

FROM 15  
RECORD ON APPEAL

In the Court of Appeals

In the Supreme Court

**RECEIVED**

MAR 08 2024  
SC Court of Appeals

APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas

HONORABLE J. COLE CIRCUIT COURT JUDGE

CASE NO. 2019-CP-42-04222

APPELLATE CASE NO. 2021-001076

**Tonji Meredith, APPELLANT,**

**V.**

**Tammy Lee Glenn and Scotti Glenn, RESPONDENTS.**

**AMENDED RECORD ON APPEAL**

TONJI L. MEREDITH  
2370 BROCKMAN MCCLIMON RD  
GREER, SOUTH CAROLINA 29651

MR. GARY L. COMPTON, ESQUIRE  
296 S. DANIEL MORGAN AVENUE  
SPARTANBURG, SOUTH CAROLINA 29306  
ATTORNEY FOR RESPONDENT

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 Respondent Designation of Matter

Certificate of Council

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SPARTANBURG )  
 )  
 IN THE MATTER OF THE ESTATE OF )  
 )  
 Luther Leon Meredith, )  
 Deceased, )  
 )  
 )  
 Tonji L. Meredith, )  
 Applicant. )

IN THE PROBATE COURT



ORDER

Probate Court File No. 2017ES4201163

On July 17, 2017, Ms. Tonji L. Meredith, a daughter of the above named decedent, filed an Application for Informal Appointment of Personal Representative with the Court. On July 20, 2017, however, the Last Will and Testament of Mr. Meredith was filed with the Court, naming Tammy Lee Glenn as Personal Representative of his estate to serve without bond. Thereafter, on September 11, 2017, Ms. Glenn filed an Application for Informal Appointment and Probate of Will with the Court. As of the date of this Order, Tonji Meredith has failed to withdraw her Application.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Informal Application for Appointment of Tonji L. Meredith, as Personal Representative of the estate of Luther Leon Meredith, is hereby dismissed by the Court.

Given under my hand and seal of office this 11th day of September, 2017.

Ponda A. Caldwell  
 Ponda A. Caldwell  
 Judge, Probate Court for  
 Spartanburg County, S.C.

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SPARTANBURG )  
 )  
 In the Matter of The Estate of )  
 Luther Leon Meredith )  
 )  
 TONJI MEREDITH, )  
 )  
 Petitioner, )  
 )  
 -vs- )  
 )  
 TAMMY GLENN )  
 SCOTTIE GLENN et al, )  
 )  
 Respondents. )  
 \_\_\_\_\_ )

IN THE PROBATE COURT  
 7<sup>TH</sup> JUDICIAL CIRCUIT



PETITION

C.A. No.: 2017-DR-42-1163

NOW COMES THE PLAINTIFF above-named, complaining of the Defendant herein, who would respectfully show unto this Honorable Court that:

1. Petitioner and Respondents are residents Spartanburg County, South Carolina and resided in Spartanburg County for more than a year prior to the filing of this action.
2. The Petitioner is the biological daughter of the decedent. Respondents are the alleged children of the decedent.
3. The Petitioner is informed and believes that the Respondent has filed for appointment and has been granted the status of the Personal Representative of the Estate of the Decedent.
4. The Petitioner contends that to date that she has never been served notice of said appointment or the opening of an estate action for the decedent.
5. The Petitioner is informed and believes that there were fraudulent activities surrounding the presentation of a will purported to be that of the decedent's. The will in

question by the Petitioner was filed on July 20, 2017 with this court by the named respondent.

6. The Petitioner is informed and believes that there has been collusive behavior amongst named individuals from said will and specifically alleges that Respondent Tammy Glenn and Scottie Glenn are co-conspirators in said activities.

7. The Petitioner is informed and believes that the Respondents also have engaged in continuous harassment in seeking to interfere with the Petitioner's use and enjoyment of unrelated properties that are not encompassed in the disputed will and testament of the decedent. Specifically, the Petitioner is informed and believes the Respondents unlawfully and illegally entered the confines and comforts of her home shortly after the passing of the decedent with the purpose and designs of secreting away personal items of hers and important legal documents that reflected the intentions of the decedent for a time period subsequent to the time period of the alleged last will and testament of the decedent. Petitioner is informed and believes that the Respondents have engaged in activities to effectuate the desired outcome and appearance of a final testamentary document of the decedent.

8. Since the filing of the alleged last will and testament of the decedent, the Respondents have engaged in fraudulent behaviors that have resulted in attempts to dispossess the Petitioner of the home of she and her minor children.

9. The Petitioner has had to contact law enforcement on different occasions regarding the harassing actions of the Respondents. The underlying matters related to these activities have been heard, in part, in the Magistrate Court resulting in an unfavorable outcome for the Respondents. The Petitioner is also informed and believes that the

Respondents are in violation of previous orders of the Magistrate Court by their continued activities that include, but are not limited to, attempting to have utilities shut off at the Petitioner personal residence.

10. The Petitioner is informed and believes that Respondent Tammy Glenn is unfit to serve as the Executor of the Estate of the Decedent and would seek to challenge her appoint as such.

11. The Petitioner is informed and believes that there are a number of legacy properties that the decedent may have only an interest in and not full ownership. The Petitioner is requesting that there be a full accounting of the decedent's estate to clarify all potential property in question.

12. The Petitioner is requesting a full evidentiary hearing in regards to the underlying matters.

13. The Petitioner is bringing this action based upon the activities of the Respondents. The Petitioner is challenged with physical infirmities that are debilitating and limits her ability to financially address litigation. Petitioner is informed and believes that but for the actions of the Respondents, the Petitioner would not have to have brought this action. The Petitioner is requesting attorney's fees, reimbursement of filing fees and any other relief that this court may deem

NOW THEREFORE, Petitioner requests this Court to issue an order granting the following:

1. For an Order removing the appointed Personal Representative of the estate based upon unauthorized actions taken prior to the authorization of the court

- or the final disposition of the estate;
2. For an Order requiring that the appointed Personal Representative of The Estate of Leon Meredith to provide an up to date accounting of the residue of the estate, expenditures to date since the opening of the estate, assets of the estate, disbursements made since the opening of the estate, accounting of any and all disbursements made by the appointed Personal Representative prior to the establishment of the formal estate;
  3. For an Order requiring that an evidentiary hearing/trial be conducted regarding the validity of the will and the testamentary intent of the Decedent;
  4. For an Order leaving the Estate open until all contested matters have been heard by this court;
  5. For an Order requiring the Respondents to pay all costs, filing fees and attorney's fee associated with bringing this action.
  6. For any other relief deemed necessary by the court



Michael D. Brown, Esquire  
Attorney for Plaintiff  
145 N. Church Street, Suite 210  
Spartanburg, South Carolina 29306  
Phone: (864) 573-1003  
Fax: (864) 573-7660

June 8, 2018

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )

IN THE PROBATE COURT  
CA No. 2017-ES-42-1163

17-1163

Re: The Estate of Luther Leon Meridith: )  
 )  
Tonji Meredith, aka Tonya Meredith )  
McGowan, Petitioner )  
 )  
vs )  
 )  
Tammy Glenn, aka Tammy Lee Glenn, Scottie )  
Glenn, Barry Glenn, Lamont Meredith, Sonja )  
Meredith, and Marcus Meredith, )  
Respondents. )

ORDER OF CONTINUANCE



This matter came on before the Court on April 29, 2019, pursuant to a motion to dismiss the summons and petition filed on behalf of the Plaintiff. The Petitioner is seeking the removal of the Defendant Tammy Glenn as personal representative, a declaration that the will is invalid, a current accounting, and attorney fees and costs.

The motion to dismiss the summons and complaint is based on South Carolina Code § 63-3-108 (A) (2) (c) and is challenging the timeliness of the filing of the summons and petition.

The Court was concerned about the service of the summons and petition in question. The Court also wanted to know if all of the real estate holdings of the deceased at the time of his death had been properly noted and listed. The Attorney for the Personal Representative will commission a title examination to aid the Court in seeking answers to this question.

The examination to find any and all real assets of the deceased and proof of service of the summons and petition shall be filed in the court within the next forty-five (45) days. At the end of this period, either or both parties may request another hearing on the matters before the Court.

The personal representative, Tammy Glenn is hereby restrained and prohibited from distributing, destroying, selling or removing any of the decedent's assets other than for safekeeping until a hearing has been held and an order issued.

IT IS SO ORDERED.

Date: July 12 2019

David F. Anderson, Associate Judge  
Probate Court, Spartanburg, SC

STATE OF SOUTH CAROLINA )

)

IN THE PROBATE COURT

COUNTY OF SPARTANBURG )

Tonji Meredith, )

Petitioner, )

Vs. )

Tammy Glenn, )

Scottie Glenn, et al )

Respondents. )

**ORDER**

C.A. No. 2017-ES-42-01163

Trial Judge: David F. Anderson

Counsel for Petitioner: Michael D. Brown, Esq.

Counsel for Respondents: Albert V. Smith, Esq.

Court Reporter: Kelsey Ingle

Trial Date: August 26, 2019



Tonji Lavonne Meredith filed a Form 300 on August 17, 2017 seeking to be appointed Personal Representative for her late father's intestate estate. Her father, Luther Leon Meredith, passed away on July 14, 2017. A last Will and Testament was delivered to the Court July 20, 2017. Subsequently on September 11, 2017 Tammy Glenn filed her Petition seeking to be appointed Personal Representative pursuant to the Will, the Will was admitted to Probate, and Ms. Glenn appointed Personal Representative. Ms. Meredith's Petition was dismissed.

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Tonji Lavonne Meredith filed a Petition seeking to contest the Last Will and Testament on June 8, 2018. A motion seeking to dismiss that Petition was filed November 7, 2018 on the basis that the Petition had not been commenced in a timely matter. Initially that Motion came to be heard April 29, 2019, at which time the Court requested that the parties clarify several issues. The matter came back up for disposition on August 26, 2019, at which time the Motion was withdrawn and the matter proceeded to trial on the merits.

Present were Tonji Lavonne Meredith and her attorney Michael D. Brown. Also present were Tonji's son Joe Vaughn Leon Meredith, and the Personal Representative with her attorney Albert V. Smith.

Ms. Meredith testified that she, Frederick Lamount Meredith, and Sonji L. Meredith were the surviving children of her late father and their mother. She failed to list the relationship of Tammie Lee Glenn or Scottie Glenn to her father in her August 8, 2018 Petition, and did not list them at all in her July 17, 2017 Petition. In her testimony, she described them as the offspring of her late father and his girlfriend of some forty years. In the admitted Will, her late father described both groups as his children. She testified that during her father's last illness, she had moved in with her father and assisted him during his final weeks. He lost a leg to illness, and passed away just prior to his transfer from the hospital to a restorative care facility.

She testified that during her late father's final weeks he had informed her that he did not wish to utilize his Will which left his estate to his two children by his longtime girlfriend, and had marked through it. She also said that he had had another will, the contents of which she was not familiar. She said these documents, together with several life insurance policies affecting her family, were in a box at the house. She said the box was now missing.

Several days following her father's passing, she stated she returned to her father's home to find that someone had entered it and taken items. She filed a police report 7/1/17 enumerating the items taken and the suspected takers. The items listed were two pistols, three shotguns, a gun cabinet, keys to farm equipment, an aloe vera house plant, and some picture

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frames. About a week later she filed another report regarding the subsequent taking of a utility trailer. It appears that the police have treated all of this as a Probate Court matter, as did the Magistrate Court in refusing to go forward on an eviction action against Ms. Meredith apparently brought by the Personal Representative. No arrests were made.

She further attacked the Will by stating that the Notary is not a Notary, and that she had letter.

During cross, she appeared to say that the other Will she was aware of predated the Will filed with the Court. No other proof of the existence of another Will was presented. It was also brought out that the Will filed with the Court contains no mark throughs or other evidence of an effort by the Testator to void same. The Court notes, for what it is worth, that her police report did not mention missing papers or box as described at trial.

In open Court, the Court inquired of Mr. Smith his familiarity with Ms. McCartney. He stated she had worked for both he and his former law firm for a number of years, and had handled their real estate matters. As the issue of validity of the notary on a self proving Will had been raised, although ineffectually, the Court reviewed the notary registration books located in the Spartanburg County Clerk of Courts Office only to discover that the book covering 1989 was missing. The Court then checked its own marriage records to discover that Forrest Edward McCartney married a Debra H. Osborne in Spartanburg County on December 24, 1993. On the application both listed their county of residence as being Cherokee. As the signature of the bride strongly resembled that of the notary, inquiry was made of the Secretary of State's Office concerning notary commissions issued under the name of Debra H. Osborne on or about September 27, 1989. The Court received a reply email from Deputy General Counsel Meredith Augustine of the Secretary of State's Office, a copy of which is attached. She states that a Debra H. Osborne from Cherokee County, with the same date of birth as the bride who married Mr.

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McCartney in December 1993, received a notary commission on September 27, 1989, good through September 27, 1999. This was the notary expiration given by Debra H. McCartney. She also noted that Ms. Osborne filed a name change on May 5, 1994. The manner in which their database is kept did not allow her to see the new name. A follow up email from Ms. Augustine stated that those records regarding the name change had been destroyed pursuant to their records retention policy. The Court takes note it has been twenty-five years.

Based on the foregoing, the Court is inclined to find that the issue of the notary's bona fides has been resolved in the affirmative, but allowed counsel for Tonji Meredith to pursue the matter and report back on his findings by September 30 should he so choose. Having heard nothing further on this matter, the Court finds that the Petitioner has failed to show that there is any reason to doubt the authenticity of the attesting notary to the Will. The Court notes that the significance of the notary involves how the Will is proven, not its validity per se.

