

CASE # 2022-CP-10-3304

Athena Ireland,  
Appellant

vs.

Brandy S Culp  
Respondent

Reconsideration  
of Dismissal  
of Appeal From  
Probate Court

In the Court of Common  
Pleas Ninth Judicial  
Circuit

FILED  
2023 OCT 11 PM 3:26  
CLERK OF COURT  
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SC Court of Appeals

Case # 2022-CP-10-3304

The initial hearing before this Court on October 27, 2022 was based on three issues from opposing counsel.

1) Notification of service NOT given within 10 days to Isadore John Psaras and Christina Culp

2) res judicata

3) "she hasn't taken any of the steps under the statute for perfecting the appeal."

No statement of issues, designation of matter, initial brief

While I filed to the Court my documents on July 22, 2023, I did not file the paperwork in the order according to Statute section 62-1-308. I know that now.

I filed on July 22, 2023:

Notice of Appeal Intent, I gave each individual a copy and had them or their personnel sign for the documents.

In the document of the Intent to Appeal was also the issues of the appeal, signatures of signees, the Order from the Probate Court.

As said it was not in procedural order, it is the basis for a case listed under, Issues of Appeal and

CASE# 2022-CP-10-3304

Designation of Matter which included signatures, Notice of Appeal, issues of Appeal, order From the Probate Court Case# 2019-ES-10-1368

I am asking the Court to reconsider dismissing the Appeal, (Oct. 2, 2023) and consider substance over form, while flawed in format, it still communicated necessary information and facts that led this Court to grant my appeal on November 15, 2022.

A dismissal punishes me for well-meaning imperfections despite no prejudices to other parties; they were fully aware of my appellate intent.

Dismissal on procedural grounds which can be rectified, means these important issues are not considered on appeal. The appellate review is intended to correct the potential errors by the Lower Court. A procedural dismissal prevents that. If the dismissal is upheld a potentially invalid Will governs the estate of Dolly Coleman over direct evidence that shows the testamentary capacity was not given and medical evidence proving no dementia in Dolly Coleman when tested at MUSC.

CASE# 2022-CP-10-3304

Accusations of undue influence shown to be untrue with testimony.

The Supreme Court of Illinois held that prose complaints are to be held to less stringent standards than formal pleadings drafted by lawyers. *Haines v. Kerner*, 404 U.S. 519, 92 S.Ct. 595, 30 L.Ed. 2d 652 (1972)

Procedural Flaws pale in comparison to the substantive issues of the above.

I ask the Court to grant me reconsideration of dismissing my appeal, to use its discretion to reopen the appeal in the interests of fully examining serious questions of the will's validity and the Lower Court's errors concerning Dolly Coleman's capacity and medical records proving the same.

This case needs to be used to consider reforms like leniency for procedural errors by prose litigants in the interests of adjudicating merits.

Lastly Isadore John Psaras and Christina Culp are not parties to this action. Through mediation they sold their rights to Brandy Culp as was so ordered by Judge Lenna Kirchner

CASE# 2022-CP-10-3304

Accusation of undue influence shown to be untrue with testimony.

In referene to the 45 day rule under Section 62-1-308(b).

It states within 45 days after receipt of written notice of the order, sentence or decree of the Probate Court, the Appellant must file a Statement of Issues. I received the Filed order by the Probate Court through the Clerk of Court in the mail which it was filed July 22, 2022. That is the date I used to have 45 days.

July 22<sup>ND</sup> to 31<sup>ST</sup> 9 days  
 August 1-31 31 days  
 Sept. 1-6 5 days 5 not included  
 September 5 was a holiday so it was filed on Sept. 6 equalling 45 days

I am asking the Court to find that my appeal is granted and remanded back to ~~the~~ Probate Court for a new trial.

Athena Claf  
 10-11-2023

3. Present at the Mediation were Brandy S. Culp, represented by Daniel S. Slotchiver, Esq. and Stephen M. Slotchiver, Esq., John Sinclair, III, in his capacity as the Personal Representative of the Estate, David L. Michel, Esq., as attorney for the Personal Representative, Athena L. Irland, Christina D. Culp, and Isadore John Psaras.
4. A Settlement was reached by and between Brandy S. Culp, Christina D. Culp, and Isadore John Psaras, wherein those parties executed a written Settlement Agreement. Likewise, John Sinclair, III, in his capacity as the Personal Representative of the Estate, does not take a position regarding the Settlement Agreement, but has agreed in writing to be bound by the Settlement Agreement and that he is bound by S.C. Code Ann. § 62-3-912.
5. Brandy S. Culp filed a Motion to Approve the Settlement reached at Mediation with this Court on January 25, 2021.
6. S.C. Code Ann. § 62-3-912 provides in pertinent part that “successors may agree among themselves to alter the interests, shares, or amounts to which they are entitled under the will, or under the laws of intestacy, in any way that they provide in a written contract executed by all who are affected by its provisions.”
7. Furthermore, S.C. Code Ann. § 62-3-1102 states that “upon application to the court and after notice to all interested persons or their representatives, including the personal representative of the estate, . . . the court, if it finds that the contest or controversy is in good faith and that the effect of the agreement upon the interests of persons represented by fiduciaries or other representatives is just and reasonable, shall make an order approving the agreement.”
8. This Court finds that, although Athena L. Irland did not consent to the Agreement reached between Brandy S. Culp, Christina D. Culp, and Isadore John Psaras, the Settlement Agreement reached, and the transfer of rights between the parties to the Settlement

Agreement do not in any way impact Athena L. Irland's potential claims and/or her potential rights in the Estate.

9. This Court further finds that, having reviewed the Settlement Agreement, for good cause shown and upon the Motion to Approve Settlement Agreement Reached at Mediation filed by Brandy S. Culp, with the consent of Isadore John Psaras and Christina D. Culp, and the agreement by John Sinclair, III, in his capacity as the Personal Representative of the Estate, to be bound by the terms of the Settlement Agreement, the controversies here are settled in good faith, and the effect of the Settlement Agreement on the interest of the interested persons effected by the Settlement Agreement is just and reasonable.

Therefore, based upon the forging, it is hereby

**ORDERED, ADJUDGED, AND DECREED** that Motion to Approve Settlement Agreement Reached at Mediation is hereby **GRANTED**; it is further

**ORDERED, ADJUDGED, AND DECREED** that the Agreement is approved and made an Order of this Court; it is further

**ORDERED, ADJUDGED, AND DECREED** that this Order shall be subject to such further Orders of this Court as may become necessary.

**IT IS SO ORDERED.**



LENNA S. KIRCHNER  
Associate Judge of Probate  
Charleston County

This <sup>12<sup>th</sup></sup> day of March, 2021  
Charleston, South Carolina.

