

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

Court of Common Pleas

The Honorable J. Derham Cole

Appellate Case No. 2021-001076

Trail Court Case No. 2019CP4204222

Tonji Meredith.....Appellant,

V.

Tammy Lee Glenn and Scotti Glenn.....Respondents,

FINAL BRIEF OF APPELLANT

Tonji Meredith

2370 Brockman McClimon Rd.

Greer, South Carolina 29651

Phone: (864)762-8712

tonjimeredith@gmail.com

Appellant

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STATEMENT OF ISSUES

- 1. The DEEDS of Luther Leon Meredith That Listed to his HEIRS, were never accepted by Spartanburg Municipal Court, In The Court of Common Pleas of the Seventh Judicial Circuit Court.**
- 2. The LAST WILL AND TESTAMENT Dated May 07, 2003 was not accepted by PROBATE COURT, SPARTANBURG MUNICIPAL COMMON PLEAS OF THE SEVENTH JUDICIAL CIRCUIT COURT.**
- 3. Validity of the Notary on the LAST WILL AND TESTAMENT BY THE SOUTH CAROLINA SECRETARY OF STATE.**

Statement of the Case

1. Probate Court

August 26, 2019

Case # 2017 ES 4201163

Judge David Anderson Associate Probate Judge

Nature of Matter: Contested Last Will and Testament

Action of Court: Found no reason to overturn the Admittance of 1996 LAST WILL and TESTAMENT.

2. Common Pleas Court

January 10, 2020

Case# 2019 CP 4200891

Judge Mark Hayes

Nature of Matter: Appeal Probate Court Action

Action of the Court: No decision was made due to no records available from Probate Court

3. Common Pleas Court

May 13, 2020

Case# 2019-CP-42-04222

Nature of Matter: Appeal Probate Court Decision

Action of Court: dismissed appeal

ARGUMENTS

1. Deed search was order by Probate Judge David Anderson and never was executed or submitted to Probate Court or Common Pleas Court.
2. I, Tonji L. Meredith found a later dated Last WILL and Testament of Luther Leon Meredith dated May 07, 2003. I took the Last Will and Testament to Spartanburg County Municipal Court, Probate Court Office to have it recorded. I presented the document to Spartanburg County clerk of court, Erin Hall and her Supervisor refused to accept the document from me.
3. The Lower courts made decisions without seeing letters stating validity of Notary on LAST WILL AND TESTAMENT dated February 25, 2019

Conclusion

For the reasons that this information was never admissible in court, the motion to appeal should be respectfully granted and all information be accepted before any court rulings.

Respectfully submitted,

Date: April 17, 2023

Signed: Tonji L. Meredith

Tonji L. Meredith

2370 Brockman McClimon Rd.

Greer, SC 29651

Phone: 864-894-9160

Tonjimeredith1969@gmail.com

Exhibits

List of Deeds of Luther Leon Meredith, pages: 8-21

**LAST WILL AND TESTAMENT of LUTHER LEON
MEREDITH: Dated: May 7, 2023, pages: 22-23**

**Letter from Cherokee County Clerk of Court Office,
page: 24**

**Letter from Office of the Secretary of State,
page: 25**

Respondents Initial Brief, pages: 26-37

Saturday, December 3, 2022

Tonji LaVonne Meredith
2370 Brockman McClimon Rd.
Greer, Spartanburg County,
South Carolina 29651

I am sending a copy of the deeds of my father Luther Leon Meredith Deeds from SPARTANBURG COUNTY, SOUTH CAROLINA 29651.

DEED 77- YPG83b PAGES: 2

DEED 70H PG 3 I I PAGES: 6

DEED b5-N-PG 754 PAGES: 4

DEED 51C PAGE 697 PAGES: 4

DEED 9b -T PG b 40 PAGES: 5

DEED 51C PAGE 0705 PAGES: 4

DEED 51C PAGE 0717 PAGES: 4

DEED 51C PAGE 0685 PAGES: 5

DEED 96-TPG640 PAGES: 4

DEED 53 N PG 025 PAGES: 1

DEED 63 W PG 209 PAGES: 2

MAP OF PROPERTY: PAGES: 1

LAST WILL AND TESTAMENT OF LUTHER LEON MEREDITH
DATED MAY 7TH 2003; PAGES: 2

Letter from Cherokee County Clerk of Court Office, PAGES: 1

Letter from State of South Carolina Office of the Secretary of
State The Honorable Mark Hammond Dated: February 25, 2019

PAGES: 1

CPM CREDIT UNION BANK STATEMENT OF Luther Leon
Meredith PAGES: 2 FRONT AND BACK

SPARTANBURG COUNTY PROPERTY TAX NOTICE 2014 LUTHER
LEON MEREDITH

LU 2.83 ACRES

LU 1.00 ACRES

LU 12.77 ACRES

TRANSCRIPT OF RECORD 2019-CP-42-00891

DAVID K. RICE, Attorney at Law
Woodruff S.C. 29388
Deed Only - No Title Certification
STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

DEED

KNOW ALL MEN BY THESE PRESENTS, that BEATRICE MEREDITH PYLES

in consideration of THREE DOLLARS, LOVE AND AFFECTION THAT I HAVE FOR MY BROTHER, GRANTEE
HEREIN

the receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents do
grant, bargain, sell and release unto LUTHER LEON MEREDITH, his heirs and assigns forever:

All that lot of land located about five miles West from Reidville, Spartanburg County, S.C., being a portion of Lot
Eight (8) and contains 4.23 acres, more or less, on plat of Estate of Elbert Meredith and being shown to contain 0.995 of
an acre, on plat of survey for Luther Leon Meredith by Joe E. Mitchell, P.L.S., dated July 30, 2010, and being more
particularly described according to said plat as follows: Beginning at an iron pin in an Old Farm Road, and running thence
South 58-43-44 West 150.51 feet to an old iron pipe; thence South 52-25-53 West 74.97 feet to an old iron pin; thence
North 60-53-38 West 149.52 feet to and old iron pipe; thence North 40-37-24 East 278.69 feet to an old iron pipe; thence
South 40-33-00 East 211.13 feet to the point of beginning. For a more particular description, specific reference is hereby
made to the above-mentioned plat to be recorded forthwith.

Being a portion of the property conveyed to Beatrice Meredith Pyles by deed of Columbus McDuffie Meredith, etal.
dated August 25, 1984 and recorded March 13, 1985 in Deed Book 51-C, page 717, RMC Office for Spartanburg County,
S. C.

Tax Map Reference No.: 4-05-00-001.15

ADDRESS OF GRANTEE: Leon Meredith, 2370 Brockman McClimon Road, Greer, SC 29651

together with all and singular the rights, members, hereditaments and appurtenances to said premises belonging or in
anywise incident or appertaining; to have and to hold all and singular the premises before mentioned unto the
grantee(s)(s'), and the grantee's (s') heirs (or successors) and assigns forever. And the grantor(s) do(es) hereby bind the
grantor(s) and the grantor's(s')heirs (or successors),executors and administrators to warrant and forever defend all and
singular said premises unto the grantee(s) and the grantee's(s') heir (or successors) and assigns against the grantor(s) and
the grantor's(s') heirs (or successors) and against every person whomsoever lawfully claiming or to claim the same or any
part thereof, except as to restrictions and easements of record, if any.

WITNESS the grantor's(s') hand(s) and seal(s) this 9th day of August, 2010.

SIGNED, sealed and delivered in the presence of:

David K. Rice
Ann M. Knight

Beatrice Meredith Pyles (SEAL)
BEATRICE MEREDITH PYLES

DEE-2010-30249
Recorded 2 Pages on 8/9/2010 3:59:40 PM
Recording Fee: \$10.00 Documentary Stamps: \$0.00
Office of Register of Deeds, Spartanburg, S.C.
Stephen Ford, Register



STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

ACKNOWLEDGEMENT

The foregoing deed was acknowledge before me this 9th day of August, 2010, by BEATRICE MEREDITH PYLES.

David K. Rice (SEAL)

Notary Public for South Carolina

My Commission expires: 10-2-2010

PLEASE FILE
IN THE
CLERK OF COURT'S OFFICE
WOODRUFF, SC 29389

Office of Register of Deeds
Spartanburg, South Carolina
Recorded in DEED 96-7 Page 640
Beatty Eade
Register of Deeds,
Spartanburg, South Carolina

DEED 70 H PG 311

99 JUN 26 PM 3:05 RDED

STATE OF SOUTH CAROLINA 555)
COUNTY OF SPARTANBURG) RIGHT-OF-WAY
EASEMENT

LINE NO. _____
CHECK NO. _____

KNOW ALL MEN BY THESE PRESENTS that the undersigned Grantor(s), LUTHER LEON MEREDITH, for and in consideration of the sum of One (\$1.00) Dollar paid by the NEW HORIZON ELECTRIC COOPERATIVE, INC., the receipt of which is hereby acknowledged, hereby grants to the New Horizon Electric Cooperative, Inc., its successors and assigns, a perpetual right-of-way, to be located by the New Horizon Electric Cooperative, Inc., over and across the lands of the Grantor(s) situated in Spartanburg County, South Carolina, more fully described as follows:

All that piece, parcel or tract of land, lying and being situate in the County of Spartanburg, State of South Carolina, containing 0.05 acre, more or less, consisting of a right-of-way as shown and designated on a plat of survey made for New Horizon Electric Cooperative, Inc. Abner Creek-Bragg Project, dated Novemer 7, 1998, by Lindsey & Associates, entitled, "Right-of-Way to be Acquired From Luther Leon Meredith", attached hereto and incorporated by reference.

The above described property is a portion of the property conveyed to Luther Leon Meredith by deed of Charlie Chalmers dated May 16, 1996 and recorded May 16, 1996 in Deed Book 64-F at Page 231 in the RMC Office for Spartanburg County.

Tax Map Number: 4-05-00-001.10

Together with the right to erect, construct, reconstruct, maintain, operate, replace and alter thereon one or more lines, either overhead or underground or both, for the transmission or distribution of electric energy, and for communication purposes, consisting of towers, poles, foundations, anchors, and necessary fixtures and wires attached thereto, and all structures and appliances necessary or convenient in connection therewith, as well as the right to install, maintain and use anchors and guy wires on ~~land adjacent to~~ the right-of-way herein granted.