Accordingly, failing to show that the notary was not valid, the Court moves forward on the other allegations of the Petitioner.

During cross, she appeared to say that the other Will she was aware of predated the Will filed with the Court. No other proof of the existence of another Will was presented. It was also brought out that the Will filed with the Court contains no mark throughs or other evidence of an effort by the Testator to void same. The Court notes, for what it is worth, that her police report did not mention missing papers or box as described at trial.

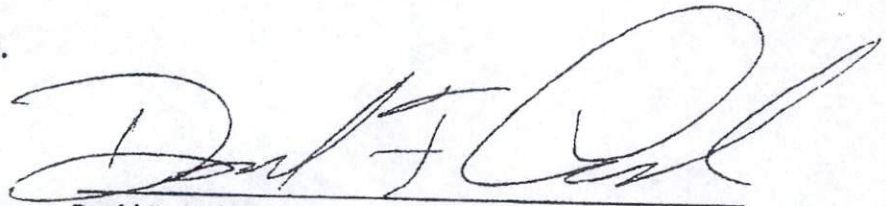
She noted that the spellings of she, her sister, and Brother differ from the spellings used in the Will (Tonya for Tonji, Sonya for Sonji, Fredrick for Frederick). The Court views these as mere scrivener's errors.

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In conclusion, the Court finds no compelling reason to overturn the admittance of the 1996 Last Will and Testament of Luther Meredith, which named Tammy Glenn as Personal Representative. Accordingly,

**IT IS ORDERED, ADJUDGED AND DECREED** that the Petition seeking the setting aside of that Will is hereby denied.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'David F. Anderson', written over a horizontal line.

David F. Anderson  
Associate Probate Judge

November 7, 2019

DFA  
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STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG  
PROBATE COURT

JUDGMENT IN A CIVIL CASE

CASE NO. 2017ES4201163

TONJI MEREDITH, PETITIONER

VS

TAMMY GLENN, SCOTTIE GLENN, ET AL  
RESPONDENTS.

Plaintiff(s)

Defendant(s)

- Jury Verdict. This action came before the court for a trial by jury. The issues have been tried and the verdict rendered.
- Decision by court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision rendered.
- Action Dismissed.  Rule 12(b), SCRPC  Rule 40(c)(3), SCRPC  
 Rule 41(a), SCRPC (Vol. Nonsuit)  Settled  
 Other, Explain: \_\_\_\_\_

IT IS ORDERED AND ADJUDGED:  See attached Order  
 Statement of Judgment by Court

Dated at SPARTANBURG, South Carolina, this 7TH day of  
NOVEMBER, 2019.

DAVID F. ANDERSON  
Associate Probate Judge

This judgment was entered on the 7TH day of NOVEMBER, 2019, and a copy mailed first class this 13TH day of NOVEMBER, 2019, to attorneys of record or to parties (when appearing pro se) as follows:

ALBERT V. SMITH, ESQ.  
PO BOX 5866  
SPARTANBURG, SC 29304

MICHAEL D. BROWN, ESQ.  
45 N. CHURCH STREET, STE. 210  
SPARTANBURG, SC 29306

cSEE ATTACHED LIST

Panda A. Caldwell  
Probate Judge

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

JUDGMENT IN A CASE on APPEAL

CASE NO. 2019-CP-42-04222

Tonji MEREDITH,

Tammy GLENN,

Appellant(s)

Respondent(s)

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED** (CHECK REASON):  Rule 12(b), SCRCP;  Rule 41(a), SCRCP (Vol. Nonsuit);  Rule 43(k), SCRCP (Settled);  Other SCRCP 56.
- ACTION STRICKEN** (CHECK REASON):  Rule 40(j), SCRCP;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX):  
 Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  formal order to follow;  Statement of Judgment by the Court;

This matter came before this court on **APPEAL** from a decision of the Probate Court. Under the South Carolina Probate Code, a circuit court hearing an appeal from the probate court "must apply the same rules of law as an appellate court would apply on appeal." S.C. Code Ann. § 62-1-308; Matter of Howard, 315 S.C. 356, 360-61, 434 S.E.2d 254, 256-57 (1993). Furthermore, "the failure to comply with procedural requirements for an appeal divests a court of appellate jurisdiction." In re Estate of Cretzmeier, 365 S.C. 12, 13-14, 615 S.E.2d 116, 116-17 (2005) (affirming the circuit court's dismissal of an appeal from the probate court for failing to comply with the procedural requirements of S.C. Code Ann. § 62-1-308).

The South Carolina Probate Code requires, in pertinent part, that an appellant (1) file a Statement of Issues on Appeal with the clerk of court within forty-five days of receipt of the order of the probate court; (2) file a Designation of Matter to be Included in the Record on Appeal with the clerk of court within thirty days after service of the Statement of Issues on Appeal; (3) file a copy of his brief with the clerk of court at the same time that he serves his Designation of Matter to be Included in the Record on Appeal; and (4) file a copy of the Record on Appeal with the clerk of court within thirty days of receiving the respondent's brief. S.C. Code Ann. §§ 62-1-308 (b), (d) - (f).

In this case, the appellant filed her appeal on November 27, 2019. Since the filing of the appeal, the appellant has neither filed with the clerk of court a Statement of Issues on Appeal, a Designation of Matter to be Included in the Record on Appeal, a copy of her brief, nor a copy of the Record on Appeal. Therefore, the appeal at issue does not comply with the procedural requirements of Section 62-1-308.

Appellant's failure to comply with the procedural requirements of S.C. Code Ann. § 62-1-308 in the filing and perfecting of her appeal denies this Court jurisdiction to hear the appeal. The **APPEAL** must be and **IS** therefore **DISMISSED** with prejudice.

\_\_\_\_\_  
J. DERHAM COLE, Presiding Judge

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

MICHAEL D. BROWN, Esq.

ALBERT V. SMITH, Esq.

ATTORNEY(S) FOR APPELLANT(S)

ATTORNEY(S) FOR THE RESPONDENT(S)



Spartanburg Common Pleas

Case Caption: Tonji Lavonne Meredith VS Tammy Lee Glenn  
Case Number: 2019CP4204222  
Type: Order/Form 4

IT IS SO ORDERED!

s/J. Derham Cole 2053

Electronically signed on 2020-05-13 12:48:59 page 3 of 3

ELECTRONICALLY FILED - 2020 May 13 12:53 PM - SPARTANBURG - COMMON PLEAS - CASE#2019CP-1204222

NOTICE OF APPEAL OF AN ORDER  
ISSUED BY THE COURT OF COMMON PLEAS

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas

J. Derham Cole, Circuit Court Judge

Case No. 2019-CP-42-04222

Tonji Meredith

Appellant.

v.

Tammy Glenn, Scottie Glenn

Appellant.

NOTICE OF APPEAL

Tonji Meredith appeals the order in this case. The order was issued by the Honorable J Derham Cole on May 12, 2020.

May 23, 2020

*Tonji Meredith*

Tonji Meredith  
2370 Brockman McClimon  
Greer, SC 29651



Laura Rawson  
NOTARY PUBLIC, STATE OF SOUTH CAROLINA  
My Commission Expires 12/3/2025



that were previously there. Counsel did not know this at the time of the proposed hearing before this court. Appellant thought that there would be an actual hearing in this matter. Without the necessary information from the Probate Court's file, Appellant would be prevented from effectively pursuing her appeal.

Appellant would asked that she be allowed to have the merits of her case proceed with an attempt to perfect her appeal in the absence of necessary information needed to do so that was maintained by the Probate Court. Appellant would argue that she is prejudiced by not having all the necessary information that was in the file previously (that were items that she did not produce or provide to the court) and would effectively prevent her from perfecting her appeal. Counsel hired for the merits of the pending hearing was not apprised of the facts of the Appellant working directly with the Probate Court staff in



Laura Rawson  
NOTARY PUBLIC, STATE OF SOUTH CAROLINA  
My Commission Expires 12/3/2006

Respectfully Submitted,



Tonji Meredith  
2370 Brockman McClimon  
Greer, SC 29651

2007 JUN 26 PM 4:08  
CLERK OF COURT  
SOUTH CAROLINA  
APPELLATE DIVISION

2007 JUN 26 PM 4:08

BRIEF OF RESPONDENT

THE STATE OF SOUTH CAROLINA  
In The Circuit Court  
County of Spartanburg

APPEAL FROM SPARTANBURG COUNTY  
Probate Court

Judge David F. Anderson

Case No. 2019-CP-42-04222

Tonji Lavonne Meredith,

Appellant,

v.

Tammy Lee Glenn and  
Scottie Glenn, et al,

Respondents,

REPLY BRIEF OF RESPONDENTS

Albert V. Smith  
Attorney for Respondents  
819 John B. White, Sr. Blvd.  
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Spartanburg, SC 29304  
Phone: (864) 585-8174  
Fax: (864) 573-6843  
E-mail: smithoffice1@albertsmithatty.com

**ARGUMENT**

1. The Appellant maintains she never received a copy of the Court Date by ordinary first class Mail, nor certified mail, and instead received a copy from her brother Frederick Lamont Meredith.

**ADDITIONAL SUSTAINING GROUND**

2. The Appellant has not followed the procedures proscribed by South Carolina Code § 62-1-308 (1976 as Amended), and, therefore the appeal has not been perfected, and it should be dismissed.

**ARGUMENT IN REPLY**

3. The Appellant maintains she never received a copy of the Court Date by ordinary first class Mail, nor certified mail, and instead received a copy from her brother Frederick Lamont Meredith.

This is the only argument presented to the Circuit for appeal. This is the only question preserved for appeal.

The Appellant argues the validity of the will. This issue is not preserved for argument on appeal. The Appellant in her brief argues the validity of the will when this is not the issue before the Court. She argues only that she was not given notice. She also now argues the will may not be self-proving because of issues with the notary. The Probate Court Judge clearly addressed these issues in his order, but the Appellant did not preserve them for argument on appeal. Even if the will is not self-proving, this does not attack the validity of the will.

The Probate Judge took note of these issues and properly addressed them.

The issue that the Appellant has a guardian because of mental issues has never been raised. If her attorney knew this, why not raise these issues immediately.

The Probate Judge concluded the will was properly executed and was a self-proving will, except as provided for writings within Section 62-2-512 and wills within Section 62-2-505, every will shall be: (1) in writing; (2) signed by the testator or signed in the testator's name by some other individual in the testator's presence and by the testator's direction; and (3) signed by at least two individuals each of whom witnessed either the signing or the testator's acknowledgment of the signature or of the will. S.C. Code Ann. § 62-2-502.

Also see, to wit: In a contested case in which the proper execution of a will is at issue: (1) if the will is self-proved pursuant to Section 62-2-503, the will satisfies the requirements for execution, subject to rebuttal, without the testimony of any attesting witness, upon filing the will and the acknowledgment and affidavits annexed or attached to it; (2) if the will is notarized pursuant to Section 62-2-503(c), but not self-proved, there is a rebuttable presumption that the will satisfies the requirements for execution upon filing the will; (3) if the will is witnessed pursuant to Section 62-2-502, but not notarized or self-proved, the testimony of at least one of the attesting witnesses is required to establish proper execution if the witness is within this State, competent, and able to testify. Proper execution may be established by other evidence, including an affidavit of an attesting witness. An attestation clause that is signed by the attesting witnesses raises a rebuttable presumption that the events recited in the clause occurred. S.C. Code Ann. § 62-3-406.

The deceased died July 14, 2017 and the Appellant has been living in the decedent's residence at time of his death contrary to the terms of the will. She now wishes the Court to reverse procedures so that she can continue to live there in spite of the terms of the will.

Because of the inaction of the Appellant, the Respondents are now being placed in the roll of Appellants because of the inaction or improper action of the Appellant.

The Respondents ask the Court to dismiss the appeal.

Date: September 14, 2020

Signed: s/Albert V. Smith

Albert V. Smith

Attorney for Plaintiff

819 John B. White, Sr. Blvd.

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E-mail: [smithoffice1@albertsmithatty.com](mailto:smithoffice1@albertsmithatty.com)

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

JUDGMENT IN A CASE on APPEAL

CASE NO. 2019-CP-42-04222

Tonji MEREDITH,

Tammy GLENN,

Appellant(s)

Respondent(s)

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other SCRPC 56.
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j) SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Dismissed for lack of jurisdiction due to a failure to perfect the appeal.

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  formal order to follow;  Statement of Judgment by the Court:

This matter came before the Court on appeal of a decision of the probate court. Appellant's failure to comply with the procedural requirements of S.C. Code Ann. § 62-1-308 in the filing and perfecting of her appeal denied this Court jurisdiction to hear the appeal and the appeal was dismissed by order filed May 13, 2020.

The appellant Tonji Meredith, pro se, filed a motion to reconsider the Court's ruling pursuant to SCRPC Rule 59.

Rule 59(e) provides that: "a motion to alter or amend judgment shall be served not later than 10 days after receipt of written notice of the entry of the order". Appellant's Rule 59 motion was filed on May 26, 2020 and is therefore not timely filed. This Court has no jurisdiction to hear the motion when not filed timely in accordance with the applicable rule.

Notwithstanding the untimeliness of the Rule 59 motion to reconsider, this Court has reviewed the record of this case and its previous ruling dismissing the appeal for lack of jurisdiction for failure of the appellant to perfect the appeal. This Court is presently unaware of any fact, circumstance, or legal principle that forms a basis for the Court to alter its decision previously made

Based upon the foregoing this Court finds that the appellant's **MOTION TO RECONSIDER** pursuant to rule 59 should be and **IS** therefore **DENIED**.

\_\_\_\_\_  
J. DERHAM COLE, Presiding Judge

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

TONJI MEREDITH, pro se  
MICHAEL D. BROWN, Esq.