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

)  
)  
)

IN THE PROBATE COURT  
2019-ES-10-\_\_\_\_\_

In the Matter of:  
Estate of Dolly Legare Coleman

**SETTLEMENT AGREEMENT**

Mediation was held on March 16, 2020. Present at the Mediation was Brandy Culp, Christina Culp, Athena Irland, Isadore Psaras, and Jack Sinclaire. Brandy Culp, Christina Culp, and Isadore Psaras have agreed to fully and finally resolve this matter as follows:

1. Isadore Psaras, individually and on behalf of his Estate and his heirs, assigns all of his right, title and interest in the Estate of Dolly Legare Coleman to Brandy Culp in exchange for a lump sum payment of One Hundred Ninety Thousand (\$190,000) Dollars to be paid by the Estate of Dolly Legare Coleman to him upon Court approval.
2. Christina Culp, individually and on behalf of her Estate and hers heirs, assigns all of his right, title and interest in the Estate of Dolly Legare Coleman to Brandy Culp in exchange for a lump sum payment of One Hundred Ninety Thousand (\$190,000) Dollars to be paid by the Estate of Dolly Legare Coleman to her upon Court approval.
3. As a result of this Settlement, in the event that the Court is to determine that the Estate shall pass in accordance with intestacy, and Brandy Culp would be entitled to receive 2/3 of the Estate, representing the shares that would have otherwise passed to Christina Culp and Isadore Psaras. In the event the 2009 Will is upheld, then the shares that would have otherwise passed to Christina Culp and Isadore Psaras would then pass to Brandy Culp (in addition to the bequest made to her therein).
4. The Personal Representative of the Estate believes the above Settlement is reasonable and further agrees to ~~Petition the Court for authority to release the necessary distributions to Isadore Psaras and Christina Culp, and the balance of their respective shares to Brandy Culp would at that point be vested.~~ CDC [Signature] BSC
5. The undersigned parties further agree that in exchange for the terms as set forth herein by the undersigned parties, each intends to and hereby release each from the other, and any and all other persons, of and from any and all causes of action, demands and costs and all claims of any nature including, but not limited to, any claims of any kind whatsoever, known or unknown, which the undersigned parties have or may in the future, be entitled to have, against the other, whomsoever, on account of or in any way

BSC

CDC

[Signature]

related to the Estate of Dolly Legare Coleman. This Release specifically does not apply to Athena Irland.

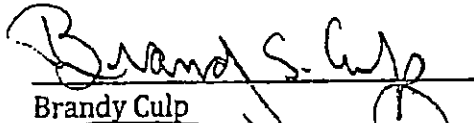
6. In consideration of the above, the undersigned agree that the counsel for Brandy Culp will draft a Consent Order, which all ~~parties~~ heirs, other than Athena Irland will execute.

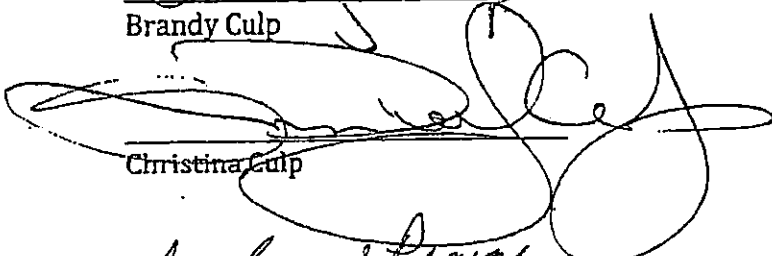
7. Each of the parties shall be responsible for their own attorney fees and costs associated with this matter.

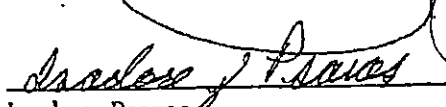
8. Each of the undersigned parties agrees that they will not, individually, jointly or in a representative capacity, initiate against any other party to this release any legal or equitable proceedings of any nature based on, account of or in any way related to the Estate. Each party further agrees to indemnify and hold harmless any party against any loss or damage, including without limitation attorney fees, in the event such party asserts any claim in violation of this release.

9. This Settlement Agreement may be submitted to the Probate Court for approval and the parties shall execute a Consent Order for submission to the Probate Judge for review and approval.

WE AGREE:

  
Brandy Culp

  
Christina Culp

  
Isadore Psaras

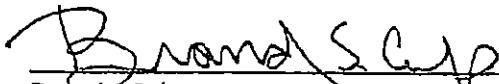
  
~~Jack Sinclair, Personal Representative~~


Date: March 16, 2020


ADDENDUM TO SETTLEMENT AGREEMENT

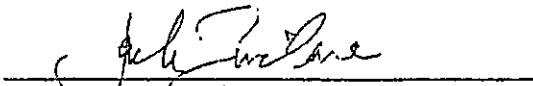
1. It is agreed upon that the Personal Representative of the Estate will not sign the Settlement Agreement, and that Paragraph 4 of the Settlement Agreement has been stricken.
2. It is also represented and agreed that neither Christina Culp nor Isadore Psaras are represented by legal counsel. Both were advised of their right to have counsel and the mediator recommendation to be represented and both have agreed to proceed pro se.

WE AGREE:

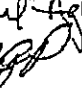
  
\_\_\_\_\_  
Brandy Culp

  
\_\_\_\_\_  
Christina Culp

  
\_\_\_\_\_  
Isadore Psaras

  
\_\_\_\_\_  
Jack Sinclair, Personal Representative

Agree that I am bound by 62-3-912 of the South Carolina Probate Code, and shall abide by the terms of the attached Settlement Agreement.

*and subsequent orders of the Court.*  
I take no position on the sufficiency of the Settlement Agreement.  
BSC CDC 

Date: 8/16/2020

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ATTORNEY AT LAW  
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April 8, 2021

Athena L. Irland  
186 Dolly Dimples Trail  
Huger, SC 29450

Isadore John (Johnny) Psaras  
1586 Hidden Bridge Drive  
Mt. Pleasant, SC 29464

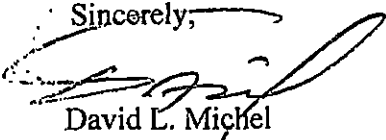
Re: Estate of Dolly L. Coleman  
Case No. 2019-ES-10-01368

Dear Athena and Johnny:

Enclosed, please find an Order To Approve Settlement Agreement Reached at Mediation dated March 22, 2021. At this time, Jack has been ordered by the Court to follow this agreement.

Thank you for your time and consideration concerning this matter.

Sincerely,

  
David L. Michel

DLM/kl

Enclosures – as stated

cc: client

## EXHIBIT 2

Athena Irland  
Appellate

CASE # 2022-CP-3304  
COURT OF COMMON PLEAS  
NINTH CIRCUIT

Brandy S Culp  
Respondent

### Statement of Issues of Appeal

The legal matter before the Court is fact whether Dolly Coleman Estate is intestate (without a will) or testate (with a will)

Question? To the mental capacity of Dolly Coleman in October 2014; was there any undue influence put upon her in reference to her actions at Lynn McCants office, attorney, in Mt Pleasant regarding an 2009 will held by Mr. McCants.

In South Carolina, testamentary capacity requires two things: (1) that one knows the nature and extent of what they own (2) the natural objects of your bounty, your heirs and close relatives. The presumption is that an adult has the testamentary capacity to make or destroy a will. If a will is challenged based on testamentary capacity, claiming the testator was not of sound mind, it is up to the challenger to prove and provide clear and convincing evidence of that fact.

The question of undue influence is being questioned. This comes into play. Simply driving a person, relative to an attorney's office, dropping the person off, picking them up does not meet the requirement of undue influence.

When a person influences or pressures the testator to change the terms of their will in the influencers FAVOR, this influence takes away the testator's free will and substitutes their own interests for those of the testator.

Question of whether Dolly Coleman had a sound mind, October 2014.

According to Black Law Dictionary  
 SOUND MIND - Having the ability to think, understand and reason for oneself. Adults are generally considered to be of sound mind until circumstances change.