The New Horizon Electric Cooperative, Inc. shall have the right to clear and keep clear all structures, buildings, wells, mobile homes, swimming pools, septic or storage tanks, flammable material/fire hazards, trees, brush, wrecked or disabled vehicles, refuse of any type, as well as such trees ("danger trees") on the Grantor's property beyond the right-of-way which, in the opinion of New Horizon Electric Cooperative, Inc., are tall enough to fall on an electric or communication line (or any component of same including guy wires) on the right-of-way strip.

The Grantor(s) agrees that New Horizon Electric Cooperative, Inc. may enter the Grantor's lands at any time now or in the future to gain access to the Right-of-Way Strip or to fell and remove danger trees from said Grantor's lands. New Horizon Electric Cooperative's right to enter the Grantor's lands shall be confined to streets, roads and driveways when they exist at the time entry is necessary and when they are adequate for New Horizon Electric Cooperative's purposes; but when they do not exist or are not adequate, such right to enter shall be over the nearest most practicable route or routes.

New Horizon Electric Cooperative, Inc. shall repair damage to the Grantor's lands, to include damage to roads, driveways and fences, caused by New Horizon Electric Cooperative, Inc.'s exercise of the rights herein granted and shall compensate Grantor(s) for damage to

11 RMC Tax 726991309 \$10.00

THIS DOCUMENT
MARGINAL
FOR IMAGING

DEED TO H PG 312

with the exercise of the rights and/or easement herein granted, or any of them, or which may create a hazard.

Grantor(s) reserves all other rights to said Right-of-Way Strip not inconsistent with the rights and easements hereby granted. Such reserved rights shall include, but shall not necessarily be limited to, the following: (a) the right to cultivate crops, plants, shrubs and fruit trees that do not grow to a height under the line which would violate minimum clearances required by the national Electrical Safety Code or other lawful regulation then applicable to electric conductors; (b) the right to pave, improve and use the Right-of-Way Strip for temporary automobile parking, provided grantor installs adequate protective barriers for New Horizon Electric Cooperative, Inc.'s structures; (c) the right to use the Right-of-Way Strip for recreation, provided no structures are erected; (d) the right to retain existing roads, drives, sewer, water and other utility lines on the right-of-Way Strip at their existing locations as of the date of this instrument; (e) the right to construct and maintain new streets, roads, water, sewer and utility lines crossing said Right-of-Way Strip, provided such facilities conform to the following requirements: (i) such facilities cross the Right-of-Way Strip at an angle of not less than 30 degrees; (ii) no portion of such facilities are located within 20 feet of the New Horizon Electric Cooperative's supporting structures; and (iii) such facilities are constructed in strict compliance with all clearance requirements of the National Electric Safety Code or other lawful regulation then applicable to electric conductors; (f) the right to maintain existing fences and the right to build new fences on said Right-of-Way Strip, provided they are located at least 20 feet from New Horizon Electric Cooperative's structures; and (g) the right to excavate, grade and fill, provided such is in accordance with good engineering practice, does not endanger New Horizon Electric Cooperative's structures and their foundations, does not impair New Horizon Electric Cooperative's access, and meets all clearance requirements of the National Electric Safety Code or other lawful regulation then applicable to electric conductors.

The Grantor(s) agrees that all structures and facilities placed on said right-of-way by the New Horizon Electric Cooperative, Inc. shall remain the property of the New Horizon Electric Cooperative, Inc. at its option.

Without additional payment, the New Horizon Electric Cooperative, Inc. shall have the right to reject and abandon this Agreement without entering in on said lands for the purposes of construction.

The New Horizon Electric Cooperative, Inc. will pay to the Grantor(s) the sum of One Thousand Five Hundred Dollars (\$ 1,500) within 30 Days from the date of this Agreement in full payment for the rights granted herein.

TO HAVE AND TO HOLD, all and singular, the rights, privileges and easements aforesaid unto the said New Horizon Electric Cooperative, Inc., its successors and assigns, forever.

And the Grantor(s) agree(s) to warrant and forever defend the above granted rights against himself or his heirs and against any other person lawfully claiming or to claim the same or any part thereof. The word "Grantor(s)" shall include Grantors' heirs, executors, administrators, successors and assigns as the case may be.

IN WITNESS WHEREOF, the Grantor(s) has duly executed this Agreement the 21st day of July, 1999.

WITNESS:

x Andrew Scott Leslie Ann ...

THIS DOCUMENT
MARGINAL
FOR IMAGING

DEED TO H PG 313

STATE OF SOUTH CAROLINA)

COUNTY OF SPARTANBURG)

ACKNOWLEDGEMENT

I, John T. Gaffney, a Notary Public in and for the State of South Carolina, do hereby certify that LUTHER LEON MEREDITH personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and seal this 21st day of July, 1999.