GARY L. COMPTON, Esq.  
ALBERT V. SMITH, Esq.

ATTORNEY(S) FOR APPELLANT(S)

ATTORNEY(S) FOR THE RESPONDENT(S)

\_\_\_\_\_  
AMY W. COX, CLERK OF COURT



Spartanburg Common Pleas

Case Caption: Tonji Lavonne Meredith VS Tammy Lee Glenn , defendant. et al  
Case Number: 2019CP4204222  
Type: Order/Form 4

IT IS SO ORDERED!

s/J. Derham Cole 2053

Electronically signed on 2021-08-27 16:31:08 page 3 of 3

**FORM 1**  
**NOTICE OF APPEAL IN A CIVIL CASE**

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

---

APPEAL FROM SPARTANBURG  
COUNTY  
Court of Common Plea

Circuit Court Judge

**J DERHAM COLE**

---

Case No. 2019-CP-42-04222

---

**TONJI LAVONNE MEREDITH**  
2370 BROCKMAN MCCLIMON ROAD  
GREER, SOUTH CAROLINA 29651

Appellant,

v.

**TAMMY LEE GLENN &**  
**SCOTTIE S GLENN**  
216 SHELL DRIVE WOODRUFF  
SOUTH CAROLINA 29388,

Respondent.

---

NOTICE OF APPEAL

---

**TONJI LAVONNE MEREDITH** appeals the order [judgment] of the **Honorable J. DERHAM COLE** dated August 27, 2021. Appellant received written notice of entry of this order [judgment] on September 8, 2021.

September 22, 2021

# The South Carolina Court of Appeals

Tonji Meredith, Appellant,

v.

Tammy Lee Glenn and Scotti Glenn, Respondents.

Appellate Case No. 2021-001076

The Honorable J. Derham Cole  
Spartanburg County  
Trial Court Case No. 2019CP4204222

---

## ORDER

---

Appellant has failed to file a properly signed proof of service for the notice of appeal, as required by Rule 203 and 267 of the South Carolina Appellate Court Rules, and this Court's letter dated December 3, 2021. Accordingly, this appeal is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY

*V. Claire Allen*

CLERK

Columbia, South Carolina

cc:

Tonji Lavonne Meredith  
Gary L. Compton, Esquire

**FILED**  
**Jan 10 2022**

The South Carolina Court of Appeals

Tonji Meredith, Appellant,

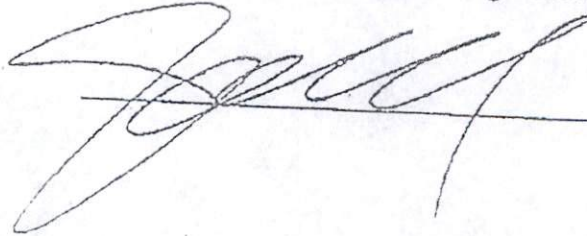
v.

Tammy Lee Glenn and Scotti Glenn, Respondents.

Appellate Case No. 2021-001076

ORDER

After careful consideration, Appellant's motion to reinstate is granted and this appeal is reinstated.

 J.

Columbia, South Carolina

cc:  
Tonji Layonne Meredith  
Gary L. Compton, Esquire

FILED  
Mar 03 2022



# The South Carolina Court of Appeals

Tonji Meredith, Appellant,

v.

Tammy Lee Glenn and Scotti Glenn, Respondents.

Appellate Case No. 2021-001076

The Honorable J. Derham Cole  
Spartanburg County  
Trial Court Case No. 2019CP4204222

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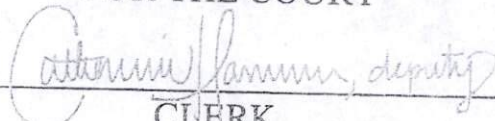
## ORDER

---

The time for serving and filing the appellant's initial brief and designation of matter is hereby extended until September 19, 2022.

FOR THE COURT

BY

  
CLERK

Columbia, South Carolina

cc:

Tonji Lavonne Meredith  
Gary L. Compton, Esquire

**FILED**  
**Aug 25 2022**

# The South Carolina Court of Appeals

Tonji Meredith, Appellant,

v.

Tammy Lee Glenn and Scotti Glenn, Respondents.

Appellate Case No. 2021-001076

The Honorable J. Derham Cole  
Spartanburg County  
Trial Court Case No. 2019CP4204222

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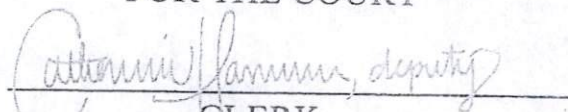
## ORDER

---

The time for serving and filing the appellant's initial brief and designation of matter is hereby extended until October 19, 2022. No further extensions will be granted absent extraordinary circumstances.

FOR THE COURT

BY

  
CLERK

Columbia, South Carolina

cc:

Tonji Lavonne Meredith  
Gary L. Compton, Esquire

**FILED**  
**Sep 22 2022**

# The South Carolina Court of Appeals

Tonji Meredith, Appellant,

v.

Tammy Lee Glenn and Scotti Glenn, Respondents.

Appellate Case No. 2021-001076

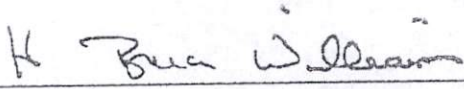
The Honorable J. Derham Cole  
Spartanburg County  
Trial Court Case No. 2019CP4204222

---

## ORDER

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The time for serving and filing the appellant's initial brief and designation of matter is hereby extended until thirty (30) days from the date of this order. No further extensions will be granted absent extraordinary circumstances.

 C.J.  
FOR THE COURT

Columbia, South Carolina

cc:

Tonji Lavonne Meredith  
Gary L. Compton, Esquire

**FILED**  
**Nov 29 2022**

---

Tonji Meredith, Appellant,

v.

Tammy Lee Glenn and Scotti Glenn, Respondents.

Appellate Case No. 2021-001076

The Honorable J. Derham Cole  
Spartanburg County  
Trial Court Case No. 2019CP4204222

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**MOTION TO DISMISS**

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**THE RESPONDENTS**, by and through their undersigned counsel, hereby move, pursuant to Rule 260 of the South Carolina Appellate Court Rules, to dismiss the appeal in this matter on the following grounds:

By Order of this Court filed November 29, 2022, it was ordered that the time for serving and filing the Appellant's initial brief and designation of matter was extended until December 29, 2022. On December 20, 2022, the Appellant delivered to the office of the undersigned the document attached hereto, which the Respondents are informed and believe do not comply with the requirements of Rule 208 of the Appellate Court Rules governing the contents of Appellant's initial brief, nor does it comply with Rule 209 governing designation of matter to be included in the record. Further, the Respondents have not been served with a transcript of the trial proceedings. The Respondents are unable to discern from the attached filing of the nature of the appeal, the alleged errors committed by the trial court, and are therefore unable to respond.

Accordingly, the Respondents are informed and believe that the appeal should be dismissed with prejudice.

January 17, 2023  
Spartanburg, SC

s/ Gary L. Compton  
**GARY L. COMPTON, SC BAR NO. 1351**  
Attorney for Plaintiff  
296 S. Daniel Morgan Avenue  
Spartanburg, SC 29306  
Phone: (864) 583-5186  
[gary@garylcompton.com](mailto:gary@garylcompton.com)

RECEIVED  
Jan 17 2023

**CERTIFICATE OF SERVICE BY MAIL**

I hereby certify that I have this date caused to be served the foregoing **Respondent's Motion to Dismiss** by depositing same in the United States Mail, first-class postage prepaid, addressed to the following:

Ms. Tonji Meredith  
2370 Brockman McClimon Road  
Greer, South Carolina 29351

s/Debbie O. Atkins  
Debbie O. Atkins, Legal Assistant  
**GARY L. COMPTON**  
296 S. Daniel Morgan Avenue  
Spartanburg, SC 29306  
Phone: (864) 583-5186

**RETURN OF MOTION TO DISMISS 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.

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

In Response to MOTION TO DISMISS APPEAL. The initial brief included issues stating the fact that the transcript was sent with the brief. In the transcript was sent with the brief. In the transcript it was stated that the updated WILL and testament was never accepted by the lower courts. A deed search was ordered by Judge David Anderson, which was never was done. Also certified letters from the Office of Secretary of State were submitted along with the brief.

An amended brief was submitted along with the Designation Of Matter.

The Respondents should be able to discern the errors committed by the trail court from evidence submitted.

January 23, 2023

TONJI L MEREDITH  
2370 BROCKMAN MCCLIMON RD.  
GREER, SOUTH CAROLINA 29651  
(864) 894-9160 or (864) 315-8482

# The South Carolina Court of Appeals

Tonji Meredith, Appellant,

v.

Tammy Lee Glenn and Scotti Glenn, Respondents.

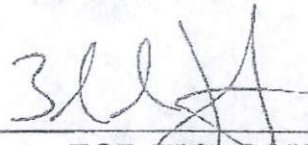
Appellate Case No. 2021-001076

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## ORDER

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After careful consideration, Respondents motion to dismiss is denied. However, Appellant's amended initial brief does not comply with Rule 208 of the South Carolina Appellate Court Rules. Accordingly, Appellant shall serve and file a second amended initial brief that complies with Rule 208 within thirty days of the date of this order or this appeal will be dismissed.



---

FOR THE COURT

Columbia, South Carolina

cc:

Tonji Lavonne Meredith

Gary L. Compton, Esquire

**FILED**  
**Mar 09 2023**

---

# The South Carolina Court of Appeals

Tonji Meredith, Appellant,

v.

Tammy Lee Glenn and Scotti Glenn, Respondents.

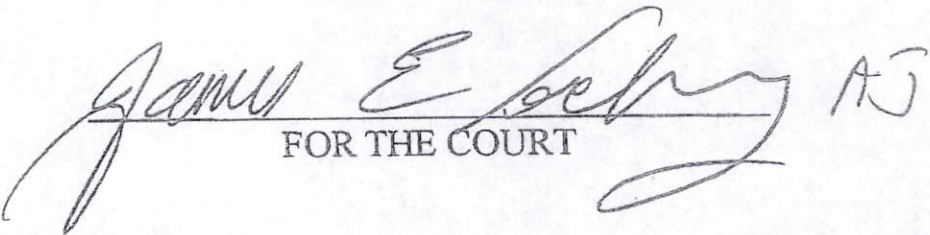
Appellate Case No. 2021-001076

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## ORDER

---

In response to a motion to dismiss filed by Respondents, we ordered Appellant to file an amended initial brief in compliance with Rule 208 of the South Carolina Appellate Court Rules. We warned Appellant that the appeal may be dismissed if the amended brief did not comply. On April 17, 2023, Appellant filed an amended brief. Thereafter, Respondent submitted a letter stating Appellant failed to comply with the prior order and asking us to enforce the terms of the prior order by dismissing the appeal. We decline Respondent's invitation to dismiss the appeal because Appellant has substantially complied with Rule 208, SCACR.

  
FOR THE COURT

Columbia, South Carolina

cc:

Tonji Lavonne Meredith  
Gary L. Compton, Esquire

**FILED**  
**May 18 2023**

# The South Carolina Court of Appeals

Tonji Meredith, Appellant,

v.

Tammy Lee Glenn and Scotti Glenn, Respondents.

Appellate Case No. 2021-001076

The Honorable J. Derham Cole  
Spartanburg County  
Trial Court Case No. 2019CP4204222

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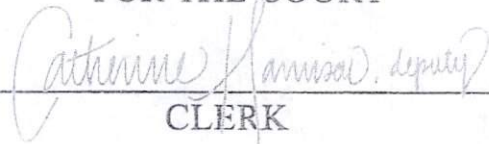
## ORDER

---

The time for serving the record on appeal is hereby extended until August 14, 2023.

FOR THE COURT

BY

  
CLERK

Columbia, South Carolina

cc:

Tonji Lavonne Meredith  
Gary L. Compton, Esquire

**FILED**  
**Jul 21 2023**

---

# The South Carolina Court of Appeals

Tonji Meredith, Appellant,

v.

Tammy Lee Glenn and Scotti Glenn, Respondents.

Appellate Case No. 2021-001076

The Honorable J. Derham Cole  
Spartanburg County  
Trial Court Case No. 2019CP4204222

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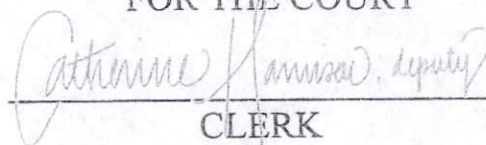
## ORDER

---

The time for serving the record on appeal is hereby extended until September 13, 2023. No further extensions will be granted absent extraordinary circumstances.

FOR THE COURT

BY

  
CLERK

Columbia, South Carolina

cc:

Tonji Lavonne Meredith  
Gary L. Compton, Esquire

**FILED**  
**Aug 25 2023**

# The South Carolina Court of Appeals

Tonji Meredith, Appellant,

v.

Tammy Lee Glenn and Scotti Glenn, Respondents.

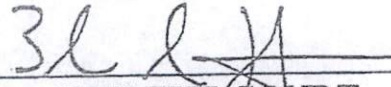
Appellate Case No. 2021-001076

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## ORDER

---

On October 30, 2023, Respondents filed a motion to dismiss this appeal because the record on appeal filed by Appellant was untimely and not in compliance with Rule 210 of the South Carolina Appellate Court Rules. Appellant did not file a return. After careful consideration, we deny the motion to dismiss. However, we direct Appellant to serve and file an amended record on appeal within twenty days of the date of this order. The record on appeal must comply with Rule 210, SCACR. Failure to timely file the amended record on appeal or to comply with Rule 210, SCACR, may result in dismissal.