Unsound mind - An adult who from infirmity of mind is incapable of managing oneself or his/her affairs. The term, therefore, includes insane, idiots, and imbeciles.

In South Carolina testamentary capacity is a legal question, not a medical question. A medical opinion, although valuable and relevant - is not determinative of testamentary capacity.

Simply having an imperfect or impaired memory does not in of itself absent testamentary capacity unless it is so great as to leave no disposing memory: (1870), L.R. 5 Q. B 549  
 Banks v Goodfellow

The case of *Banks v Goodfellow* (1870) concerned the will of John Banks who owned a large estate. During his lifetime, Banks suffered from delusions and epilepsy and spent sometime in an asylum. On Dec. 2, 1863, Mr Banks made a new will leaving his estate to a niece. He died two years later. She died and the estate then went to her half brother who was not a relative of Mr. Banks. The son of Mr. Banks half brother brought proceedings to have the will set aside on grounds of lack of capacity.

#### Decision of the Court:

Court held that Mr Banks mentally capable of making his will. Whilst it was clear that Mr Banks suffered from delusions, those delusions had no impact on the gifts he made in his will. The judgement of Cockburn CJ gave what is now the test for testamentary capacity.

This then was broken down to four different elements:

- 1) the testator understands the nature of making a will and its effects
- 2) the testator understands the extent of the property of which they are disposing
- 3) the testator is able to comprehend and appreciate the claims to which is given effect
- 4) the testator has no disorder of the mind that perverts their sense of right

4) cont. or prevents the exercise of their natural faculties in disposing of their property by will.

Matter of the Estate of Berg,  
783 N.W. 2d 831 (S.D. 2010)

At issue is whether a trial court erred in its finding that Mr Berg, who had a history of schizophrenia, had the capacity to write a will and was not subject to undue influence in executing such.

Facts: Mr Berg discharged from US Army 1943, had hallucinations which were controlled by electrotherapy (ECT) for several years.

1950 underwent a bilateral prefrontal lobotomy. After the surgery Mr Berg was able to engage in social and recreational activities for the remainder

of his life. In 1967, Veteran Administration found he could not manage his own affairs and the court ordered and appointed

American National Bank and Trust as his guardian to dispense benefits.

In 1991 a nephew, Roger Berg (Roger) visited Mr Berg and the friendship began. Mr Berg lived in the nursing home. The director noted mostly only Roger visited and that made Mr Berg very happy. Fast Forward

Roger became Mr Berg's Power of Attorney. Roger took Mr Berg to an attorney to prepare a will. Roger waited outside. Mr Berg received the draft of the will and in 1998

a staff worker from the nursing home took Mr. Berg to the lawyer's office to sign the will.

The director of the nursing home reported that Mr. Berg made claims of Fred MacMurray being his father. She also reported that Mr. Berg was very intelligent and typically oriented in all three spheres. Mr. Berg enjoyed bingo and participated in discussion groups on current topics.

After Mr. Berg signed his will in 1998, Mr. Berg was given a Mental State Examination to screen cognitive impairment. He scored 28 of a possible 30.

Mr. Berg died November 5, 2006. On April 10, 2007 Mr. Berg's brother's daughter, Carol Opdahl filed a petition asserting that Mr. Berg lacked the capacity to execute a will. She also alleged undue influence by Roger and sought equal distribution of Berg's estate. Ms. Opdahl testified that she had known that, since 1954, Mr. Berg had been of "unsound mind" and had been "essentially a human robot". Ms. Opdahl had last visited Fred Berg in 1994, 12 years before his death.

#### Ruling and Reasoning:

The trial court concluded that Mr. Berg's caretakers and companions over the last several years of his life knew him best and were more credible and persuasive regarding Mr. Berg's

competency to execute his will than was Ms Opdahl's expert witness. The trial court gave little credence to Ms Opdahl's testimony, as it was considered "mainly hearsay - upon-hearsay, conjecture and speculation" (Berg, pg 840)

The trial court concluded that Mr. Berg had testamentary capacity at the time his will was drafted and executed. It found that Mr Berg was aware that he had a "sizeable" estate, that he knew to whom he wanted his money to go, and there was no evidence of undue influence by Roger.

Ms Opdahl appealed the decision to the South Dakota Supreme Court asserting that the trial court erred in its conclusion that Mr Berg had testamentary capacity and that Roger did not exert undue influence.

The Court found that the existence of undue influence was a question of fact for the trial court that had already been answered. The Court concluded that Mr Berg's static delusion that Fred MacMurray was his father "DID NOT TOUCH" his testamentary capacity, Mr. MacMurray was not named in his bounty, and therefore the delusion did not materially affect the terms and provisions of the will. The court went on to say that "for purposes of testamentary capacity, we do not require the soundness of mind enjoyed by those in perfect health" (Berg, p 842) and

"testamentary capacity is not determined by any single moment in time, but must be considered as to the condition of the testator's mind a reasonable length of time before and after the will is executed" (Berg, p 842)

Testamentary capacity, for discussion, refers to an individual's capacity to make a will and the testator enjoys the the presumption of competence until proven by legal standard. To have testamentary capacity, testators must know a reasonable approximation of the overall worth of their estate and which individuals are the "natural objects" of their bounty, usually blood relatives. In addition, the will must be executed in the absence of undue external influence. In a will that is contested, the burden of proof in most jurisdictions is "clear and convincing" and rests with the party alleging deficiency.

At issue in this case, as in all competencies, is whether the signs and symptoms of a mental disorder interfered with the abilities needed to competently perform a specific task or function, making a will or destroying a will. The criteria for possessing testamentary capacity are conceived of as a low level, perhaps the lowest level, of any legal demands on an individual

Accusations of undue influence by me, Athena Ireland, in regards to the deeds of Berkeley County and the will of 2009 in testimony April 7, 2022. (2019-ES-10-1368, 20-24) pg. 7)  
(pg 12, 7-11) (pg 68, 2-6)

The confidential relationship of Mother, daughter, relative does not generally give rise to undue influence. The mere existence of a confidential relationship between the testator and another such as a beneficiary, relative does not by itself give rise to a presumption or fact of undue influence.

Direct testimony from attorney Lynn McCants. His knowledge of the relationship between he and Dolly Coleman. (pg 39, 4-15) His knowledge of the relationship between me, Athena Ireland and Dolly Coleman in reference to his conducting transactions for Dolly Coleman. (pg. 39, 16-20) (pg 40., 18-23)

Lynn McCants knowledge asked and answered to a legal point of undue influence, on or about October 2014. (pg 46, 18-20) (pg 48, 25) (pg 49, 1-25) (pg 50, 1-2)

Longtime relationship between Attorney Lynn McCants and Dolly Coleman asked of his opinion on her testamentary capacity. Question to Mr. McCants by me, Athena Ireland (pg 50, 18-20) answered by Mr. McCants

pg 54 (1-18)

The above testimony shows that on that day or about that day October, 2014 I, Athena Ireland took Dolly Coleman to Attorney Lynn McCants office and I did not attend and was not present during their conference in the transactions of the 2009 will. Undue influence is the taking advantage of another through a position of trust. Transporting Dolly Coleman to the office of Lynn McCants does not meet any standard of undue influence: taking advantage, pressuring, dominance.

The burden of Proof of lack of Testamentary capacity and undue influence lies on the contestors in every case, every state and every country.

Estate of Phelps: Terry et al. v Phelps, et al Testamentary Capacity in reference to a will upheld.