John T. Gaffney (SEAL)
Notary Public for South Carolina
My commission expires:

11-4-2008

THIS DOCUMENT
MARGINAL
FOR IMAGING

BEED70H P6314

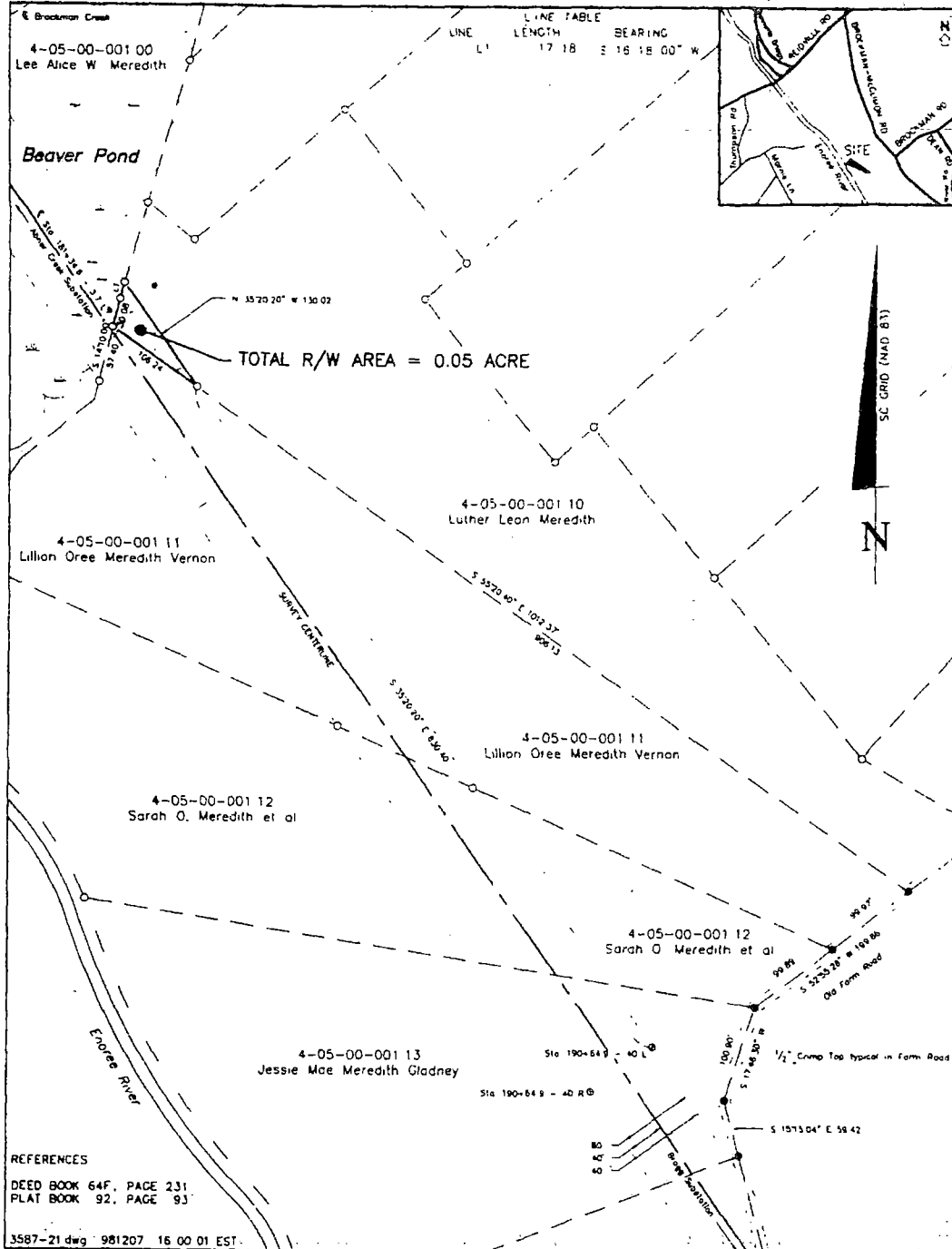


EXHIBIT A

REFERENCES

DEED BOOK 64F, PAGE 231
PLAT BOOK 92, PAGE 93

3587-21 dwg 981207 16 00 01 EST.

SURVEY FOR 80' LINE RIGHT-OF-WAY

NEW HORIZON ELECTRIC COOPERATIVE, INC.
Abner Creek - Bragg Project

RIGHT-OF-WAY TO BE ACQUIRED FROM

LUTHER LEON MEREDITH
Spartanburg County, South Carolina

NO	Parcel	Date	Job
02011	4-05-00-001 10	November 07 1998	3587-21

1 inch = 100 feet

LINDSEY & ASSOCIATES, INC.
Post Office Box 9
Tigerville, South Carolina 29688
Phone 864 895-1285 Fax 864 895-4141

LEGEND

- IRON PIN FOUND (SIZE & TYPE NOTED)
- POINT NOT SET OR FOUND
- ⊕ CARBONITE MONUMENT
- ⊗ IRON POLE
- TREE (TYPE NOTED)

This map was prepared for the purpose of right-of-way or easement acquisition only and is not intended to be a boundary survey of the property shown.

I, William C. Lindsey Jr. certify that under my direction and supervision this map was drawn from an actual route survey and that the property lines indicated by this route were actually surveyed.

W.C. Lindsey Jr.
SIGNATURE

SOUTH CAROLINA
LINDSEY & ASSOCIATES INC.
No. 000611
CERTIFICATE OF AUTHORIZATION

SOUTH CAROLINA
PROFESSIONAL LAND SURVEYOR
No. 06581
W. C. LINDSEY JR.