  
\_\_\_\_\_  
FOR THE COURT

Columbia, South Carolina

cc:

Tonji Lavonne Meredith  
Gary L. Compton, Esquire

**FILED**  
**Jan 30 2024**

---

# The South Carolina Court of Appeals

Tonji Meredith, Appellant,

v.

Tammy Lee Glenn and Scotti Glenn, Respondents.

Appellate Case No. 2021-001076

The Honorable J. Derham Cole  
Spartanburg County  
Trial Court Case No. 2019CP4204222

---

## ORDER

---

The time for serving and filing the amended record on appeal is hereby extended until March 11, 2024.

FOR THE COURT  
BY Catherine Hannibal, deputy  
CLERK

Columbia, South Carolina

cc:  
Tonji Lavonne Meredith  
Gary L. Compton, Esquire

**FILED**  
**Feb 16 2024**

# Exhibits

<b>Last Will And Testament of Luther Leon Meredith Dated May 7,2023.....</b>	<b>42- 43</b>
<b>Letter From Cherokee County Clerk of Court Office.....</b>	<b>44</b>
<b>Letter From Office of the Secretary of State.....</b>	<b>45- 46</b>
<b>Letter From Spartanburg County Clerk of Court.....</b>	<b>47</b>
<b>List of Deeds of Luther Leon Meredith.....</b>	<b>48</b>
<b>Transcript in the Probate Court Dated August 26, 2019 Transcript in the Court of Common Pleas Dated January 10,2020</b>	
<b>Amended Brief of appellant Appellant Designation of Matter Initial Brief of Respondents Respondent Designation of Matter</b>	
<b>Certificate of Council</b>	

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 7<sup>th</sup> 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:

BJH

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 cursive script that reads "Brandy W. McBee".

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

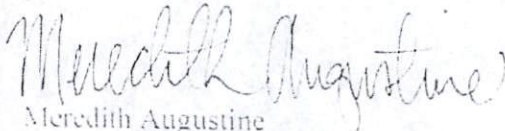
VIA HAND DELIVERY

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,



Meredith Augustine  
Deputy General Counsel  
Office of the Secretary of State

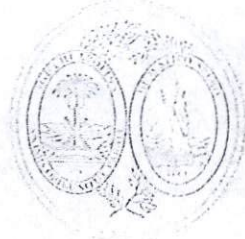
Sworn and Subscribed before me

On this 25<sup>th</sup> day of February, 2019

Sara Damaske  
Notary Public for South Carolina  
Commission Expires: 1-4-2029



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



November 20<sup>th</sup>, 2019

Tonji Meredith

Dear Sir/Madam:


Thank you for your verbal request.

Unfortunately, we do not have any record(s) of a commissioned South Carolina Notary Public by the name of "Debra H. McCartney" or any variation of the name. According to our records, there was a South Carolina Notary Public by the name of "Debra H. Osborne". Debra H. Osborne, whom was commissioned on April 18<sup>th</sup>, 1979, whose commission was renewed on September 27<sup>th</sup>, 1989, and whose commission expired on September 27<sup>th</sup>, 1999, is no longer an active South Carolina Notary Public.

Pursuant to S.C. Code of Laws §26-1-5, the South Carolina Secretary of State's Office commissions Notaries Public in South Carolina. Please accept this letter as certification of Debra H. Osborne as a commissioned Notary Public from 1979-1999.

Please contact our office in the future if you have any other questions or need further information.

Sincerely,

  
Kataria F. Watkins  
Director of Notaries, Authentications, and Boards and Commissions  
Office of the Secretary of State

Spartanburg County Court House  
180 Magnolia Street  
P. O Box 3483  
Spartanburg, SC 29304-3483



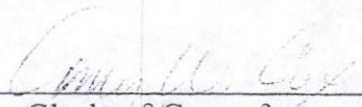
Phone (864) 596-2591  
Fax (864) 596-2239

**Amy W. Cox**  
Clerk of Court

**Gail Moffitt**  
Assistant Clerk of Court

I, Amy W. Cox, Clerk of Court for Spartanburg County, South Carolina, being a Court of Record with a Seal, do hereby certify that the Roll of Notaries Public for Spartanburg County shows no record of Debra H. Osborne or Debrah McCartney presenting a notary commission to Spartanburg County Clerk of Court for recordation from the years 1973 to 1999.

In WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of said Court. Done at Spartanburg County, South Carolina, this 21st day of November, 2019.

  
\_\_\_\_\_  
Clerk of Court for  
Spartanburg County, South Carolina

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

These are the list of my father Luther Leon  
Meredith DEEDS of his land.

DEED 77-YPG83b  
DEED 70 H PG 311  
DEED b5-N-PG-754  
DEED 51C PAGE697  
DEED 9b-T PG b 40  
DEED 51C PAGE 0705  
DEED 51C PAGE 0717  
DEED 51 C PAGE 0685  
DEED 96-TPG640  
DEED 53 N PG 025  
DEED 63 W PG 209

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )

IN THE PROBATE COURT

Tonji Meredith, Petitioner )  
 )  
vs )  
 )  
Tammy Glenn, Scottie Glenn, )  
et al., Respondents. )  
\_\_\_\_\_ )

TRANSCRIPT

Probate Court File No. 2017ES4201163

Appearances: Mr. Michael D. Brown, Esq. for Petitioner.  
Mr. Albert V. Smith, Esq. for Respondent, Tammy Glenn.

HEARING HELD ON AUGUST 26, 2019, AT 10:00 A.M.

Judge Anderson: All right, we're here this morning in the Estate of Luther Leon Meredith. Mr. Brown, I believe, your client has brought a petition.

Mr. Brown: That's correct, Your Honor.

Judge Anderson: Any preliminary matters we need to take up before we--

Mr. Smith: Your Honor, we had filed a motion to dismiss that, and we withdraw that motion at this time.

Judge Anderson: All right, so we'd go forward on the Meredith---

Mr. Smith: Ms. Meredith's petition, yes, sir.

Judge Anderson: All right. Now, Mr. Smith, who all do you represent?

Mr. Smith: I represent the personal representative, Ms. Cathy Glenn, and Mr. Scottie Glenn, one of the beneficiaries of the Estate.

Judge Anderson: Okay. And, Mr. Brown, you are representing?

Mr. Brown: Ms. Tonji Meredith, and all parties that would initially represented in Mr. Smith's files, the brothers and the sister of Ms. Tonji Meredith.

Judge Anderson: Okay. My understanding is this, is basically he had two sets of children, is that my understanding in this matter?

Mr. Brown: That's correct, Your Honor.

Judge Anderson: All right, sir.

Mr. Brown: My client is disabled.

Judge Anderson: Okay. Well, do you need to stay in that seat or---

Ms. Meredith: Yes, sir.

Judge Anderson: Okay. Well, if you could come up -- okay.

Ms. Meredith: Slide me up.

Judge Anderson: Oh, okay, can you make it up in there? That's what I was asking.

Mr. Brown: Can she sit---

Judge Anderson: Would it be better if she stays in that seat, so, just bring that seat around and I probably ain't going to be able to see you, but just sit right there. You can turn around and face back towards the -- go ahead and have a seat. Sit down and get yourself comfortable. Let's see how long this cord is. Okay, that might work.

TONJI MEREDITH, AFTER FIRST HAVING BEEN DULY SWORN, TESTIFIED AS  
FOLLOWS:

Direct examination by Mr. Brown.

Q. Ma'am, could you state your name for the record?

A. Tonji Lavonne Meredith.

Q. Could you spell that?

A. T-O-N-J-I Lavone is L-A-V-O-N-N-E. Meredith, M-E-R-E-D-I-T-H.

Q. What's your residence?

A. 2370 Brockman McClimon Road in Greer, South Carolina, 29651.

Q. How long has that been your residence?

A. Off and on for years, but before dad died, I moved in to help  
take care of him, but he passed on.

Q. All right, when did he pass?

A. July 14, 2017.

Q. Okay. And you heard at the call of this case, the Court  
recognized that you had filed a petition contesting a matter that was  
filed involving your father's estate?

A. Yes, sir.

Q. Why have you brought that petition?

A. I brought the petition because I wasn't notified of any of the  
information that was going on and I was involved with my father,  
handling what was going on at the nursing home, what was going on in  
Charleston with him, running up and down the road making sure that he

gets what he needs, and providing what he was supposed to have before he had his surgeries.

Q. Okay. Well, let me ask you this. Since you mentioned you were providing for his care, was your father sick at some point?

A. Yes.

Q. And he was taken into some type of ambulatory care, or he was in a nursing home at some point?

A. First, he was in Charleston and had his leg amputated off. He was down there for five weeks.

Q. What time period was that? What year was that or around what time was that?

A. 2017.

Q. Okay. And you're saying that you went down to Charleston to take care of him.

A. I was called to come down and help handle his affairs.

Q. Okay. And, for Ms. Tammy Glenn, did you see her at any point during that time period?

A. No.

Q. Well, was she helping you at any point in terms of that?

A. No.

Q. Okay. So after that time period, you said that your father had made his way back to Spartanburg?

A. No, he made his way to Greenville to the nursing home facility.

Q. Okay. So you say he was in Greenville.

A. He was there for five weeks---

Q. Okay---

A. before he passed.

Q. All right, so during that time period, where were you or what were you doing?

A. Handling affairs for when hospice to bring him home to provide care and keep the -- trying to get the affairs straight about the nursing home on where his check was going because it was to my knowledge that his check was not being sent to the nursing home, and he was concerned about where his money was and where his money was going.

Q. Okay. So during that time period, you were in direct contact with hospice?

A. I was with in direct with the social worker and they called other parties in that would not say where his money was going at that time.

Q. Okay.

A. And one of the parties had agreed to pay the bill but she never paid the bill. It's still an outstanding bill with an outstanding check that she wrote.

Q. Okay. Well, let me back up. So during this time period in which you were dealing with the services that your father was being provided in Greenville County, were you the only person that was involved in that or were there other people in his family that was also involved in that?

A. help.

Q. Okay. Do you know if Ms. Tammy Glenn or Mr. Glenn was involved in any of that?

A. Not to my knowledge. No, sir.

Q. Did you ever see them present during the entire period in which you were assisting for the care of your father in Greenville?

A. No.

Q. Okay. So after the time when you mentioned, obviously he was in hospice, there was a service---

A. He was going home to hospice, and we needed to provide care for him. They wanted to bring the hospice bed out on a Wednesday, but he didn't make it. He passed on Friday with complications.

Q. Okay. So---

A. Friday the 14th.

Q. When he passed, how did you find out about it?

A. I was there holding his hand.

Q. Okay. Immediately after he passed, what happened next? What type of actions did you take?

A. I was told to come down and apply to be the representative of the estate, and I came, and saw Ms. Hall. I communicated with my brother, Fredrick, my mother Sonji, sorry my mother Evelyn Evans Meredith, and her sister Sonji. She is over her. And we talked, and

we were in agreement on this, but before it all happened, the house had gotten broken into. Papers had gotten stolen out of the house and a lot of other stuff was stolen out of the house. Keys that were in my possession to handle everything that Dad needed me to handle and do walked out of the house as well. Equipment walked off of the property as well.

Q. Well, let me ask you this question. Would you—is it true that your father passed on July 14th?

A. Yes.

Q. And as you recall it, this break-in or disturbance of the home, was that the home that your dad had lived in?

A. Yes.

Q. What address is that?

A. 2370 Brockman McClimon Road, Greer, South Carolina.

Q. Is that the same address that you have been living in?

A. Yes, sir.

Q. You filed—did you call the police out to the home?

A. Yes.

Q. And I'm presenting to you a report. Are you familiar with that report?

A. Yes, sir.

Q. Could you tell us what that report is?

A. I filed. I went to handle some affairs in Greenville, and I came back, and I noticed that the house had been broken into. Immediately

I called the police. As I called the police, they came out. They done a fingerprint testing or whatever that is, and they told me to wait till Probate Court to do anything as far as things gotten missing, they couldn't handle it through Spartanburg County Sheriff's Office at that time because it was the estate of my father's.

Q. Okay. So during that time period, in regards to the estate, did you mention to the police that you had some indication or that you had a sense of who possibly broke into the home?

A. Yes.

Q. And who did you indicate to them?

A. I indicated to them Scotty Glenn, Tammy Glenn, Cynthia Johnson, Dorothy Griffin, Bertha Edwards, who is Mrs. Griffin's daughter, Sammy Edwards whom is Bertha's husband, Monaview Johnson who is Cynthia's husband, and Peggy Griffin whom is Dorothy's daughter.

Q. And why did you name those individuals?

A. I named those individuals because I had a phone conversation with Ms. Dorothy Griffin whom was my father's girlfriend for over forty something years--forty-eight years.

Q. And she indicated to you that---

A. They come and got what they wanted to get out of the house.

Q. And she indicated that they came and got what they wanted to get out of the house because---

A. She said what Leon was supposed to have left her, but if my father had left her anything, she would have already had gotten it before he had died.

Q. And did they base that on an alleged will that gave them the right at that point?

A. No, at that time she never mentioned the will. What she mentioned on that phone conversation was my daddy's 2012 Ford Truck and responded to me, "oh, you're not getting that truck, Tonji, I'm keeping that truck for myself." And we went up to -- I went up to Ford Motor Credit. Scottie Glenn and Monaview Glenn were up there, and that's how they got the death certificate. Someone got a copy of the death certificate that I left because I was supposed to handle affairs of that vehicle because the DMV sent me from Columbia, telling me my father left the information for me. But in the process of that, Ms. Glenn, Tammy Glenn, went and over-ride any decisions that I could make on my father's estate.