Estate of Phelps: Terry et al. v Phelps, et al. The Claim of undue influence did not present sufficient evidence to overcome the presumption of undue influence.

2022-CP-10-3304

am

(pg 51, 23) Question by Athena Ireland  
(pg 51, 24-25) answered by Lynn McCants  
Question by MR Michel and answered

Opposing counsel Slotchiver wants this court to believe that the threshold for testamentary capacity is the same in regards to contractual capacity.

This is false claim. Testamentary capacity, again, is when a person is of sound mind (pg 3 of order) in that one understands what documents are being drafted, torn up or revoked, assets owned and their disposal.

On the opposite side of the spectrum is contractual capacity, which is a more rigorous standard to meet. Common law has long considered that the ability to contract requires a higher mental ability threshold than does the ability to make testamentary decisions. The statutes set a higher standard for determining contractual capacity and require more mental capacity the greater the complexity of the act.

Mr. Slotchiver, based on adjudicated testimony of the medical doctor that Dolly Coleman was medically incapacitated. (pg 8, 1-4) In fact Dr Rubano stated that Dolly Coleman's long term memory was intact (4-25-11, Exhibit 8 deposition) her (Dolly Coleman) short term memory due to a natural progression would be diminished.

Mr. Slotchiver wants this court

to accept testimony of Attorney Chandler who did not know Dolly Coleman and only had one encounter with her October 2014 where stated by Chandler that Dolly Coleman was unable to exercise her restraint (order - pg 8, 1-3) (pg 24 - 14-18).

Attorney Slotchiver objected to me questioning Lynn McCants about Dolly Coleman's demeanor and whether or not I had any undue influence on or about that day October 2014.

MR Slotchiver wants to take notice that Dolly Coleman did not return to Attorney Lynn McCants office to write another will. She was physically unable to. Dolly Coleman was taken from her home on Dolly Dimples Trail where we (Athena Ireland, Dolly Coleman) lived together by Christina Culp at the direction of Brandy S Culp.

Attorney Lynn McCants was an attorney that for many year had done legal work for Dolly Coleman and me (Athena Ireland) purchasing and selling property.

Exhibit 3

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Athena Ireland

Plaintiff(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2022 -CP- 10 - 3304

Isadore JOHN PEARAS  
Christina D. Culp, Brandy S. Culp

Defendant(s)

Submitted By: Athena Ireland  
Address: 1916 DOLLY DIMPLES TRL  
HUGER, SC 29450

SC Bar #: \_\_\_\_\_  
Telephone #: 843-336-4834  
Fax #: \_\_\_\_\_  
Other: \_\_\_\_\_  
E-mail: KARMA1234@myyahoo.com

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

DOCKETING INFORMATION (Check all that apply)

\*If Action is Judgment/Settlement do not complete

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

NATURE OF ACTION (Check One Box Below)

- |   |  |  |   |
|---|--|--|---|
| <p><b>Contracts</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Constructions (100)</li> <li><input type="checkbox"/> Debt Collection (110)</li> <li><input type="checkbox"/> General (130)</li> <li><input type="checkbox"/> Breach of Contract (140)</li> <li><input type="checkbox"/> Fraud/Bad Faith (150)</li> <li><input type="checkbox"/> Failure to Deliver/Warranty (160)</li> <li><input type="checkbox"/> Employment Discrim (170)</li> <li><input type="checkbox"/> Employment (180)</li> <li><input type="checkbox"/> Other (199)</li> </ul>   | <p><b>Torts - Professional Malpractice</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Dental Malpractice (200)</li> <li><input type="checkbox"/> Legal Malpractice (210)</li> <li><input type="checkbox"/> Medical Malpractice (220)</li> <li><input type="checkbox"/> Previous Notice of Intent Case # <u>20-NJ-</u></li> <li><input type="checkbox"/> Notice/ File Med Mal (230)</li> <li><input type="checkbox"/> Other (299)</li> </ul>                           | <p><b>Torts - Personal Injury</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conversion (310)</li> <li><input type="checkbox"/> Motor Vehicle Accident (320)</li> <li><input type="checkbox"/> Premises Liability (330)</li> <li><input type="checkbox"/> Products Liability (340)</li> <li><input type="checkbox"/> Personal Injury (350)</li> <li><input type="checkbox"/> Wrongful Death (360)</li> <li><input type="checkbox"/> Assault/Battery (370)</li> <li><input type="checkbox"/> Slander/Libel (380)</li> <li><input type="checkbox"/> Other (399)</li> </ul>  | <p><b>Real Property</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Claim &amp; Delivery (400)</li> <li><input type="checkbox"/> Condemnation (410)</li> <li><input type="checkbox"/> Foreclosure (420)</li> <li><input type="checkbox"/> Mechanic's Lien (430)</li> <li><input type="checkbox"/> Partition (440)</li> <li><input type="checkbox"/> Possession (450)</li> <li><input type="checkbox"/> Building Code Violation (460)</li> <li><input type="checkbox"/> Other (499)</li> </ul>   |
| <p><b>Inmate Petitions</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> PCR (500)</li> <li><input type="checkbox"/> Mandamus (520)</li> <li><input type="checkbox"/> Habeas Corpus (530)</li> <li><input type="checkbox"/> Other (599)</li> </ul>  | <p><b>Administrative Law/Relief</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Reinstute Drv. License (800)</li> <li><input type="checkbox"/> Judicial Review (810)</li> <li><input type="checkbox"/> Relief (820)</li> <li><input type="checkbox"/> Permanent Injunction (830)</li> <li><input type="checkbox"/> Forfeiture-Petition (840)</li> <li><input type="checkbox"/> Forfeiture-Consent Order (850)</li> <li><input type="checkbox"/> Other (899)</li> </ul> | <p><b>Judgments/Settlements</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Death Settlement (700)</li> <li><input type="checkbox"/> Foreign Judgment (710)</li> <li><input type="checkbox"/> Magistrate's Judgment (720)</li> <li><input type="checkbox"/> Minor Settlement (730)</li> <li><input type="checkbox"/> Transcript Judgment (740)</li> <li><input type="checkbox"/> Lis Pendens (750)</li> <li><input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)</li> <li><input type="checkbox"/> Confession of Judgment (770)</li> <li><input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780)</li> <li><input type="checkbox"/> Incapacitated Adult Settlement (790)</li> <li><input type="checkbox"/> Other (799)</li> </ul> | <p><b>Apprais</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Arbitration (900)</li> <li><input type="checkbox"/> Magistrate-Civil (910)</li> <li><input type="checkbox"/> Magistrate-Criminal (920)</li> <li><input type="checkbox"/> Municipal (930)</li> <li><input checked="" type="checkbox"/> Probate Court (940)</li> <li><input type="checkbox"/> SCDOT (950)</li> <li><input type="checkbox"/> Worker's Comp (960)</li> <li><input type="checkbox"/> Zoning Board (970)</li> <li><input type="checkbox"/> Public Service Comm. (990)</li> <li><input type="checkbox"/> Employment Security Comm (991)</li> <li><input type="checkbox"/> Other (999)</li> </ul> |
| <p><b>Special/Complex /Other</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Environmental (600)</li> <li><input type="checkbox"/> Automobile Arb. (610)</li> <li><input type="checkbox"/> Medical (620)</li> <li><input type="checkbox"/> Other (699)</li> <li><input type="checkbox"/> Sexual Predator (510)</li> <li><input type="checkbox"/> Permanent Restraining Order (680)</li> <li><input type="checkbox"/> Interpleader (690)</li> <li><input type="checkbox"/> Pharmaceuticals (630)</li> <li><input type="checkbox"/> Unfair Trade Practices (640)</li> <li><input type="checkbox"/> Out-of State Depositions (650)</li> <li><input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660)</li> <li><input type="checkbox"/> Pre-Suit Discovery (670)</li> </ul> |  |  |   |