DEED 10H PG 315

STATE OF SOUTH CAROLINA)

)

AFFIDAVIT

COUNTY OF SPARTANBURG)

)

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.
2. The property being transferred is located at 2370 Brockman McClimon Road, Greer, SC, bearing Spartanburg County Tax Map Number 4-05-00-001.10, was transferred by Luther Leon Meredith to NEW HORIZON ELECTRIC COOPERATIVE, INC. on July 21, 1999.
3. Check one of the following: The deed is
 - (a) subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth
 - (b) subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary
 - (c) exempt from the deed recording fee because (See Information section of Affidavit): _____
(If exempt, please skip items 4-7, and to item 8 of this affidavit).
4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this Affidavit):
 - (a) The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ 1,500.
 - (b) The fee is computed on the fair market value of the realty which is _____
 - (c) The fee is computed on the fair market value of the realty as established for property tax purposes which is _____
5. Check YES or NO to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES", the amount of the outstanding balance of this lien or encumbrance is:
6. The deed recording fee is computed as follows:
 - (a) Place the amount listed in item 4 above here: \$ 1,500
 - (b) Place the amount listed in item 5 above here: 0.00
(If no amount is listed, place zero here)
 - (c) Subtract Line 6(b) from Line 6(a) and place result here: \$ 1,500
7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$ 5.55

THIS DOCUMENT
MARGINAL
FOR IMAGING

DEED 704 PG 316

9. I understand that a person required to furnish this affidavit who wilfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Luther Leon Meredith

Responsible Person Connected with the Transaction

SWORN to before me this 21st
day of July, 1999.

LUTHER LEON MEREDITH
Print or Type Name Here

[Signature] (SEAL)
Notary Public for South Carolina

My commission expires:

11-9-2008

INFORMATION

Except as provided in this paragraph, the term "value" means "the consideration paid or to be paid in money or money's worth for the realty." Consideration paid or to be paid in money's worth includes, but is not limited to, other realty, personal property, stocks, bonds, partnership interest and other intangible property, the forgiveness or cancellation of a debt, the assumption of a debt, and the surrendering of any right. The fair market value of the consideration must be used in calculating the consideration paid in money's worth. Taxpayers may elect to use the fair market value of the realty being transferred in determining fair market value of the consideration. In the case of realty transferred between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, and in the case of realty transferred to a trust or as a distribution to a trust beneficiary, "value" means the realty's fair market value. A deduction from value is allowed for the amount of any lien or encumbrance existing on the land, tenement, or realty before the transfer and remaining on the land, tenement, or realty after the transfer. Taxpayers may elect to use the fair market value for property tax purposes in determining fair market value under the provisions of the law.

Exempted from the fee are deeds:

- (1) transferring realty in which the value of the realty, as defined in Code Section 12-24-30, is equal to or less than one hundred dollars;
- (2) transferring realty to the federal government or to a state, its agencies and departments, and its political subdivisions, including school districts;
- (3) that are otherwise exempted under the laws and Constitution of this State or of the United States;
- (4) transferring realty in which no gain or loss is recognized by reason of Section 1041 of the Internal Revenue Code as defined in Section 12-6-40(A);
- (5) transferring realty in order to partition realty as long as no consideration is paid for the transfer other than the interests in the realty that are being exchanged in order to partition the realty;
- (6) transferring an individual grave space at a cemetery owned by a cemetery company licensed under Chapter 55 of Title 39;
- (7) that constitute a contract for the sale of timber to be cut;
- (8) transferring realty to a corporation, a partnership, or a trust in order to become, or as, a stockholder, partner, or trust beneficiary of the entity provided no consideration is paid for the transfer other than stock in the corporation, interest in the partnership, beneficiary interest in the trust, or the increase in value in such stock or interest held by the grantor. However, the transfer of realty from a corporation, a partnership, or a trust to a stockholder, partner, or trust beneficiary of the entity is subject to the fee even if the realty is transferred to another corporation, a partnership, or trust;
- (9) transferring realty from a family partnership to a partner or from a family trust to a beneficiary, provided no consideration is paid for the transfer other than a reduction in the grantee's interest in the partnership or trust. A "family partnership" is a partnership whose partners are all members of the same family. A "Family trust" is a trust, in which the beneficiaries are all members of the same family. The beneficiaries of a family trust may also include charitable entities. "Family" means the grantor and grantor's spouse, parents, grandparents, sisters, brothers, children, stepchildren, grandchildren, and the spouses and lineal descendants of any the above. A "charitable entity" means an entity which may receive deductible contributions under Section 170 of the Internal Revenue Code as defined in Section 12-6-40(A).
- (10) transferring realty in a statutory merger or consolidation from a constituent corporation to the continuing or new corporation;
- (11) transferring realty in a merger or consolidation from a constituent partnership to the continuing or new partnership; and
- (12) that constitute a corrective deed or a quitclaim deed used to confirm title already vested in the grantee, provided that no consideration of any kind is paid or is to be paid under the corrective or quitclaim deed.

LAST WILL AND TESTAMENT

OF

LUTHER LEON MEREDITH

I, **LUTHER LEON MEREDITH** of Spartanburg County, State of South Carolina, being of sound and disposing mind and memory, do hereby make, publish and declarer this to be my **LAST WILL AND TESTAMENT**, hereby revoking any and all former Wills and Codicils heretofore made by me.