Q. And you mean when you contacted the Court and you tried to get the official ability to continue on after your dad passed to handle his business and his affairs?

A. Yes.

Q. Well, and that report is from what date?

A. 7-17-17.

Q. So that's three days after your dad passed?

A. Yes.

Q. When the report was made?

A. Yes.

Mr. Brown: I'd like to have this marked.

Mr. Smith: No objection, Your Honor.

Judge Anderson: This will be Plaintiff's Number One.

Mr. Smith: Your Honor, I believe the date on that is 7-26-17.

Ms. Meredith: That would be the second one then. That would be the second police report. That would be the second police report when

Mr. Glenn---

Judge Anderson: Is there going to be more than one police report?

Ms. Meredith: Yes.

Judge Anderson: What do I have, Mr. Brown?

Mr. Brown: You have the original report from 7-17-17. Bear with me another second, Your Honor.

Mr. Smith: I don't have any objection to that.

Direct examination continued by Mr. Brown.

Q. So at that time, you were advised when you made this report by the police that you needed to come to Court and state everything that was taken out of the house or what you knew of.

A. I made the report and they typed it in, and they said they couldn't do anything until the Probate Judge made a decision on what needs to be done, it's a Probate matter at that particular time.

Q. Okay. Well, in regard to the residence, in terms of it being disturbed and you having this conversation and all that someone or

some parties came into the home, what do you know that was taken from the home?

A. The gun case, the will box that my father's other will and the tape recording that was in that, and I assume the burial money. It was gone as well. They was all in that box, other stuff, china dishes, the guns. I did file a report on the guns. Can't recall everything that I put on that paperwork, but it was a good bit of stuff. Living room furniture, tables, lamps, a lot of his paperwork was gone out of the house that we were working on in the house, it had got taken as well.

Q. Okay. You had direct knowledge of these contents, or you think?

A. No, I had direct knowledge, me and my brother, Frederick Lamont Meredith.

Q. So, have you ever helped your dad in terms of any of his paperwork?

A. He was the type of person he handled his own affairs, but he would let us know certain things to do, like when he needed a doctor's appointment, for me come by to take him to the doctor, he would contact me and let me know when they were. And right before he had got sick, sorry, right before he had died, he had gotten sick and had to have a colonoscopy and I was supposed to transport him, but I had a clot to develop in my leg and I couldn't provide for him the way I should. So, my oldest son, whom is Jovan Leon Meredith come in

to help and my son, Kerry James Gowans came in to help me get my health back to where it needs to be.

Q. So, who is this?

A. My son, my eldest son of nine whom his name is Jovan Leon Meredith.

Q. And so that's the same son you referred to in the police report?

A. Yes.

Q. You mentioned that in terms of some items that were taken, you mentioned that the burial case---

A. His box, the box had his Last Will and Testament recording in it, and it had his insurance policies that some how got feet as well. I don't know who cashed them. He had an eight-thousand-dollar insurance policy, had a three-thousand-dollar insurance policy that I can't get my hands on possession of that I know that was in my father's. There was other insurance policies of my older children in that box. My oldest son, Jovan Leon Meredith, had an insurance policy for five thousand dollars that I could not get possession of. My oldest daughter, Corvel Shameka Meredith, had a five-thousand-dollar policy. My brother, Frederick Lamont Meredith, had two policies in that box. One was a five-thousand-dollar policy, and another was a three-thousand-dollar policy.

Q. And you remember the amounts, but you don't know which insurance companies?

A. No, I don't remember. I don't remember everything; it's been so much going on.

Q. Okay. And in particular, you said there was a will?

A. His Last Will and Testament recording was in that box.

Q. Okay. Is that, based upon what you know, you've had a chance to come to this courthouse and you've looked at documents for yourself. You mentioned Last Will and Testament, do you know the will that was presented by Ms. Tammy Glenn as being your father's will. Is that the same will you're talking about when you talked about the will in the box?

A. No, sir. No, sir. That was voided. He marked through that.

Q. He marked through the will?

A. That will, he was not going through with that will.

Q. How do you know that?

A. Because he told us, and he told my son he was not going through because they were not there to help him and support him and do the things, they needed to do for him. They didn't even know my father's leg was amputated off. They didn't even know my father was deceased.

Q. Okay. And you said he marked through---

A. They had contact with, to my knowledge, they had contact with Cynthia Johnson, Tammy Glenn, and Scottie Glenn had contacted--phone contact on records, Scottie Glenn with Monaview Johnson, and Cynthia Johnson.

Q. Cynthia Johnson, who is she related to that your dad knew?

A. His girlfriend. She was the daughter of the girlfriend.

Q. Okay. And your dad also had some property in Greenville as well.

A. Yes.

Q. And one of the questions you had or I imagine you still have is that there was a home or some land that was---

A. A home.

Q. left directly to Ms. Cynthia Johnson.

A. It was not left to her.

Q. Well, there was a quit-claim deed of some sort.

A. Right.

Q. And that land--supposedly it's been transferred to her.

A. Right.

Q. Okay.

A. Without my father's knowledge.

Q. Okay. So you say your dad marked through a copy of the will that's been presented---

A. Yes.

Q. to this Court?

A. Yes.

Q. How do you know he marked through a copy?

A. Because he did it right there in front of Frederick, my brother Frederick Lamont Meredith. Frederick called me and we all sat down with my father who said he was not going through with this, and he said he did what he needed to do on the recording. He said, "My

stuff is in the top of the closet in my bedroom". He showed us where it was and that's where it had always been, in the front bedroom closet of his bedroom.

Q. So, this--this will, or this copy of a will, all that was put back in this box that you say was there.

A. Yes, yes, and it became taken out of the house.

Q. And that was after someone broke into the house?

A. Yes, sir.

Q. Okay. And that was few days after your dad had passed?

A. Yes, sir.

Q. Let me show you another report. Could you identify what that report is?

A. This report is about Scottie coming in and stealing the D.E. Welding trailer, him and his brother and nephew. It belongs to me because I have the title and the tag and he had no right to take it.

Q. So that's not something your dad would have left---

A. No.

Q. in the will?

A. No. That belongs to me. I got the paperwork at the house.

Q. Where is that trailer at?

A. Scottie Glenn has it.

Judge Anderson: You want to introduce this?

Mr. Brown: Yes, sir.

Judge Anderson: Okay.

stuff is in the top of the closet in my bedroom". He showed us where it was and that's where it had always been, in the front bedroom closet of his bedroom.

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A. No.

Q. in the will?

A. No. That belongs to me. I got the paperwork at the house.

Q. Where is that trailer at?

A. Scottie Glenn has it.

Judge Anderson: You want to introduce this?

Mr. Brown: Yes, sir.

Judge Anderson: Okay.

Mr. Smith: No objection, Your Honor.

Judge Anderson: All right. This is Plaintiff's Number Two, Court date 7-26-17.

Q. Has Scottie made any attempt to give that trailer back to you?

A. No, sir. I hadn't had any contact with Scottie, only just seen him face to face when we coming out of the Court. He don't even speak.

Q. Well, at some point, funeral arrangements were made for your father.

A. Yes.

Q. Could you tell us about that?

A. The funeral home, somebody--Cynthia Johnson had called Watkins, Garrett, and Woods and wanted to make the arrangements. She had them thinking that she was my father's daughter at the nursing home wanting to make decisions that she could not make. So we had to clarify that I was the biological daughter or Mr. Luther Leon Meredith with the nurses and social workers before daddy had died. And---

Q. It's all right. Take your time.

A. Could you repeat the question, please?

Q. So, at some point, funeral arrangements had to be made, what do you know about those funeral arrangements?

A. On Saturday, the 15<sup>th</sup>, a representative from Beasley Funeral Home came out to sit down and talk to me to make the arrangements on my

father, and I had to sign as the informant and the daughter and what my residence was to him as next of kin to my father. So I contacted Mr. Marion Beasley and Kenneth Beasley because they had already been dealing with the Meredith family burial on family members, something family and I felt comfortable with them because I've know him from a child up and on a specific date, I forgot what day it was, I went in to make the arrangements, and at this time we had--no, let me go back. Tammy and Scottie came to the house with Cynthia Johnson and Monaview Johnson, and I had a cousin sitting there and Tammy come in and addressed me, "Don't you hug me," and it offended me because I hadn't done anything to her to my knowledge. And I asked both of them if y'all had anything to help to bury daddy. Both of them looked at me and they didn't say a word. No, y'all did not say a word. Y'all walked out the door, and y'all went straight to the nursing home.

Q. Just tell us what they did.

A. Y'all went straight to the nursing home.

Q. Who's they?

A. They went to the nursing home. They met Cynthia Johnson, Monaview Johnson, Bertha Edwards, Peggy--everybody that broke into the house was at the funeral home. All the names that I listed previously were at the funeral home before I got to the funeral home to make decisions, but when they got there, they were told they couldn't make the decision. I was the one that had to make the decision. Kenneth Beasley can clarify that's what went around

amongst the table that day. So y'all knew that they couldn't make the decision to bury daddy. They all went together and said what all they were going to pay, the amounts they were going to pay. Nobody sat down and asked me what I had to pay, what I was going to do, did I have the money to pay it. Tammy and Scottie let the other outside people have control over it instead of allowing me to make the decision because I was the one that was supposed to be making the decision. They came back to the house fussing about a suit to put my father in. So I didn't even get to make the decisions because they already had done plotted on what they were going to do to bury father--my father. So I put five hundred dollars up on the burial. Tammy and Scottie put up eighteen hundred dollars. Cynthia paid five hundred dollars and Peggy was supposed to--said among all of us that she was going to cover the rest of the bill, which that never has happened. I don't have the letter in front of me, but that wasn't the case. Someone submitted a letter to Probate Court saying Cynthia paid the full amount, cash, untrue. I have a letter from Beasley I can bring back to the courthouse to testify-- will be willing to testify about this letter of them trying to fraud daddy's estate on what they paid.

Q. I'm showing you a similar form.

A. This is the letter where it said it was paid in full. This is my signature, Tonji L. Meredith, 7-18-2017. And Chavis Gray is the witness of the mortuary that can testify of the letters. I don't

have the other letters of what the breakdown of the burial, but Ms. Tammy Glenn has turned in a paper to this Court not specifying the right amounts of what's supposed to went on on that burial.

Q. Okay. So this is from Beasley Funeral Home.

A. Yes, sir. That's one letter.

Q. All right.

Mr. Brown: If I could.

Judge Anderson: Any objection?

Mr. Smith: No objection, Your Honor.

Q. Lastly, I'm going to show you something and could you tell us what I'm showing you.

A. You are showing me an obituary of Barry Steel Glenn, Tammy and Scottie's full brother, oldest full brother.

Q. Was Barry your brother?

A. I was told by family members, by one aunt, that he was my brother, and that aunt is deceased. Her name was Rena Magdalene Meredith Irby, and my dad never really just talked to us, none of us about Tammy and Scottie, nor Barry. He never really talked to them about us.

Q. You shared that obituary with me in particular. When did Barry pass away?

A. Barry passed away on Tuesday, September 29, 2015.

Q. Are you recognized as being siblings to Tammy and Scottie?

A. Yeah.

Q. How?

A. By it being Tonji--Tonya Meredith, T-O-N-Y-A, and the last name Meredith, M-E-R-E-D-I-T-H, of North Carolina, and then it goes to say Sonya Meredith, whom is my identical twin, and our names are spelled T-O-N-J-I Meredith and Sonji S-O-N-J-I Meredith. Then it goes down here to say of the home, Lamount Meredith, Greenville, South Carolina. His name is Frederick Lamount Meredith F-R-E-D-E-R-I-C-K, Lamount is Lamount L-A-M-O-U-N-T Meredith M-E-R-E-D-I-T-H.

Q. And Frederick is your son?

A. No. Frederick is my brother, my oldest brother. We are eleven months apart.

Q. All right.

A. Well, I'm trying---okay. There's another brother that I have. There's---his name is Marcus, Marcus Leon Meredith. M-A-R-C-U-S Leon, L-E-O-N, Meredith M-E-R-E-D-I-T-H.

Q. So, you shared this document with me, first of all, why?

A. Because I know my father knows our names. He knows how to spell our names. He was married to our mother, not once, but twice. They sat down as friends and communicated with us about the children they shared together and that's the four of us. That would be Frederick Lamount Meredith, Sonji Lashon Meredith, myself, Tonji Lavonne Meredith, and Marcus Leon Meredith.

Q. Okay. And when you shared that with me, did you make mention of that in comparison to the will that was presented to this Court?

A. Yes.

Q. Why?

A. Because nobody ever called him Lamount, but them. We always called him Frederick. Even my father called him Frederick.

Q. Let me show you a copy that's already in the Court's records. What is that?

A. It says here, Last Will and Testament of Luther Leon Meredith.

Q. Okay. And so, you questioned obviously the nature of that will's being in existence, but what stood out on that will that caused you to come initially to file an action?

A. Him not knowing Frederick's full name, and my name has never been a McGowan. I've never been a Tonya T-O-N-Y-A Meredith M-E-R-E-D-I-T-H McGowan M-C-G-O-W-A-N. I have four children by a gentleman named Thomas Gowns G-O-W-N-S. My father knew this. I was married to this gentleman, but I've been divorced for a long time. So my daddy didn't---this here, he wouldn't even list this like this. My father knew everything about me because we communicated together about me.

Q. So in regards to this will that's been presented, is this the same one that you say your dad, once he knew about it, he disputed it?

A. He disputed this.

Q. And he made some kind of indication by marking or writing on it?

A. Yes.

Q. And he also talked with someone about it?

A. Yes.

Q. Okay. And this is the reason why you brought this action to this Court?

A. Yes, sir.

Q. And you want this Court to set aside, well, not recognize what's been presented by Tammy and Scottie Glenn as that document as being the Last Will and Testament of your father?