FILED  
2022 JUL 22 PM 2:12  
CLERK OF COURT

Submitting Party Signature: Athena Ireland

Date: 7-22-2022

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

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

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

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

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210<sup>th</sup> day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR only upon the following grounds:
  - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
  - b. Requests for temporary relief;
  - c. Appeals
  - d. Post Conviction relief matters;
  - e. Contempt of Court proceedings;
  - f. Forfeiture proceedings brought by governmental entities;
  - g. Mortgage foreclosures; and
  - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

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

2022-CP-10-3304

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF Charleston )  
 )  
 IN THE MATTER OF: Dolly L. Coleman )  
 )  
 (Decedent) )  
 )  
Athena L. Irland )  
 )  
 Appellant(s), )  
 )  
 vs Isadore John Psaras, Christina D Culp, )  
Brandy S Culp )  
 )  
 Respondent(s). )

IN THE CIRCUIT COURT

Appeal from Probate Court for Charleston County

CASE NUMBER: 2019-ES-10-1368

**NOTICE OF INTENT TO APPEAL TO CIRCUIT COURT**

Pursuant to SCPC 62-1-308, Appellant hereby provides his/her/its Notice of Appellant's Intent to Appeal the Order/Sentence/Decree of the Probate Court dated July 13, 2022. Said Order/Sentence/Decree was received by the Appellant or Appellant's counsel on July 14, 2022. A copy of said Final Order is attached.

Respectfully submitted,

SWORN to before me this 22  
 day of July, 2022  
Shannon M. Gorman  
 Notary Public for: South Carolina  
 My Commission Expires: 11/30/2023

Signature: *Athena L Irland*  
 Print Name: Athena L Irland  
 Address: 186 Dolly Dimples Trail  
Huger, SC 29450  
 Telephone (Work): \_\_\_\_\_  
 (Home): 843-336-4834  
 (Cell): \_\_\_\_\_  
 Email: Karma1234@myyahoo.com  
 Relationship to Decedent/Estate: Daughter  
 Attorney: Self Representation  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 Email: \_\_\_\_\_



**IMPORTANT:**

1. This Notice must be filed with the Probate Court, the Circuit Court, and all parties not in default within ten (10) days after receipt of written notice of the appealed-from order, sentence, or decree of the Probate Court. Parties must comply with requirements set forth in SCPC 62-1-308.
2. This form is not intended for appeals other than appeals to the County Circuit Court. An Appeal to a Court other than the County Circuit Court must follow SCPC 62-1-308(l) and the South Carolina Appellate Court Rules, as applicable.

2022 JUL 22 PM 2:12  
 CLERK OF COURT

FILED

Pg 2

Case 2019-ES-10-1368  
Estate of Dolly L Coleman  
Order July 13, 2022  
Received July 14, 2022

Notice has been served to:

1. John Sinclair III, in his capacity as Personal Representative for the Estate of Dolly L Coleman. Hand delivered
2. David Michel, Esq., Estate Attorney. Hand delivered.
3. Charleston County Probate Clerk of Court office, Presiding Judge Lenna S Kirchner. Hand delivered.
4. Circuit Court of Charleston County, Clerk of Court. Hand delivered.
5. David and Stephen Slotchiver, attorney for Brandy S Culp. Hand delivered.

Notice of Appeal on the findings and ruling of the probate court are as follows:

Pg. 2 (4)  
Pg. 2 (5) cont. pg 3  
Pg. 3 (6)  
Pg. 3 (11)  
Pg. 4 (18)  
Pg. 5 (21)  
Pg. 5 (22)  
Pg. 5 (23)  
Pg. 6 (7)  
Pg. 6 (25)  
Pg. 6 (26)  
Pg. 6 (27)

The court erred in the undue influence by Athena Irland. The court erred in the legal standing of testamentary capacity, contractual testamentary vs. the testamentary capacity to execute, tear up or discard a will. All in accordance with South Carolina law and the precedence of the statute regarding testamentary capacity since 1807.

Therefore notice given that this matter is being appealed to the Circuit Court of Charleston County.

Proof of Service

2022-CP-10-3304

NOTICE OF PROOF OF SERVICE July 22, 2022

David L. Michel, Esquire  
Attorney for P.R.

David L. Michel

7/22/22

Hand Delivery  
NOTICE OF APPEARANCE

FILED  
2022 JUL 22 PM 2:12  
JULIE J. ARMSTRONG  
CLERK OF COURT

Susan C. Mauldin 7/22/2022  
Susan C. Mauldin for Daniel S. Slotchiver

Josh Gilman 7/22/2022

NOTICE OF PROOF OF SERVICE July 22, 2022

David L. Michel, Esq.  
Attorney for P.R.

Daniel Michel

7/22/22

Hand Delivery

NOTICE OF APPEARANCE

Susan C. Mauldin 7/22/2022

Susan C. Mauldin for Daniel S. Slotchiver

Jack Gilare

7/22/2022

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Athena Ireland

Plaintiff(s)

Isadore JOHN Psaras  
Christina D. Culp, Brandy S. Culp

Defendant(s)

Submitted By: Athena Ireland  
Address: 186 DOLLY DIMPLES TRL  
HUGER SC 29450

SC Bar #: \_\_\_\_\_

Telephone #: 843-336-4834

Fax #: \_\_\_\_\_

Other: \_\_\_\_\_

E-mail: KARMA1234@myyahoo.com

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

**DOCKETING INFORMATION (Check all that apply)**

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

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

**NATURE OF ACTION (Check One Box Below)**

- Contracts**
- Constructions (100)
  - Debt Collection (110)
  - General (130)
  - Breach of Contract (140)
  - Fraud/Bad Faith (150)
  - Failure to Deliver/Warranty (160)
  - Employment Discrim (170)
  - Employment (180)
  - Other (199) \_\_\_\_\_

- Torts - Professional Malpractice**
- Dental Malpractice (200)
  - Legal Malpractice (210)
  - Medical Malpractice (220)
  - Previous Notice of Intent Case #  
20-NI-
  - Notice/ File Med Mal (230)
  - Other (299) \_\_\_\_\_

- Torts - Personal Injury**
- Conversion (310)
  - Motor Vehicle Accident (320)
  - Premises Liability (330)
  - Products Liability (340)
  - Personal Injury (350)
  - Wrongful Death (360)
  - Assault/Battery (370)
  - Slander/Label (380)
  - Other (399) \_\_\_\_\_

- Real Property**
- Claim & Delivery (400)
  - Condemnation (410)
  - Foreclosure (420)
  - Mechanic's Lien (430)
  - Partition (440)
  - Possession (450)
  - Building-Code Violation (460)
  - Other (499) \_\_\_\_\_

- Inmate Petitions**
- PCR (500)
  - Mandamus (520)
  - Habeas Corpus (530)
  - Other (599) \_\_\_\_\_