I direct my Personal Representative or Substitute Personal Representative, **TONJI LAVONNE MEREDITH AND EVELYN EVANS MEREDITH** named, to pay all of my just debt including the expenses of my last illness and funeral expenses, as soon after my death as practicable.

I hereby will, devise and bequeath unto my beloved Children, **BARRY GLENN, TAMMY GLENN, and SCOTTIE GLENN**, absolutely nothing under this my Last Will and Testament.

I hereby will, devise and bequeath all of my real and personal property of every kind and description, wheresoever situate and whether acquired before or after the execution of this Will to **TONJI LAVONNE MEREDITH, her HEIRS AND ASSIGNS FOREVER**, to my youngest daughter be hers in fee simple my real at 2370 Brockman McClimon Rd. Greer, Spartanburg County, South Carolina 29651, 2212 Brockman McClimon Rd. Greer, Spartanburg County, South Carolina 29651, and my rental property at 18 Lindsay Ave Greenville, Greenville County, South Carolina 29607. Tonji is to share and share alike to **SONJI LASHONNE MEREDITH, FREDERICK LAMOUNT MEREDITH, and MARCUS LEON MEREDITH**.

I hereby nominate, constitute and appoint as Personal Representative of this my Last Will and Testament, **TONJI LAVONNE MEREDITH**, and the direct as she shall serve without bond. If for any reason she is unable or unwilling to serve, I then nominate, constitute and appoint as Substitute Personal Representative, **EVELYN EVANS MEREDITH**, the mother of my four children that we union together and direct that she, shall serve without bond.

I hereby give my Personal Representative or Substitute Personal Representative, full power and authority in all matters and questions, including, but not limited to, complete power to sell at public or private sale, for cash or credit, with or with security, and no mortgage, real and personal, as such times and upon such terms and conditions as said Personal Representative or Substitute Personal Representative may deem necessary, and to exercise all such powers without obtaining approval of any Court.

If any beneficiary and I should die under such circumstances as would render it doubtful whether the beneficiary or I died first, then it shall be conclusively presumed for the purpose of this my **LAST WILL AND TESTAMENT**, that said beneficiary predeceased me.

I, **LUTHER LEON MEREDITH**, the Testator, sign my name to this instrument, this 7th day of May, 2003, and being first duly sworn, do hereby declare to the undersigned authority, that I sign and execute this instrument as my **LAST WILL** and I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or under influence.

LUTHER LEON MEREDITH

SIGNATURE:

Luther Leon Meredith
LUTHER LEON MEREDITH

WITNESS: # 1

BOBBY JOE HENDERSON

SIGNATURE:

Bobby Joe Henderson

INITIALS:

WITNESS: # 2

INEZ EVANS

SIGNATURE:

Inez Evans

INITIALS:

IE

5-7-2003



Cherokee County Clerk of Court Office

BRANDY W. MCBEE
CLERK OF COURT

POST OFFICE DRAWER 2289
125 E. FLOYD BAKER BLVD
GAFFNEY, SC 29342
PHONE: (864) 487-2571
FAX: (864) 487-2754

November 25, 2019

To Whom It May Concern:

Please be advised that the notary records have been searched from 1969 to current and we do not see that a notary signature in the name of Debra Osborne or Debra McCartney has ever been registered.

Please contact my office should you need further information.

Sincerely,

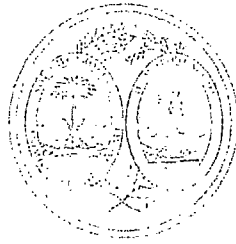
A handwritten signature in black ink that reads "Brandy W. McBee". The signature is written in a cursive, flowing style.

Brandy W. McBee
Clerk of Court

State of South Carolina
Office of the Secretary of State
The Honorable Mark Hammond

1205 PENDLETON STREET, SUITE 525
COLUMBIA, SC 29201

803-734-2170
www.sos.sc.gov



February 25, 2019

VIA HAND DELIVERY

Tonji L. Meredith

Dear Ms. Meredith:

After a review of our records, we cannot verify that there was a commissioned notary public by the name of Debra H. McCartney or Delisa H. McCartney with term expiring 9/27/1999.

Sincerely,

A handwritten signature in cursive script that reads "Meredith Augustine".

Meredith Augustine
Deputy General Counsel
Office of the Secretary of State

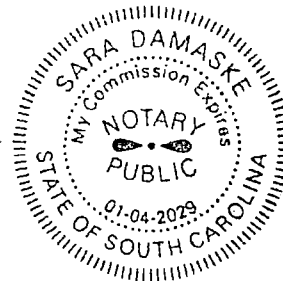
Sworn and Subscribed before me

On this 25th day of February, 2019

Sara Damaske

Notary Public for South Carolina

Commission Expires: 1-4-2029



RECEIVED

Jun 13 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

The Honorable J. Derham Cole

Appellate Case No. 2021-001076
Trial Court Case No. 2019CP4204222

Tonji Meredith.....Appellant,

v.

Tammy Lee Glenn and Scotti Glenn.....Respondents.