A. Yes, sir.

Q. And if this Court were to set aside this will, what would you want the Court to do then?

A. Make it fair.

Q. Okay. And you say make it fair in terms of---

A. All of the children and the property, because the land is an inheritance property. That land was not my father's property. That land was his father's property that was willed to the children and grandchildren. And all of the deeds specify to the heirs of Luther Leon Meredith. Some of the deeds clarify Evelyn Evans Meredith and Luther Leon Meredith, the original deeds, my grandfather gave to them for us twins.

Q. And would that be the summary of this argument that you would want to put before this Court for the Court's consideration of not recognizing what's been presented as the Last Will and Testament of Luther Leon Meredith?

A. Yes, sir.

Q. Okay. That's all the questions I have at this time.

Mr. Smith: May it please the Court, Your Honor.

Judge Anderson: Yes, sir.

Cross-examination by Mr. Smith.

Q. Ma'am, you said that there was a will inside of that box, it was inside of another larger container.

A. There was another box. It was a grey, like a beige box and it had the Last Will and Testament, and it had the insurance policy. It had everything that he had in there.

Q. And did you read that will? Do you recall?

A. My brother, Lamount, Frederick Lamount, read it. My daddy, they sat down together and talked about it right there.

Q. Well, let me ask---

A. I---okay.

Q. Did you ever see that will?

A. I saw the will.

Q. Okay.

A. I have a disability.

Q. Okay.

A. So, a lot of stuff I don't see or recognize. So I have somebody to help me with what's going on.

Q. Okay.

A. So, my father's always known this.

Q. Do you know the date on that will?

A. I can't recall if it was in front of me again, I would know, but I can't recall it right now.

Q. And your dad, someone had to take him to his doctor's appointments?

A. No, my dad did for his self up until he---his health declined. Ten weeks, my dad was driving his vehicles. He was taking care of his self. My dad was doing everything he was supposed to do.

Q. But you say you started living with him when?

A. I came in off and on for years. Me and my children lived off and on for years, like I said before, off and on for years. I don't have my children's school records.

Q. When was the last time that you came to live with your dad before he died?

A. I was there a month before that.

Q. A month before that?

A. Uh-hum. (affirmative response)

Q. How long before that or during that time period, when was that other will found?

A. It was in the box, it had been in a closet for years. That other one had been in there for years.

Q. How long do you think it had been there?

A. Oh Jesus, I would say about twenty-eight, twenty-nine.

Q. Twenty-nine years. Okay. So, and he died in 2017?

A. Yes.

Q. So, if that will was there, and it's been there since or for twenty-nine years. Is that your testimony?

A. Yeah, it was in that box for about twenty-nine years to my knowledge.

Q. So that will---

A. That was the age of my son was.

Q. Okay.

A. When me and father last talked and my brother.

Q. So that will was there in 2017 when your dad died?

A. Yes, in that box.

Q. And it had been there for twenty-nine years?

A. Yes.

Q. Okay, now, if I'm right, then that will existed before this will was done in '96. Is that correct?

A. I guess it would have been.

Q. Okay. So, if this will, here, that we're here about today, was done after that will in '96, then, it would have nullified the will that you're talking about.

A. Which one would have nullified it?

Q. The one that we're here on today.

A. I don't think so because I was clarifying the age of my son when me and my son read it. Okay, I'm not specific of the date, like I explained, I'm not specific of the date. But my son, at the time me

and my dad and my brother sat down, that paperwork those paperworks was in that box. It was 80 something, in the 80's.

Q. Okay. And that would have predated the '96 will. Is that correct? This will we're here today about was done in '96.

A. Okay. But what I'm disputing as well about that will there, that notary that you got on there.

Q. Uh-hum. (affirmative response.)

A. Does not exist in the state of South Carolina, and I've been to Columbia, and there's a notarized letter from Columbia specifying the person that notarized your letter---

Q. Uh-hum. (affirmative response.)

A. does not exist.

Q. Nullifying the will, you're saying?

A. Yeah. That will right there.

Q. Okay. Well, what proof do you have of that?

A. The letter that I got from Columbia?

Q. Where is that letter?

A. Do you have it, Michael?

Mr. Brown: I can look and see if I have it.

Q. But does that go to the content of the will?

A. What do you mean? If my dad was in your presence with this will, right here, okay, if he was in your presence and this was true, true information, and it has your signature---

Q. Yes, it does.

A. and it has here, Linda---is that Ms. Linda D. Means?

Q. It is.

A. And who is this?

Q. Debra McCartney.

A. It says this number, this notary information does not exist.

Q. Well, if that notary doesn't exist, does that nullify the will?

A. No, it shouldn't nullify this will.

Q. Nullify, does it make it void?

A. Yes, it should make it void. This should make it void if this notary does not exist.

Q. Okay. Now did you raise that issue to the Court any time before today? In any pleadings that you pled into the Court, did you raise that issue?

A. I talked to my attorney about it.

Q. Okay. Well, do you want to read you pleadings to see whether or not you raised it?

A. What is the pleadings?

Q. This is the Summons--

A. Well, I'm, I'm, I'm letting the Judge know today that I went and researched it, and that person does not exist as a notary, and there is no seal on this right here.

Q. Okay. I understand that, but you understand you filed a complaint.

A. Okay. Well see, I'm not a lawyer. I'm just a person that here, and that's what I wanted to clarify as well too.

Q. Okay. I understand. But the contents of that will, forgetting that, does it do anything other than say that these two take under that will?

A. Okay, see I can't answer that question because I'm not understanding. I don't have the terminology of the knowledge of what you---

Q. Right.

A. what you coming to me with.

Q. Uh-hum. (affirmative response.)

A. So, I don't, I can't answer it. I don't understand what you coming at me with.

Q. Well, is it true then that any will that you're talking about before, or any will that you're talking about was stolen was the will that predated that? It was done before the will that was done?

A. It's either after it, and my brother's not here. I don't know, but I know we discussed something.

Q. Okay. Now, where is your brother today?

A. He never got notified of anything, nobody. See, I didn't know this was going on, Court was going on here today.

Q. Okay. But now, your lawyer notified you when?

A. No, you notified me, sir---

Q. Okay.

A. through a letter, and I just got the letter.

Q. Okay. And I notified Mr. Brown, didn't we?

A. I don't know, I don't know, I don't know.

Q. Okay, well anyway, your brother is not here.

A. Well, I understand that.

Q. And you didn't call--

A. My brother never was served, nor my twin sister was never served.

Q. You never called---

A. I never was served. So this, I came to the Courts to talk to the Court. I never was served by Tammy Glenn about this will. So I didn't know of this will here. The only thing that I know of and knew of what was in that box in that closet, but this I don't know.

Q. Well, just tell the Court then, if you remember, do you remember how Mr. Meredith was distributing his property in that will that you're talking about?

A. I don't, I don't, I don't know all that. And I don't know all that because I don't want to get confused with it with you coming at me with.

Q. Uh-hum. (affirmative response.)

A. I just know the land is an inheritance land.

Q. I understand.

A. Okay. And by the laws, that can not be changed if it's an inheritance land. So any of this land in my father's name, it came from his father and he purchased from his siblings. So, when it says

on all of the paperwork, "to the heirs of Luther Leon Meredith."

Sir?

Q. I understand what you're saying, but that will---

A. I'm not, I'm not, I'm not claiming this. I didn't see this until Ms. Tammy Glenn brought it up to the courthouse. I'm not of knowledge of this. What I'm of knowledge of is what daddy had in that box.

Q. Well, let's go back to something else you said---

A. And the box got stolen.

Q. you say your dad destroyed that will. He marked through it.

A. Okay. That's what I said.

Q. Now, you know the original's in Court, and it has no marks on it.

A. How's that the original?

Q. The original is what we filed in the Court.

A. No, you didn't file it. She brought it because she got it out of the house.

Q. Do you want to look at it and see if it has any extractions?

A. Well, see, no, no, see I, see I'm like this, I know he had several copies of different things, okay, but daddy had a lot of paperworks, and my dad had pride about himself in his business. And if he did anything, Mr. Smith, he did it right with the lawyer.

Q. Okay. Do you have another will that was made by a lawyer, and do you know the lawyer's name that made it?

A. What was in the house has been taken out of the house and I'm trying to get in touch with another lawyer. I did contact another lawyer, but he never responded back to me.

Q. Well, do you want to look at the will that was filed by Ms. Tammy and see if it's---

A. Well, this evidently is it because it's the same copy that I got from the courthouse. This is the same thing---

Q. So, you---

A. but your notary does not exist.

Q. I understand what you're saying there, but the problem is this, my dear, did you see, you say he struck through that will---

A. That other will was in that box, in that box, anything else that was laying around.

Q. Are you standing by your testimony earlier where you said, the will that we are here today about, Mr. Meredith struck through and said he didn't want that?

A. To my knowledge, yes, he did. Yes, I did see, my brother and I did see my dad say they were not doing this, he was not doing that will.

Q. And he marked through it?

A. And he marked through it.

Q. Okay. And the other will at the time that he produced that back to you, he said this is the one I want to go by?

A. That was in the box.

Q. Okay.

A. He never brought anything to Probate Court to register it.

Q. Okay.

A. The will because he was making changes.

Q. But you would understand that there is no, there is no will in this Court that's been marked through or struck through or anything of that nature dealing with the will that was done in '96?

A. Well, see, I don't know. I'm like this, I just got this, and they just gave me a copy and she, Ms. Tammy Glenn is the one that went into the house.

Q. Okay.

A. So, if it was altercated or anything changed, it was Ms. Glenn or the party she was with, and with her.

Q. You can't produce the will, that other will that your daddy signed?

A. I can't produce, I can't give you anything. I can't even give you my daddy's money because they come in and took everything.

Q. Okay. But you can't give a will like that that was struck through today?

A. No, I can't give you anything because it's not, have not been in my possession.

Q. Okay.

A. It's not in my possession because it was taken out of the house.

Q. Okay. So all you have there to know is that your dad did not intend for it to go that way and he struck through the will?

A. Right. Because why did the other changes come about in 2015 if Ms. Glenn was supposed to get everything. In 2015, how did Mr. Scottie Glenn get some land in his possession from Uncle McDee with the title, the mapping number is not matching up with the property.

Q. Do you understand that is not an issue in this Court today? This is not the court dealing with that issue today?

A. Okay. Thank you now telling me that, but this, I am contesting it.

Q. I understand.

A. I am contesting it. And the other parties did not know, were not clarified to come to Court to say what they would be willing to do. You addressed paperwork that you was representing them.

Q. Okay. But did you have anything other than what you're saying about the notary, that the notary signature---

A. I don't have it, but I can get it to the Judge.

Q. Okay.

A. I don't have it, I don't have it in my possession, Your Honor, but I can get it to him. I can get it to him.

Q. I understand.

Mr. Smith: That's all we have.

Judge Anderson: Mr. Brown?

Re-examination by Mr. Brown.

Q. So, you're saying that the will that's been presented to the Court, even though it's dated 1996, and Mr. Smith is saying this came after another will that you say was there, you're saying that the latest will that you, that's been presented to the Court, you're saying your direct knowledge is that that will was struck or written through in some kind of way?

A. Yes.

Q. And you're also saying that based upon your conversation with your dad and your brother, Frederick, that your dad had intentions of doing another will?

A. Yes.

Q. That would have been different from the one of 1980---

A. Whatever year that was.

Q. or whatever year that was---

A. Yes.

Q. definitely the one that's been presented to this Court?

A. Yes, sir.

Q. So, your testimony is still that your dad clearly had an intention of making a new will, and so at that point, you know at least this will was stricken?

A. Yes.

Q. And that will and all of his paperwork, that you had known---

A. It's gone.

Q. has been taken?

A. Yes, sir.

Mr. Brown: Okay. No other questions.

Mr. Smith: One question, Your Honor.

Re-cross examination by Mr. Smith.

Q. You know of no other will that was done though since '96?

A. Excuse me?

Q. You know of no other will that was done since '96?

A. Whatever was in that box, I don't have the dates, I don't have anything, and I'm not going to sit here and say I know the dates. I don't have it.

Q. Okay.

A. It was taken out of the house. I know this stuff was in the house, but it's not there.

Q. Do you know who---

A. It didn't come missing, it didn't come missing until Cynthia, all of them broke in the house because I was already in the house, and it was taken out of the closet.

Q. Well, do you know for sure Cynthia broke in the house?

A. They told on themselves.

Q. Well, how did you know? I mean, basically---

A. I had phone contact with them. I talked to the police and the police officer directed them, told them, they didn't have a key to get in the house.

Q. Uh-hum. (affirmative response.)

A. Let me say this, the officer, Mr. Wright, there was phone communication with Ms. Cynthia Johnson---

Q. Uh-hum. (affirmative response.)

A. and whomever, my brother, Frederick Meredith; Tammy was trying to get in touch with him, Lamount Meredith. They were trying to get him down there to the house because they knew they could not get in the house because I had nine tenths of the house. I was already in the house. So, Monaview Johnson and Cynthia Johnson broke into the house. Frederick is not here because he wasn't notified of court.

Q. Okay. But he saw them break in the house?

A. I can't, I-he would have to say that.

Q. Okay.

A. He'd have to say that.

Q. Thank you, ma'am.

A. I know what was in the house wasn't in there, and I do have a witness but I don't want to say the witness' name.

Mr. Smith: That's all I have, Your Honor.

Judge Anderson: All right. Ma'am, you can go back to where you were.

Ms. Meredith: Yes, sir.

Mr. Brown: Your Honor, I would have a very brief additional witness.