- Administrative Law/Relief**
- Reinstate Drv. License (800)
  - Judicial Review (810)
  - Relief (820)
  - Permanent Injunction (830)
  - Forfeiture-Petition (840)
  - Forfeiture--Consent Order (850)
  - Other (899) \_\_\_\_\_

- Judgments/Settlements**
- Death Settlement (700)
  - Foreign Judgment (710)
  - Magistrate's Judgment (720)
  - Minor Settlement (730)
  - Transcript Judgment (740)
  - Lis Pendens (750)
  - Transfer of Structured Settlement Payment Rights Application (760)
  - Confession of Judgment (770)
  - Petition for Workers Compensation Settlement Approval (780)
  - Incapacitated Adult Settlement (790)
  - Other (799) \_\_\_\_\_

- Appeals**
- Arbitration (900)
  - Magistrate-Civil (910)
  - Magistrate-Criminal (920)
  - Municipal (930)
  - Probate Court (940)
  - SCDOT (950)
  - Worker's Comp (960)
  - Zoning Board (970)
  - Public Service Comm. (990)
  - Employment Security Comm (991)
  - Other (999) \_\_\_\_\_

- Special/Complex /Other**
- Environmental (600)
  - Automobile Arb. (610)
  - Medical (620)
  - Other (699) \_\_\_\_\_
  - Sexual Predator (510)
  - Permanent Restraining Order (680)
  - Interpleader (690)
  - Pharmaceuticals (630)
  - Unfair Trade Practices (640)
  - Out-of State Depositions (650)
  - Motion to Quash Subpoena in an Out-of-County Action (660)
  - Pre-Suit Discovery (670)

Submitting Party Signature: [Signature]

Date: 5-7-22-2022

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

FILED  
2022 JUL 22 PM 2:12  
CLERK OF COURT

Exhibit 4

2022-CP-10-3304

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF Charleston )  
 )  
 IN THE MATTER OF: Dolly L. Coleman )  
 )  
 (Decedent) )  
Athena L. Irland )  
 )  
 Appellant(s), )  
 )  
 vs. Isadore John Psaras, Christina D Culp, )  
Brandy S Culp )  
 )  
 Respondent(s). )

IN THE CIRCUIT COURT

Appeal from Probate Court for Charleston County

CASE NUMBER: 2019-ES-10-1368

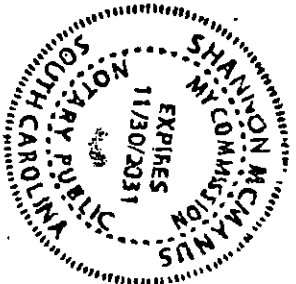
**NOTICE OF INTENT TO APPEAL TO CIRCUIT COURT**

Pursuant to SCPC 62-1-308, Appellant hereby provides his/her/its Notice of Appellant's Intent to Appeal the Order/Sentence/Decree of the Probate Court dated July 13, 20 22. Said Order/Sentence/Decree was received by the Appellant or Appellant's counsel on July 14, 20 22. A copy of said Final Order is attached.

Respectfully submitted,

SWORN to before me this 22  
 day of July, 20 22  
Shannon McManus  
 Notary Public for: South Carolina  
 My Commission Expires: 11/30/2023

Signature: *Athena Irland*  
 Print Name: Athena L Irland  
 Address: 186 Dolly Dimples Trail  
Huger, SC 29450  
 Telephone (Work): \_\_\_\_\_  
 (Home): 843-336-4834  
 (Cell): \_\_\_\_\_  
 Email: Karma1234@myyahoo.com  
 Relationship to Decedent/Estate: Daughter  
 Attorney: Self Representation  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 Email: \_\_\_\_\_



**IMPORTANT:**

1. This Notice must be filed with the Probate Court, the Circuit Court, and all parties not in default within ten (10) days after receipt of written notice of the appealed-from order, sentence, or decree of the Probate Court. Parties must comply with requirements set forth in SCPC 62-1-308.
2. This form is not intended for appeals other than appeals to the County Circuit Court. An Appeal to a Court other than the County Circuit Court must follow SCPC 62-1-308(l) and the South Carolina Appellate Court Rules, as applicable.

JUL 22 2022  
 2:12 PM  
 FILED  
 CLERK OF COURT

Pg 2

Case 2019-ES-10-1368  
Estate of Dolly L Coleman  
Order July 13, 2022  
Received July 14, 2022

Notice has been served to:

1. John Sinclair III, in his capacity as Personal Representative for the Estate of Dolly L Coleman. Hand delivered
2. David Michel, Esq., Estate Attorney. Hand delivered.
3. Charleston County Probate Clerk of Court office, Presiding Judge Lenna S Kirchner. Hand delivered.
4. Circuit Court of Charleston County, Clerk of Court. Hand delivered.
5. David and Stephen Slotchiver, attorney for Brandy S Culp. Hand delivered.

Notice of Appeal on the findings and ruling of the probate court are as follows:

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Pg. 4 (18)  
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Pg. 5 (22)  
Pg. 5 (23)  
Pg. 6 (7)  
Pg. 6 (25)  
Pg. 6 (26)  
Pg. 6 (27)

The court erred in the undue influence by Athena Irland. The court erred in the legal standing of testamentary capacity, contractual testamentary vs. the testamentary capacity to execute, tear up or discard a will. All in accordance with South Carolina law and the precedence of the statute regarding testamentary capacity since 1807.

Therefore notice given that this matter is being appealed to the Circuit Court of Charleston County.

2022-CP-10-3304

NOTICE OF PROOF OF SERVICE July 22, 2022

David L. Michel, Esq.  
Attorney for P.R.

Daniel Michel

7/22/22.

Hand Delivery

NOTICE OF APPEARANCE

Susan C. Mauldin 7/22/2022

Susan C. Mauldin for Daniel S. Slotchiver

Joel Gilman

7/22/2022

FILED

2022 JUL 22 PM 2:12

JULIE J. AMBROSIO  
CLERK OF COURT

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )  
 )  
 IN THE MATTER OF: THE ESTATE OF DOLLY )  
 LEGARE COLEMAN )  
 )  
 JOHN SINCLAIRE, III, in his capacity as Personal )  
 Representative for the Estate of Dolly L. Coleman, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 ATHENA L. IRLAND, CHRISTINA D. CULP, )  
 ISADORE JOHN PSARAS, and BRANDY S. CULP, )  
 )  
 Respondents. )

IN THE PROBATE COURT  
 CASE NO.: 2019-ES-10-1368

ORDER

RECEIVED  
 NOV 29 2023  
 SC Court of Appeals

Hearing Date:	April 7, 2022
Presiding Judge:	Lenna S. Kirchner
Petitioner:	John a/k/a "Jack" Sinclaire, Esq.
Petitioner's Attorney:	David Michel, Esq.
Respondents:	Athena L. Irland Christina D. Culp Isadore John Psaras Brandy S. Culp
Respondents' Attorney:	Daniel S. Slotchiver, Esq. and Stephen M. Slotchiver, Esq. for Brandy S. Culp
Court Reporter:	Ashley Manini

THIS MATTER came before the court upon the filing of a Summons and Petition for a Declaratory Judgment filed by David Michel, Esq. on behalf of Personal Representative John, a/k/a "Jack" Sinclaire, Esq, on September 8, 2021.