INITIAL BRIEF OF RESPONDENTS

Gary L. Compton (SC Bar No. 1351)
296 S. Daniel Morgan Avenue
Spartanburg, South Carolina 29306
Phone: (864) 583-5186
gary@garylcompton.com

Attorney for Respondents

TABLE OF CONTENTS

Statement of Issues on Appeal.....i

I. WHETHER THE CIRCUIT COURT ERRED IN DISMISSING THE APPEAL FROM THE PROBATE COURT ON PROCEDURAL GROUNDS.

II. WHETHER THE PROBATE COURT ERRED IN DISMISSING APPELLANT’S PETITION FOR APPOINTMENT AS PERSONAL REPRESENTATIVE OF HER FATHER’S ESTATE ON THE MERITS.

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STATEMENT OF THE CASE

Luther Leon Meredith (“the decedent”) passed away in Spartanburg County on July 14, 2017. The decedent was the father of the parties. On July 20, 2017, the document ultimately admitted to probate as the Last Will and Testament of the decedent dated October 3, 1996 (“the Will”) was delivered to the Probate Court for Spartanburg County (“the Probate Court”). On September 11, 2017, the Respondent Tammy Glenn, who was named in the Will as Personal Representative, applied to the court to be so appointed (ROA at _____).

On June 8, 2018, the Appellant petitioned the Probate Court contesting the Will (ROA at _____). The Petition came before the Honorable David F. Anderson, Associate Probate Judge for trial on August 26, 2019. The Appellant was represented by Spartanburg Attorney Michael Brown, and the Respondents were represented by the late Attorney Albert Smith, also of Spartanburg, whose office had apparently prepared the Will. The trial resulted in two Orders issued on September 16, 2019 (ROA at _____) and November 7, 2019 (ROA at _____).

The September 16 Order dealt with the claim of the Appellant that the Will was invalid because the individual who notarized it was not actually a notary public for South Carolina. Attached to this Order is information obtained by the court suggesting the legitimacy of the notary, and the court notes that lack of proper notary credentials does not affect the validity of the Will. The court left the record open for additional evidence in this regard, but none was received.

The November 7 Order recites that the Appellant claimed that there was an earlier Will, but produced no proof of its existence. She claimed that this Will, together with several life insurance policies, were in a box at the house which was missing. The Appellant claimed that, several days after the decedent’s passing, she noticed that someone had entered her father’s home

and had taken items. She filed a police report, but the report did not mention the box that contained the Will (ROA _____). Judge Anderson concluded that no reason existed to set aside the Will, and admitted it to probate.

The Appellant filed her Notice of Appeal to the Circuit Court on November 27, 2019. On February 27, 2020, the appeal was tried by the Honorable J. Derham Cole, resulting in his Order dated May 13, 2020 (ROA at _____). That Order dismissed the appeal on jurisdictional grounds, the court finding that the Appellant had not complied with the procedural requirements of S.C. Code Ann. Section 62-1-308. On May 26, 2020, the Appellant filed a Motion to Reconsider pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure (ROA at _____). By Order of Judge Cole filed August 27, 2021, this Motion was denied because it was not timely. Judge Cole also reviewed the record and concluded that there was no basis to alter its previous decision (ROA at _____). This appeal followed by Notice of Appeal of the Appellant dated September 23, 2021.

STANDARD OF REVIEW

“In reviewing a judgment of the Probate Court, the Supreme Court is governed by the principal that the factual findings of a Probate Judge will not be set aside on appeal unless clearly or manifestly erroneous.” *O’Neill’s Estate v. Tuomey Hospital*, 254 S.C. 578, 176 S.E.2d 527 (1970). The Appellate Court “must construe the evidence presented to the trial court so as to support its decision whenever reasonably possible.” *Jordan v. Judy*, 413 S.C. 341, 776 S.E.2d 96 (Ct. of App. 2015). The court “must look at the evidence in the light most favorable to the Respondents and eliminate from consideration all evidence to the contrary.” *Id.*

ARGUMENT

I. THE CIRCUIT COURT WAS CORRECT IN DISMISSING THE APPEAL OF THE DECISION OF THE PROBATE COURT BECAUSE THE APPELLANT FAILED TO COMPLY WITH S. C. CODE SECTION 62-1-308 AND RULE 59(E), SCRCP.

As Judge Cole pointed out in his Order filed May 13, 2020, the South Carolina Probate Code requires the Circuit Court hearing an appeal from the Probate Court to “apply the same rules of law as an appellate court would apply on appeal.” *Matter of Howard*, 315 S.C. 356, 434 S.E.2d 254 (1993). Judge Cole further noted that “the failure to comply with procedural requirements for an appeal divests a court of appellate jurisdiction.” *In Re Estate of Cretzmever*, 365 S.C. 12 615 S.E.2d 116 (2005). A review of the filings in the appeal from Probate Court reveals that the Appellant failed to comply with all of the requirements of S.C. Code Ann. Section 62-1-308 regarding appeals from Probate Court except for the filing of the Notice of Appeal itself.

Accordingly, at the Circuit Court level, the Respondents were not apprised of the grounds for appeal and thus had no ability to respond. As a result, the law is clear that the Circuit Court had no jurisdiction to entertain the appeal, and properly dismissed it.