**JOE VAUGHN LEON MEREDITH, AFTER FIRST HAVING BEEN DULY SWORN,**

**TESTIFIED AS FOLLOWS:**

Direct examination by Mr. Brown.

Q. How are you doing today, sir?

A. Good.

Q. Could you state your name for the Court?

A. Joe Vaughn Leon Meredith.

Q. And you've been present during the testimony of Ms. Tonji Meredith?

A. Yes, sir.

Q. How do you know Ms. Tonji Meredith?

A. She's my mother.

Q. And you are familiar, obviously, with Mr. Luther Leon Meredith?

A. Yes, I am. He was my grandfather.

Q. What type of contact or relationship did you have with your grandfather?

A. A good relationship. He made sure that I got through college. He helped me many times, extremely many times. Some things he did openly. Some things he did privately, but he was very good at making sure that I became a successful person just like he was.

Q. Okay. And you've also heard testimony in regards to the issue involving his estate?

A. I have.

Q. Do you have any direct knowledge as relates to your grandfather's intentions---

A. Yes.

Q. or desires?

A. My grandfather made it clear, strictly that the deed and all was going to fall in place like it should. He made it clear that whomever had what they had while he was alive, he meant for them to get that while he was alive. He said, you know, he was not a person of arguing, and he was not a person of bad character. That's why all of this confusion, I don't understand it because my grandfather kept his ducks in a row, and he stayed on us. My grandfather was a man of integrity, a man of respect, a man of good character. So all of this, is like blowing me because my grandfather made it clear that when my aunt Tammy had, well Tammy Glenn has some property down there, she wouldn't even take care of it. It's still growing up, but that's really here to say. He knew that the heirs was gonna wind up with the land and like he told us, it's never to be sold, and to work it, farm it, make sure that they work hard to make sure that it maintains the legacy of what his father done and in pride, father done and improved him. That's what it was supposed to be done.

Q. Okay. And, in particular, you heard the address 2370 Brockman---

A. McClimon Road.

Q. Is that the property you're referring to---

A. Yes, sir.

Q. that wasn't supposed to be sold?

A. Yes, sir.

Q. Did you ever live with your grandfather?

A. Yes, I did. My uncles got into it. He seen it many times. I lived there, he drove me back and forth to Pet Dairy. I worked on the dock. He brought me to work, took me from work. I went on off to college. Then, after that, and I came back and went to Clemson, Animal Science, brought my knowledge back to my granddaddy, moved on and got myself some real estate, and worked it, still taking care of my farm and go from there.

Q. Okay. And so, in terms of your conversations with your grandfather, did you have these conversations in the 1980's, in the 1990's, or in 2016---

A. My grandfather was in my life throughout my life. When me and my grandfather became very close after I had my car accident. My car accident was December 30, 2006, and then we became extremely close. He taught me things that he knew of. He told me some things that he was blessed to learn of, and we just became decent and had a friendship. Never was out to take advantage of who he was, but I learned a book of who he was. He taught me how to get stock and all that stuff. I wouldn't know any of that if it wasn't for him.

Q. Okay. So, in particular, you heard the merits of what's been presented as the Last Will and Testament of your grandfather. And from your conversations with your grandfather in the 2000's, knowing him and knowing your conversations with him, would it have been his desire for his estate to be left just to Tammy and Scottie Glenn?

A. No. He had already made it clear before he got sick. The property that she has, she has it because of him, he knew what he was doing. They didn't even come around, didn't help him with his medicine. A lot of times when he didn't have the money, I'd have to do it, or my mother would find a way to get it done. My uncle, Fred, would find a way to get it done. Many times, he even looked at my grandmother, drove all the way to Simpsonville, I need this, and they were friends, so they done what they done to take care of each other. You know, there was never an all or an ought. My grandmother always taught us, even though they're not married, that's still our grandfather. He always taught us, even though they're not married, that's our grandmother. We don't come--whether we were mad or anything, we don't come bringing that because they kept their friendship close. I can recall many times bringing and pulling up his green and silver truck to eat at Grandmama's house, see us, or he--huh, tell me how to get the family together or where we gonna be at and different things like that, and I would do my part, but I stayed more in college and working on my empire as well as helping my grandfather best way I could.

Q. And as far as you know, your grandfather would have wanted things split amongst all the heirs?

A. He wanted it split, but that's the thing, my grandfather wanted it to stay as a farm. My grandfather wanted them to learn to love each other and work with each other. I can't say a time that Ms.

Glenn or Barry and all have ever sat down to get to know us. Now, we knew, we knew Uncle Barry. He was faithful, but we never knew of Scottie and Ms. Glenn. I saw Mr. Glenn at work. He would come out around the farm at times and then at other times, we didn't see him, but I can say it on my hand and Ms. Glenn can definitely say she hadn't seen me on the farm or living there ever. We seen each other, that I recall, one time, and that was at the funeral, and today's my second time.

Q. All right. Well, thank you for testimony.

Mr. Brown: That's all the questions that I have.

Judge Anderson: You can keep your seat.

Cross-examination by Mr. Smith.

Q. What's your name again?

A. Joe Vaughn Leon Meredith.

Q. Joe Vaughn.

A. Leon Meredith.

Q. J-O---

A. No, uh-uh (negative response.) J-O-E capital V-A-U-G-H-N.

Q. J-E---

A. Naw, J-O, O as in Oscar; E as in Edward; capital V as in victory; A-U-G-H-N.

Q. And the middle name?

A. Leon.

Q. Okay. And you are the grandson to Mr. Meredith---

A. Yes, sir.

Q. Luther Meredith. And you say you got a degree from Clemson?

A. I will, in Clemson. I'm still finishing up. I had to go in and out due to health issues taking care of my mother and my sickly father as well.

Q. When did you enroll in Clemson?

A. I enrolled in Clemson in 2006.

Q. Okay. And you're still working on your degree?

A. I haven't--I have a mother that's not well. So, I've work fulltime to take care of my farm.

Q. How far did you get on your degree then?

A. I have sixteen pointers--I am actually in the Ag Science right now over in Ag Science of the chief program right now. So, I still do that with them.

Q. Where is that at?

A. It's at their building.

Q. At the arena?

A. Yes.

Q. Well, you're not taking any classes then?

A. No, not right now, but when my mother's health is well and my brother gets situated, I'm going back to finish. I've taken off to take care of family.

Q. I understand. But since 2006, you've not had any credits, college credits since then?

A. No. I come out of college when my mother got sick off at 2008.

Q. Okay. Well---

A. And my grandmother, when she was dying with cancer.

Q. Okay. Since 2008, then have you gotten any college credits?

A. I haven't went back in, no, sir. I have worked my farm and worked full-time and done what I needed to do for my family.

Q. What's the total number of credit hours you have at Clemson?

A. Mama, what did that paper say?

Q. No, I'm asking you.

A. Oh.

Q. If you can't remember, that's fine.

A. I can't, I've had so much other stuff on me, but I can bring it to you next time.

Q. Did you finish the first year?

A. Yes, I finished my first year. Then, I stayed over at the---I stayed at the farmhouse, which was with Cat---.

Q. Did you finish your second year?

A. No, I did not finish my second year. I had to come out of my second year. Mother got sick in January.

Q. So, you have something less than sixty hours---

A. Yes, sir.

Q. of credit at Clemson. Did you ever see any document, any will that your grandfather made?

A. I seen that box and I seen the thing that was in the couch. I knew where he had all of his stuff. I seen that, but I didn't never--my granddaddy didn't have his grandchildren meddling.

Q. Did you ever see a will that your grandfather made?

A. Yes, I did, but I didn't meddle.

Q. Well, when did you see that will?

A. I had to move some stuff around in the living room. He was moving his gun case when he bought his brand-new TV. So when he moved the gun case, over to when you come in the door is by the television because the gun case used to be in the corner, over there by the window where the chimney is. So I saw some paperwork there, and he told me to put it in that second, second shelf in that closet in his bedroom. His bedroom was the first bedroom going down the hall. And where his money was, we all knew where that was, in that couch in the living room. I never meddled in that---

Q. Did you see the will?

A. Yes, I did.

Q. Could it have been this will here that you saw?

A. No, it was not that will.

Q. How do you know?

A. Because the other will had all of the children's names on it.

Q. Well, this one has the children's names on it too.

A. He didn't have it like that. My mother's name was correct.

Q. Okay. Well---

A. That--okay.

Q. Is it your testimony that you saw that since 2006?

A. Yes.

Q. Not before 1996?

A. I was a child then. My grandfather didn't have children in grown folk business.

Q. So, you saw a will subsequent to 2006 at your grandfather's house?

A. Yes, sir. I did.

Q. And it was not the same will---

A. It was not.

Q. And you don't know where that will is?

A. I knew where that will was.

Q. You don't know where it is now?

A. No, I don't, but I knew where it was.

Q. Okay.

A. I do know that for a fact.

Q. Thank you.

Mr. Smith: That's all we have, Your Honor.

Judge Anderson: Mr. Brown?

Mr. Brown: No other questions.

Judge Anderson: You can step down.

Mr. Brown: From our side, Your Honor, that would be our position.

Judge Anderson: Do you have any witnesses?

Mr. Smith: Your Honor, not as to the will except it's self-proving and we stand by it.

Judge Anderson: Okay.

Mr. Brown: Your Honor, simply, we've heard testimony of Ms. Meredith. She lived with her father. We've heard testimony in terms of where she was during the time period, not only of his illness, but prior to that, and, of course, communications that she had directly with him subsequent to 1983, subsequent to 1996, and, of course, with his intentions, not only disregarding this will either seeking some form of codicil or letting the original will that she referenced from the '80's--we're back to being the standing will. When, in fact, when she came to see me on the fact that she feels that her father, not only by setting--attempting to set aside the will that's been presented to the Court, seeking to have an entirely new will fashioned from that, Your Honor, we ask that the Court recognize this testimony and I offer that will, based upon my client's testimony, be stricken.

Judge Anderson: Thank you.

Mr. Smith: Your Honor, just briefly. The allegations about the--related to the will, there's nothing that's been presented to the Court except some testimony, even as it relates to the notary, but even if the notary is not there, the will still stands on its own. It's a valid document. The proof of it may be different, but it's still a valid document. There's been nothing presented here today to

contradict anything in that will, other than what they believe existed in another document from the testimony of Ms. Meredith preexisted the will that was made by Mr. Meredith in my office in 1996.

Judge Anderson: All right. Will you—let me ask you one question. Have you got any information on the issue of the notary?

Mr. Smith: I do not, Your Honor. It's got a date on it. I've never researched that, and the people in my office, every employee that I have is a notary. As far as I'm concerned, and I believed, it was true in 1996.

Judge Anderson: Okay.

Mr. Smith: And it says the notary expired in 1999, so I don't know.

Judge Anderson: Okay.

Mr. Smith: So, I have no proof today that that was a valid notary. I presumed it was. Didn't know anything about it being invalid until she said that today, and certainly---

Judge Anderson: Do you remember a Debra McCartney?

Mr. Smith: Oh, yes, sir. She was a legal secretary for me. She did all of the real estate work. As a matter of fact, there's some deeds that were done that she did. She did the real estate in my office for us.

Judge Anderson: How long did Debra work for you?

Mr. Smith: Debra worked for me up until either '98 or '99.

Judge Anderson: Okay.

Mr. Smith: And she worked with me from—she worked with Turnipseed, Holland, and Smith from '86 until we split up in '89, and then she continued with me until about either '98 or '99.

Judge Anderson: Okay. Are we done? Thank you, gentlemen, I will take it under advisement and issue an order.

Mr. Brown: Yes, sir.

End of transcript.

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF
	)	COMMON PLEAS
COUNTY OF SPARTANBURG	)	OF THE SEVENTH
	)	JUDICIAL CIRCUIT
	)	
TONJI LAVONNE MEREDITH,	)	
Plaintiff,	)	TRANSCRIPT OF RECORD
	)	2019-CP-42-00891
vs.	)	
TAMMY LEE GLENN,	)	
	)	
Defendant.	)	

ORIGINAL

January 10, 2020  
Spartanburg, South Carolina

B E F O R E:  
HONORABLE J. MARK HAYES, II, Judge.

A P P E A R A N C E S  
MICHAEL BROWN, ESQUIRE  
For Plaintiff  
ALBERT V. SMITH, IV,  
For Defendant

Julie A. Cendroski,  
Circuit Court Reporter III  
Seventh Judicial Circuit

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EXHIBITS

MARKED      ENTERED

NO EXHIBITS PROFFERED

1                    TONJI LAVONNE MEREDITH VS. TAMMY LEE GLENN

2                    THE COURT: All right. I've got down that this  
3 is -- involves a matter that was handled by probate  
4 court and it's now, I guess, an appeal. Notice of  
5 appeal was filed in the circuit court and that we're  
6 here on, it looks like, Mr. Smith's motion to dismiss  
7 the appeal as being untimely.

8                    MR. SMITH: Yes, sir, Your Honor. The -- may it  
9 please the Court?

10                   THE COURT: Yeah.

11                   MR. SMITH: May it please the Court? This appeal  
12 was dated and filed in probate court on November 27th,  
13 2020 -- '19. The order that it is being appealed from  
14 was filed in probate court September 16th, 2019. And  
15 according to 62-1-308, that is an untimely situation and  
16 this Court would be without jurisdiction to hear the  
17 appeal. And I have a copy of that statute, if the Court  
18 wants to see it.