Present were John, a/k/a "Jack" Sinclaire, Esq. as Personal Representative of the Estate, as well as his counsel, David Michel, Esq.; Athena Ireland, without legal counsel; Christina Culp,

without legal counsel; and Brandy Culp, represented by Daniel S. Slotchiver, Esq. and Stephen M. Slotchiver, Esq.

Prior to the presentation of testimony, Daniel Slotchiver, Esq., on behalf of Brandy S. Culp, moved for Summary Judgment on the issue of reinstating the Last Will and Testament drafted by John Lynn McCants based on the argument that this Court had previously determined and ruled in an Order dated June 29, 2017, from a hearing held on October 18, 2016, that 1) Athena Irland had exercised Undue Influence on the same day of the alleged destruction of her Last Will (October 28, 2014), in the presence of John Lynn McCants, 2) Athena Irland owed a fiduciary duty to the Decedent under a Confidential Relationship, which was breached, and that on that same date the Decedent was medically incapacitated prior to the tearing up of said Will, and as such would not have had the Capacity to destroy said Will, thus rendering said will her testamentary desire. This Motion was denied.

Upon review of the file and after hearing testimony of the parties, the Court makes the following findings of fact and conclusions of law:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. This Court has jurisdiction over this matter and venue is proper pursuant to S.C. Code Ann. §§62-1-302 and 62-3-201(a)(1).
2. This Court finds that proper notice was given to all parties with an interest in this matter pursuant to S.C. Code Ann. § 62-1-401.
3. Dolly Dimples Legare Coleman (“Decedent”) died on March 21, 2019.
4. Decedent was adjudicated as incapacitated in Charleston County Probate Court Case No. 2014-GC-10-0210.
5. During a hearing in the Guardianship and Conservatorship case on October 18, 2016, the Court heard arguments regarding allegations of undue influence by Athena Irland

- on Decedent in regard to the execution of two deeds of conveyance on October 28, 2014. This Court takes judicial notice of the file and proceedings from the Guardianship and Conservatorship case (2014-GC-10-0210) of Decedent.
6. On June 29, 2017, the Court issued an Order from the October 18, 2016 hearing rescinding the subject deeds due to lack of requisite capacity by Decedent on the date of execution (October 28, 2014) and undue influence exercised by Respondent Athena Irland on Decedent. The Order included excerpts from extensive live testimony and/or testimony from depositions taken from several professionals, including Decedent's treating physician, Guardian, and Conservator.
  7. Respondent Athena Irland filed a Notice of Appeal in regard to the June 29, 2017 Order with the South Carolina Court of Appeals on July 27, 2017. The South Carolina Court of Appeals dismissed the matter on August 22, 2017 due to Appellant's failure to provide proof that the parties consented in writing or on the record to appeal directly to said court as set forth in S.C. Code Ann. §62-1-308(1). No additional appeals or Motions for Reconsideration regarding the June 29, 2017 Order have been filed.
  8. John, a/k/a "Jack" Sinclair, Esq. ("Petitioner"), previously served as Decedent's Guardian and was appointed as the Personal Representative of her Estate on August 8, 2019, with the consent of the Respondents.
  9. Petitioner filed a Summons and Petition seeking a Declaratory Judgment from the Court on September 8, 2021.
  10. Respondents are Decedent's children and grandchild.
  11. Decedent executed a Last Will and Testament on October 20, 2008 ("2008 Will"), and executed a subsequent Last Will and Testament on August 31, 2009 ("2009 Will").

12. Respondent Athena Irland is a daughter of Decedent, an intestate beneficiary, and a listed devisee under both the 2008 Will and the 2009 Will.
13. Respondent Christina D. Culp is a daughter of Decedent, an intestate beneficiary, and a listed devisee under both the 2008 Will and the 2009 Will.
14. Respondent Isadore John Psara is a son of Decedent, and intestate beneficiary, and a listed devisee under the both the 2008 Will and the 2009 Will.
15. Respondent Brandy S. Culp is a granddaughter of Decedent and a listed devisee under both the 2008 Will and the 2009 Will.
16. The 2008 Will was executed by Attorney Heyward Carter and the 2009 Will was executed by Attorney Lynn McCants.
17. The 2009 Will revokes all Wills and Codicils that Decedent had previously made.
18. It is undisputed by the parties that Decedent was taken to the office of Lynn McCants, Esq., by Respondent Athena Irland on October 28, 2014, stated that it was her intention to revoke the 2009 Will, and physically tore the 2009 Will in half in the presence of Mr. McCants.
19. Petitioner originally sought a ruling from the Court that Decedent died intestate due to the destruction of the 2009 Will, which had revoked the 2008 Will, and the lack of any subsequent Last Will and Testament. After learning of additional information to be presented by counsel for Respondent Brandy S. Culp at the hearing, Petitioner informed the Court that he was no longer taking a position as the validity of the 2009 Will and/or the possibility that Decedent died intestate and would instead allow the Court to hear the arguments of the Respondents on those issues.
20. During arguments presented by Respondent Brandy S. Culp, an original transcript wherein Andrew Chandler, an estate planning attorney in Charleston, South Carolina,

had previously testified at the October 18, 2016 hearing, was handed to the Court for its review and made a part of the Record as Exhibit 1. Mr. Chandler testified and that he had reviewed the transcript of his testimony from the last hearing regarding Decedent and confirmed that it was truthful and accurate.

21. John, a/k/a "Jack" Sinclair was then called to testify. He testified that in his investigation as to the facts surrounding the destruction of the 2009 Last Will and Testament, drafted by Lynn McCants, he was advised by attorney McCants that the destruction took place on October 28, 2014. This Court takes notice of the fact that this is the same day on which this Court previously determined the invalidity of a deed based on Undue Influence, breach of a Confidential Relationship, and lack of capacity of Decedent.

22. John Lynn McCants, a lawyer in Mount Pleasant, testified that he had drafted the 2009 Will of Decedent, that he witnessed the destruction of the Will, wherein both Decedent and Ms. Irland were present at his office, that he does not dispute the purported destruction date of October 28, 2014, that he was not aware of the Court rulings about other events that occurred on that date, but had he known of the same, he would have had concern about the ability and correctness of Decedent destroying her Will.

23. Mr. McCants presented the actual torn will, as well as a living will, healthcare power of attorney and a general durable power of attorney, all likewise destroyed on that same date. Mr. McCants also testified that Decedent told him "I'll get back with you, we'll do another Will...", but this act never took place.

24. When asked if it was customary for a client to create a new Will before destroying an old one, Mr. McCants testified that it was not.

25. Mr. McCants further testified that he did not have medical training to assist in determining capacity or undue influence and that with regard to Decedent, that he was "surprised" when he learned that Decedent had gone to another lawyer regarding an attempted deed transfer, an action later explained by Ms. Ireland when she testified that "...it was my decision to go to Jack Williams." This Court notes that Mr. Williams is the lawyer who drafted the vacated deed and notes the representation of "my decision" in the testimony provided as evidence that Ms. Ireland had exerted control over Decedent.

26. The Court finds that its ruling on June 29, 2017, that Decedent was unduly influenced by Respondent Ireland and that Decedent lacked capacity to execute deeds of conveyance on October 28, 2014, which has not been overturned or amended, would logically extend to the alleged revocation of the 2009 Will on that same day under similar circumstances. The case law and statutory law cited in the June 29, 2017 Order are equally applicable here.

27. The Court therefore finds that Decedent lacked the capacity to revoke the 2009 Last Will and Testament and that the 2009 Will represents the Decedent's testamentary desires.

