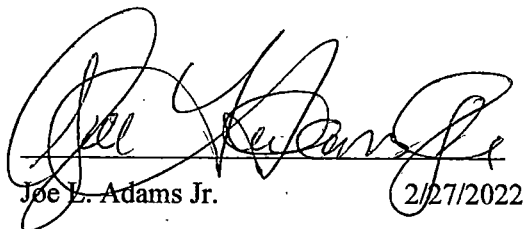

Joe L. Adams Jr. 2/27/2022

EXHIBIT I

Copy Proposed Order Prepared by Defendant
Received by email February 23, 2022

or more from the house and on the opposite side of the entrance to the yard which is located in the back of the estate..

Upon investigation the police said that the paperwork was from an attorney's office but was not in an envelope and was rolled up loose paperwork that was stuck inside the chain link fence hole.. The paperwork was out in the fence overnight while the plaintiff was sleep. The plaintiff enters and leaves the yard on the other side of the estate and would not have known any paperwork was in the fence but the neighbors that pass the house in the morning on their way to work called the plaintiff and told him there was a package stuck in his fence. The plaintiff initially thought the package was fed ex or ups and called to police to avoid a theft but when the police came they said that it was a letter from an attorney who did not put the letter in an envelope but rolled it up and stuck it in the holes in the fence..

The plaintiff came home and that evening and found that the letter was gone but the next day the neighbors again called regarding a woman in a black car going house to house asking the neighbors what time did the plaintiff get home from work and sat outside the fence for hours while the plaintiff was at work.. These incidences were very embarrassing and the plaintiff is not sure who the attorneys were but in searching through the court website found that a "motion to dismiss" was entered by the defendant's attorney months ago and they never served the plaintiff nor sent the plaintiff a copy of any of the documentation. The plaintiff is a pro se litigant and does not get notifications electronically through email when documents are filed against the appeal and the defendant used this to his advantage now twice as he never served the plaintiff initially until the plaintiff stated in email that he had never been served.. Then Mr. Corbitt sent a process server to the plaintiff's home who left the paperwork on the front porch. Because of the prior incidences and threats from Mr. Corbit to the plaintiff, the suspicion is great that the problems the plaintiff is

experiencing now may be connected with Mr. Cubits office as the plaintiff has had to ask him on several occasions to follow procedure and stop with all the harassment and embarrassment to the plaintiff while the appeal is in process.


The plaintiff ask that this current motion to dismiss in this appeal be dismissed for all the above reasons and for the foregoing reasons and all the others discussed in Plaintiff's Complaint, the present Motion to Dismiss should be denied.

The plaintiff has submitted documentation and evidence of his investment to the estate to the court and will amend the documentation as during the time when the appeal was filed the plaintiff was under duress as the defendants attorney instructed the defendant to come to the plaintiffs home with the police while the plaintiff was in York trying to file the appeal. The defendant was outside of the court order and stopping traffic outside the plaintiff home and had various neighbors calling and concerned as the defendant was making a big scene outside the plaintiffs home with the police outside of the time and notification boundaries set by the court.. The defendant never gave notice to the plaintiff of the visit nor did they follow the rules of the court and were instructed by the judge of the probate court to cease and desists and all of the authorities of the defendant were suspended until the appeal could be heard.. Then the judge on second examination explained that there was to be no more activity and apologized for the confusion as there were problems with the interpretation of the paperwork submitted to the court. The plaintiff has submitted volumous evidence of the investment and ask that the court deny the motion to dismiss for failure to serve the plaintiff and follow proper procedure of the court, and for all the harassment and embarrassment.. The plaintiff also ask if the court would ask the attorney to cease and desist with the harassment and follow proper procedure in an orderly and civilized way, which is why the plaintiff submitted the appeal to the court as there has been so much

embarrassment and intrusion that the plaintiff needs relief and protection from this continued and persistent harassment.

The plaintiff has been out of work for a long time and has been looking for work and was not aware of any submission of a “motion to dismiss” but the activities in the last few days led the plaintiff to frantically search to find answers. The plaintiff still needs time to read to amend the appeal as it was written during distress and nervous time running out restraints because the court house was closing while the police and the defendant were at the plaintiffs home with cameras and taking pictures of everything.. The neighbors have submitted videos, statements, and evidence of the day while the plaintiff was away to support the allegations presented in this complaint and “opposition” to the current “motion to dismiss”. For all these reasons the plaintiff ask that the motion to dismiss be denied.

Sincerely,



Joe L. Adams Jr.

12/16/2021

704-469-3171

tj_malik@yahoo.com

721 Ogden Rd

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STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF YORK

CIVIL ACTION NO: 2021-CP-46-02764

Joe L. Adams Jr.,

Petitioner,

v.

Betty Ogbuneke,

Respondent,

IN THE MATTER OF Joe L. Adams Sr..

ORDER DISMISSING APPEAL

This matter comes before the Court upon an appeal from the York County Probate Court filed by Petitioner Adams on September 9, 2021. A Motion to Dismiss the Appeal was filed thereafter on October 4, 2021 by Respondent Ogbuneke. Grounds for the Motion to Dismiss were that the appeal was procedurally insufficient, and that the Petitioner failed to claim an issue that could be properly heard on appeal.

After hearing arguments from the parties as to the Motion to Dismiss, this Court finds that the Petitioner has failed to properly file his appeal pursuant to South Carolina Code Ann. § 62-1-308 (b) and has failed to state a claim that would be an appealable issue and therefore dismisses the appeal with prejudice.

Petitioner Adams has also filed on February 28, 2022 a confusing document labeled a "Motion & Opposition to Hearing February 1, 2022 Opposition to Order request for New Hearing with Formal Probate and Not Informal Probate." The filing is addressed to "To the Probate Court of York County" and is an admixture of complaints about the Probate Court's Ruling, complaints about Respondent's proposed order, and complaints about this Court's oral ruling. Construing this filing in the most favorable light to Petitioner as a motion to reconsider this Court's oral ruling, it is DENIED.

MOTION DENIED, APPEAL DISMISSED.

SO ORDERED.



York Common Pleas

Case Caption: Joe L Adams Jr VS Betty Ogbuneke

Case Number: 2021CP4602764

Type: Order/Other

So Ordered

/s William A. McKinnon, #2761, Circuit Judge