Judge Cole also had no choice but to deny Appellant’s attempted motion pursuant to Rule 59(e) of the SCRCP. This rule clearly states that the motion must be filed within ten days of written notice of entry of the Order. Counsel of record for the Appellant received electronic notice of the court’s Order on May 13, 2020, and the Rule 59(e) motion was filed on May 26, 2020. As the motion was not filed within ten days, the Circuit Court had no jurisdiction to reverse its Order. This court should note that the Appellant does not

challenge, in her Statement of Issues on Appeal, the finding of the Circuit Court that its jurisdiction was denied by the failure of the Appellant to timely file the Rule 59(e) motion.

II. ALTHOUGH NOT REQUIRED TO DO SO, THE CIRCUIT COURT CORRECTLY CONCLUDED THAT NO BASIS EXISTED TO REVERSE THE DECISION OF THE PROBATE COURT.

The primary basis for this appeal appears to be the refusal of the Probate Court to accept another Last Will and Testament of the decedent. It should go without saying that the Probate Court cannot be expected to rule on the validity of a Last Will and Testament that is not presented to the court to review. The Appellant testified that this Will was located in a box at her father's house, together with several life insurance policies (ROA at _____). The Appellant also testified that she moved into her father's home during his last illness, and presumably remains there almost six years later. The box supposedly containing "the later dated last will and testament" was allegedly stolen, but when she reported the burglary to the police, she failed to mention the existence of the box or its alleged contents (ROA at _____).

In response to the Appellant's other issues, the Respondents are simply unaware of what the Appellant is referring to when she states that the "deed search ordered by the Probate Judge David Anderson was never rendered." Neither of the Orders issued by Judge Anderson refers to a "deed search". Respondents assume that the Appellant is referring to her attack on the notarization of the Will. It should be noted that the Will was prepared and witnessed by Respondents' trial counsel, the late attorney Albert V. Smith. He advised the court that the notary was a long-time employee of his, and Judge Anderson made a substantial effort to satisfy the Appellant that the Will was, in fact, notarized by a valid South Carolina

notary public. Documentation is attached to and made a part of Judge Anderson's September 16, 2019 Order (ROA at _____).

It should also be noted, however, that even if the credentials of the notary failed, rendering the Will not self-proving pursuant to S.C. Code Section 62-2-503, the Will should still have been admitted to probate as complying with the requirements of Section 62-2-502. The Appellant does not challenge the validity of the signatures of the two witnesses, which renders the Will valid even if it is not self-proving. There is simply no basis in the record to support a conclusion that the Will is not the genuine Last Will and Testament of the decedent.

CONCLUSION

The Appellant in this matter has failed to comply with the requirements of the law regarding appeals from the Probate Court to the Circuit Court, and from the Circuit Court to this court. As such, the Circuit Court correctly ruled that it had no jurisdiction to consider the claims by the Appellant that the Probate Court erred in admitting the Last Will and Testament of the decedent to probate. Nevertheless, the Circuit Court gave due consideration to all substantive claims by the Appellant that the Probate Court erred in its denial of her claims. The Respondents are entitled to title, use and possession of the property willed to them by the estate of the decedent, to which they have been denied since the death of their father in July of 2017. The Respondents respectfully request that this appeal be dismissed.

Respectfully submitted,

s/Gary L. Compton

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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 SPARTANBURG COUNTY
Court of Common Pleas

Honorable J. DERHAM COLE, Circuit Court Judge

TRAIL COURT CASE No. 2019-CP-42-04222
APPELLATE CASE NO. 2021-001076

Tonji L. Meredith
2370 Brockman McClimon Rd.
Greer, South Carolina 29651

APPELLANT,

v.

Tammy Lee Glenn & Scottie S. Glenn
216 Shell Drive
Woodruff, South Carolina 29388

RESPONDENT.

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

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

1. Letter from Cherokee County Clerk of Court Office
2. Letter from State of South Carolina Office of the Secretary of State
3. LAST WILL AND TESTAMENT OF LUTHER LEON MEREDITH
DATED MAY 7th 2003

4. CPM FEDERAL CREDIT UNION BANK STATEMENT OF LUTHER LEON MEREDITH
5. Spartanburg County Property Tax Notice 2014 LUTHER LEON MEREDITH
6. Transcript of Records 2019-CP-42-00891
7. STATEMENT OF ISSUES / COMPLAINTS
8. DEEDS OF LUTHER LEON MEREDITH ESTATE

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

January 21, 2023

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RECEIVED

Jun 13 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

The Honorable J. Derham Cole

Appellate Case No. 2021-001076
Trial Court Case No. 2019CP4204222

Tonji Meredith.....Appellant,

v.

Tammy Lee Glenn and Scotti Glenn.....Respondents.

**DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

The Respondents propose the following to be included in the Record on Appeal:

1. Last Will and Testament of Luther Leon Meredith filed July 20, 2017;
2. Petition filed June 8, 2018;
3. Order of the Probate Court filed September 16, 2019;
4. Order of the Probate Court filed November 7, 2019;
5. Appellant's Notice of Intent to Appeal to Circuit Court filed November 27, 2019;
6. Form 4, Judgment in a Case on Appeal by Judge J. Derham Cole filed May 13, 2020;
7. Motion to Reconsider of the Appellant filed May 26, 2020; and
8. Form 4, Judgment in a Case on Appeal by Judge J. Derham Cole filed August 27, 2021.

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

s/Gary L. Compton

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