Based on the foregoing, it is hereby

**ORDERED, ADJUDGED AND DECREED** that the Last Will and Testament of the Decedent executed on August 31, 2009 was not effectively revoked due to lack of capacity of the Decedent and undue influence at the hands of Respondent Ireland. It is ordered that the Last Will and Testament of the Decedent executed on August 31, 2009 shall be re-assembled, copied, and admitted to the Court as an original Last Will and Testament of Dolly Legare Coleman; it is further

**ORDERED, ADJUDGED AND DECREED** that the Estate of Dolly Legare Coleman shall be administered as a testate estate in accordance with the South Carolina Probate Code; it is further

**ORDERED, ADJUDGED, AND DECREED** that this Order shall be subject to such further Orders of this Court as may become necessary.

**IT IS SO ORDERED.**



Lenna S. Kirchner  
Associate Judge of Probate  
Charleston County

This 31<sup>st</sup> day of July, 2022  
Charleston, South Carolina.



STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Athena Ireland  
Plaintiff(s)

Isadore JOHN Paras  
Christina D. Culp, Brandy S. Culp  
Defendant(s)

Submitted By: Athena Ireland  
Address: 1916 DOLLY DIMPLES TRC  
HUGER SC 29450

~~Case No. 4~~  
IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2022-CP-10-3304

SC Bar #: \_\_\_\_\_  
Telephone #: 843-336-4834  
Fax #: \_\_\_\_\_  
Other: \_\_\_\_\_  
E-mail: KARMA1234@myyahoo.com

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

DOCKETING INFORMATION (Check all that apply)

\*If Action is Judgment/Settlement do not complete

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

NATURE OF ACTION (Check One Box Below)

- |  |   |   |  |
|--|---|---|--|
| <input type="checkbox"/> <b>Contracts</b><br><input type="checkbox"/> Constructions (100)<br><input type="checkbox"/> Debt Collection (110)<br><input type="checkbox"/> General (130)<br><input type="checkbox"/> Breach of Contract (140)<br><input type="checkbox"/> Fraud/Bad Faith (150)<br><input type="checkbox"/> Failure to Deliver/Warranty (160)<br><input type="checkbox"/> Employment Discrim (170)<br><input type="checkbox"/> Employment (180)<br><input type="checkbox"/> Other (199) _____ | <input type="checkbox"/> <b>Torts - Professional Malpractice</b><br><input type="checkbox"/> Dental Malpractice (200)<br><input type="checkbox"/> Legal Malpractice (210)<br><input type="checkbox"/> Medical Malpractice (220)<br>Previous Notice of Intent Case #<br>26 <u>NI</u><br><input type="checkbox"/> Notice/ File Med Mal (230)<br><input type="checkbox"/> Other (299) _____  | <input type="checkbox"/> <b>Torts - Personal Injury</b><br><input type="checkbox"/> Conversion (310)<br><input type="checkbox"/> Motor Vehicle Accident (320)<br><input type="checkbox"/> Premises Liability (330)<br><input type="checkbox"/> Products Liability (340)<br><input type="checkbox"/> Personal Injury (350)<br><input type="checkbox"/> Wrongful Death (360)<br><input type="checkbox"/> Assault/Battery (370)<br><input type="checkbox"/> Slander/Label (380)<br><input type="checkbox"/> Other (399) _____  | <input type="checkbox"/> <b>Real Property</b><br><input type="checkbox"/> Claim & Delivery (400)<br><input type="checkbox"/> Condemnation (410)<br><input type="checkbox"/> Foreclosure (420)<br><input type="checkbox"/> Mechanic's Lien (430)<br><input type="checkbox"/> Partition (440)<br><input type="checkbox"/> Possession (450)<br><input type="checkbox"/> Building Code Violation (460)<br><input type="checkbox"/> Other (499) _____   |
| <input type="checkbox"/> <b>Inmate Petitions</b><br><input type="checkbox"/> PCR (500)<br><input type="checkbox"/> Mandamus (520)<br><input type="checkbox"/> Habeas Corpus (530)<br><input type="checkbox"/> Other (599) _____  | <input type="checkbox"/> <b>Administrative Law/Relief</b><br><input type="checkbox"/> Reinstate Drv. License (800)<br><input type="checkbox"/> Judicial Review (810)<br><input type="checkbox"/> Relief (820)<br><input type="checkbox"/> Permanent Injunction (830)<br><input type="checkbox"/> Forfeiture-Petition (840)<br><input type="checkbox"/> Forfeiture-Consent Order (850)<br><input type="checkbox"/> Other (899) _____ | <input type="checkbox"/> <b>Judgments/Settlements</b><br><input type="checkbox"/> Death Settlement (700)<br><input type="checkbox"/> Foreign Judgment (710)<br><input type="checkbox"/> Magistrate's Judgment (720)<br><input type="checkbox"/> Minor Settlement (730)<br><input type="checkbox"/> Transcript Judgment (740)<br><input type="checkbox"/> Lis Pendens (750)<br><input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)<br><input type="checkbox"/> Confession of Judgment (770)<br><input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780)<br><input type="checkbox"/> Incapacitated Adult Settlement (790)<br><input type="checkbox"/> Other (799) _____ | <input type="checkbox"/> <b>Appeals</b><br><input type="checkbox"/> Arbitration (900)<br><input type="checkbox"/> Magistrate-Civil (910)<br><input type="checkbox"/> Magistrate-Criminal (920)<br><input type="checkbox"/> Municipal (930)<br><input checked="" type="checkbox"/> Probate Court (940)<br><input type="checkbox"/> SCDOT (950)<br><input type="checkbox"/> Worker's Comp (960)<br><input type="checkbox"/> Zoning Board (970)<br><input type="checkbox"/> Public Service Comm. (990)<br><input type="checkbox"/> Employment Security Comm (991)<br><input type="checkbox"/> Other (999) _____ |
| <input type="checkbox"/> <b>Special/Complex /Other</b><br><input type="checkbox"/> Environmental (600)<br><input type="checkbox"/> Automobile Arb. (610)<br><input type="checkbox"/> Medical (620)<br><input type="checkbox"/> Other (699) _____<br><input type="checkbox"/> Social Predator (510)<br><input type="checkbox"/> Permanent Restraining Order (680)<br><input type="checkbox"/> Interpleader (690)  | <input type="checkbox"/> <b>Pharmaceuticals (630)</b><br><input type="checkbox"/> Unfair Trade Practices (640)<br><input type="checkbox"/> Out-of State Depositions (650)<br><input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660)<br><input type="checkbox"/> Pre-Suit Discovery (670)  |   |  |

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2022 JUL 22 PM 2:12  
CLERK OF COURT

Submitting Party Signature: Athena Ireland

Date: 5-7-22-2022

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

Nov. 21, 2023

Notice of Appeal

TO  
Clerk of Court of Common Pleas  
Chas. County South Carolina

CASE # 2022-CP-10-3304

Athena Ireland, Appellate

Brandy S. Culp Respondent

RE: Estate of Dolly L. Coleman

I give notice to the Court that  
I am Filing with the South Carolina  
Appellate Court an appeal of  
Judge Bentley Price of case #  
2022 CP-10-3304

Athena Ireland  
186 Dolly Dimples Dr  
Hvvr SC 29450  
843-697-3631

RECEIVED

NOV 29 2023

SC Court of Appeals