19                   THE COURT: And you're gonna represent the other  
20 side, Mr. Brown?

21                   MR. BROWN: Your Honor, I was counsel, obviously,  
22 for the probate matter. And I know Ms. Tammy Glenn had  
23 filed the response, I would think -- Meredith, I said  
24 Ms. Glenn, Ms. Meredith in regards to the filing of Mr.  
25 Smith. And I would make myself available for the

1 pertinent issues up until the appeal. That being said,  
2 as I understand it, the order came back from the -- the  
3 order was filed in regards to November the 7th from the  
4 probate court in terms of its final order at that  
5 hearing that Mr. Smith and I had before the court.

6 At such time I know there was various mailings  
7 that went out, and I think Ms. Meredith would contend  
8 that the families would have received their notice  
9 around November 23rd.

10 MR. SMITH: Your Honor, I have a copy of the  
11 clocked order. It's clocked September 16th, 2019. And  
12 the proof of delivery, Your Honor, is dated September  
13 24, 2000 - it looks like - '17, unless it's something  
14 else. I don't know what that's about.

15 MR. BROWN: And, Your Honor, Ms. Meredith, Tonji  
16 Meredith just pointed out to me in regards to the  
17 September 24th, based upon, I think, her contention  
18 relates to the personal representative being appointed  
19 and representing the interest of the estate. She's  
20 saying at the outset, throughout the time period up  
21 until Mr. Smith and I had a chance to argue the merits  
22 of the case, the family was never properly notified from  
23 the appointed personal representative of the estate,  
24 even including what was filed with the court in terms of  
25 proof of delivery in this case. And that would be from

1 September 24th, 2017, until today.

2 THE COURT: Do you have a date of when she got  
3 stuff or received the notice? Is there any  
4 communications?

5 MR. SMITH: Your Honor, this notice of intent to  
6 appeal was sworn to on November 26th, 2019. That's more  
7 than two months after the date of the order.

8 MR. BROWN: Your Honor, her contention, along  
9 with what would be the corroborating information from  
10 the other parties, from the Meredith family, would be  
11 that they received their information around November  
12 23rd, which during the time period in which she did  
13 contact both legal aid in terms of assisting with her  
14 application for an appeal, as well as her direct contact  
15 with the probate office, that she would have been given  
16 ten days opportunity, as well as the interest of her  
17 sister and her brother in regards to an intention to the  
18 following appeal in this regard. And I think that's  
19 what she's saying she's availed herself of since  
20 November 23rd, Your Honor.

21 THE COURT: So there's no -- so it's not  
22 contested that whatever order is being appealed, the  
23 order was filed September the 16th?

24 MR. SMITH: Yes, sir.

25 THE COURT: What is contested then is the date

1 that the order was received by the appealing party?

2 MR. SMITH: That's correct.

3 THE COURT: And the appealing party says that  
4 they received a copy of the order November the 23rd?

5 MR. BROWN: Yes, sir. And as I understand it,  
6 which has been a point of contention throughout, even  
7 now to arguing the merits of the case, of the case being  
8 decided, Ms. Meredith has a contention against the will,  
9 as she stated throughout the validity of the will that  
10 was presented for the probating of this court.

11 Subsequent to that, I think she's informed the  
12 probate court that there is a will of a later date and  
13 time, which I know is not at issue in this particular  
14 matter before the Court, but she is in possession of a  
15 copy of a will that's of a much later date of the  
16 subsequent one which was brought up in the course of her  
17 challenging the case from the outset, as well as an  
18 appeal, as I understand, based upon the fact that -- and  
19 I -- it was her argument, not mine, Your Honor, in  
20 regards to what she alleged to be some type of fraud in  
21 the execution of the will.

22 Her contention was there was a notary that was  
23 involved. We did argue about the aspects of the  
24 supplemental will. But that being said, the notary that  
25 supposedly attested and signed a notarized will was not

1 a valid notary in any way in South Carolina. The Court  
2 later looked at that issue.

3 Ms. Meredith, in between the time period of the  
4 court, was providing the ruling. She contacted clearly,  
5 the Secretary of State's office. She's contacted the  
6 clerk of court's office in Spartanburg, Cherokee.  
7 There's also some proper being questioned in her  
8 father's estate in Greenville.

9 And from that she says that the person that was  
10 said to have been the notary involved in this, was not  
11 deemed to be a notary that was valid during this time  
12 period. And since that time period, this will that also  
13 was being discussed as a part of the merits of the case  
14 but hasn't been presented. There had been a filing  
15 before the police department of various items being  
16 stolen from the home that she occupied that was part of  
17 the estate of Mr. Luka Leon Meredith's (phonetic)  
18 estate.

19 Since that time period, a copy, and not the  
20 original will that she contested was stolen from the  
21 residence by whomever. I know she did allege that the  
22 parties that brought forth the will to be probated for  
23 their behalf, as she stated, this subsequent will had  
24 been found. So for that matter she is contending the  
25 merits of authentication.

1           THE COURT:  Would that not be after acquired  
2 evidence that she can present to the probate court?

3           MR. BROWN:  In regards to that, yes, I would  
4 think so.  And that's why I told her I don't think the  
5 exact will that she's presenting can be presented  
6 towards the Court.  But I know that in terms of the  
7 issue that was raised, she did raise that as an aspect  
8 of it by saying that in presenting information, as well  
9 as testimony and evidence, that she had in deed filed a  
10 police report during the interim time period of the then  
11 presented will to be probated.  She did provide  
12 testimony during the hearing that involved this order  
13 that was handed down.

14           THE COURT:  So does any -- so any new information  
15 couldn't be presented as a part of this appeal and has  
16 to be presented down in probate court because that's the  
17 trier of fact down there.

18           MR. BROWN:  Yes, sir.

19           THE COURT:  Yeah.

20           MR. SMITH:  Your Honor?

21           THE COURT:  Yes, sir.

22           MR. SMITH:  She didn't even appeal on that  
23 ground.  Her appeal is ---

24           THE COURT:  That doesn't matter.

25           MR. SMITH:  Okay.

1 THE COURT: It's whatever factual information  
2 that's getting decided by the probate court, not on  
3 appeal by circuit court.

4 All right. So, is it when the clock starts  
5 running for appellate purposes, is it when the person  
6 receives or ---

7 MR. SMITH: It's when it receives.

8 THE COURT: Pardon?

9 MR. SMITH: The statute says when the person  
10 receives it.

11 THE COURT: Well, according to what she's saying,  
12 she didn't receive it until November the 23rd.

13 MR. SMITH: I would be interested in seeing what  
14 the record says. I was under the impression that the  
15 probate court was certifying the record to this court.

16 THE COURT: We don't have any records so far, so  
17 this would probably be premature since we don't have a  
18 record. We don't have any -- I asked my law clerk. We  
19 don't have a return. We don't have anything from  
20 probate court yet.

21 MR. SMITH: Okay.

22 THE COURT: So let's just reset this to get that  
23 information from the probate court.

24 MR. SMITH: Will the Court request that or do we  
25 need to?

1 THE COURT: Y'all have to do it.

2 MR. SMITH: Okay.

3 MR. BROWN: And, Your Honor, I also noticed that  
4 I think what Mr. Smith had directly served to Ms.  
5 Meredith, there was a request for a guardian. I know  
6 that's gonna be, that's gonna be a contention at some  
7 point in this case.

8 MR. SMITH: I didn't request a guardian.

9 MS. MEREDITH: Yes, you did.

10 MR. SMITH: No, I didn't.

11 MR. BROWN: Well, I noticed that on what was  
12 served to Ms. Meredith was a request for a guardian.  
13 Either way, I know that's gonna be a matter that's gonna  
14 be brought before the probate court based upon this  
15 later will. As the Court is aware, one of the parties  
16 getting served would not be -- or alleged to have been  
17 served, both for these proceedings and prior  
18 proceedings, would not be in a position to even  
19 understand the nature. So that would be the twin sister  
20 to Ms. Tonji Meredith, who is present here today.

21 THE COURT: All right. Well, this will have to  
22 be reset because we don't have any record from probate  
23 court as to anything.

24 MR. SMITH: Your Honor, I'm looking at Rule 75 of  
25 the South Carolina Rules of Civil Procedure, and it says

1 that upon filing of notice of appeal in an action the  
2 original record shall be certified by the clerk of the  
3 inferior court or administrative agency or tribunal and  
4 transmitted within 30 days to the clerk of the court to  
5 which the appeal is taken. So I think that is the  
6 responsibility, with all due respect, of the probate  
7 court to certify that.

8 THE COURT: Somebody's got to tell them.

9 MR. SMITH: Okay.

10 THE COURT: All right. We just don't have  
11 anything. Okay.

12 MR. SMITH: Yes, sir. We'll ask for that  
13 certification.

14 THE COURT: Yes, sir, if you would. Thank you  
15 very much.

16 MR. SMITH: Thank you.

17 THE COURT: And reset this.

18 (Hearing concluded at 11:23 a.m.)

19

20 --- THIS ENDS REQUESTED TRANSCRIPT ---

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COURT REPORTER CERTIFICATE

I, the undersigned Julie A. Cendroski, Court Reporter for the Seventh Judicial Circuit Court of the State of South Carolina, do hereby certify that to the best of my ability, the foregoing is a true, accurate, and complete transcript of record of all the proceedings and evidence introduced in the hearing and/or trial of the captioned case, relative to appeal, in the Court of Common Pleas for Spartanburg County, South Carolina, on the 10th day of January, 2020.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

s/Julie A Cendroski  
Julie A. Cendroski  
Circuit Court Reporter III  
Seventh Judicial Circuit

**RECEIVED**

**Apr 17 2023**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA**

**In The Supreme Court**

**AMENDED BRIEF OF APPELLANT TONJI L. MEREDITH**

**THE STATE OF SOUTH CAROLINA**

**County of Spartanburg**

**Appeal from Tonji L. Meredith of South Carolina**

**APPEAL FROM SPARTANBURG COUNTY**

**COMMON PLEAS**

**Appellate Case No. 2021-001076**

**In Re: Appealing my case from Lower Court of Spartanburg County Clerk of Court**

**180 Magnolia Street 2<sup>nd</sup> floor suite 500**

**TONJI L. MEREDITH**

**2370 BROCKMAN MCCLIMON RD.**

**GREER, SC 29651**

**PHONE: 864-894-9160**

**[TONJIMEREDITH1969@GMAIL.COM](mailto:TONJIMEREDITH1969@GMAIL.COM)**

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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

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

These are the list of my father Luther Leon  
Meredith DEEDS of his land.

DEED 77-YPG83b  
DEED 70 H PG 311  
DEED b5-N-PG-754  
DEED 51C PAGE697  
DEED 9b-T PG b 40  
DEED 51C PAGE 0705  
DEED 51C PAGE 0717  
DEED 51 C PAGE 0685  
DEED 96-TPG640  
DEED 53 N PG 025  
DEED 63 W PG 209

**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 7<sup>th</sup> 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:

BJH

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 cursive script that reads "Brandy W. McBee".

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

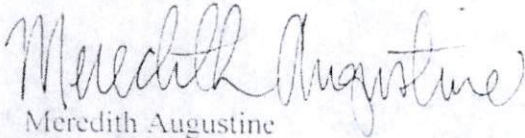
VIA HAND DELIVERY

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,



Meredith Augustine  
Deputy General Counsel  
Office of the Secretary of State

Sworn and Subscribed before me

On this 25<sup>th</sup> day of February, 2019

Sara Damaske  
Notary Public for South Carolina

Commission Expires: 1-4-2029



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**Apr 17 2023**

**SC Court of Appeals**

**FORM 13  
PROOF OF SERVICE OF A NOTICE OF APPEAL BRIEF**

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

APPEAL FROM SPARTANBURG COUNTY

Court of Common Pleas

**CIRCUIT COURT**

**JUDGE, J DERHAM COLE**

Case No. 2019-CP-42-04222

TONJI LAVONNE MEREDITH,  
2370 BROCKMAN MCCLIMON  
ROAD, GREER, SC 29651  
1 (864) 894-9160  
**tonjimeredith1969@g  
mail.com**

**APPELLANT**

**v.**

TAMMY LEE GLENN &  
SCOTTIE S. GLENN  
216 SHELL DRIVE  
WOODRUFF, SC 29388

**RESPONDENT**

GARY L. COMPTON  
296 S. DANIEL MORGAN AVE  
SPARTANBURG, SC 29306  
**gary@garylcompton.c  
om**

**PRORF OF SERVICE**

I CERTIFY THAT I **TONJI LAVONNE MEREDITH** HAVE SERVED THE  
NOTICE OF COPY BRIEF FOR LUTHER LEON MEREDITH ESTATE ON **THURSDAY  
APRIL 13, 2023, [ DELIVERING A COPY IN POSTAL MAI}**

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

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

APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas

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

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

APPELLATE,

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. DEEDS OF LUTHER LEON MEREDITH ESTATE

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

MARCH 7, 2023

TONJI L. MEREDITH  
2370 BROCKMAN MCCLIMON RD.  
GREER, SOUTH CAROLINA 29651  
(864) 625-4504

**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@garvlcompton.com](mailto:gary@garvlcompton.com)

Attorney for Respondents

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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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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), SCRPC.

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

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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 Cretzmeier*, 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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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.

**CERTIFICATE OF SERVICE BY MAIL**

I have certified that I have this date caused to be served the foregoing **Initial Brief of Respondents and Designation of Matter to be Included in the Record on Appeal**, by depositing same in the United States Mail, first-class postage prepaid, addressed to the following:

**Ms. Tonji Meredith  
2370 Brockman McClimon Road  
Greer, South Carolina 29651**

Dated this 13<sup>th</sup> day of June, 2023.

s/Debbie O. Atkins  
Debbie O. Atkins, Legal Assistant  
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**DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL**

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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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The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

March 7, 2024

Tonji Meredith  
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Telephone Number (864) 625-4504

*Tonji Meredith*  
3-7-2024

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SC Court of Appeals