

THE SOUTH CAROLINA COURT OF APPEALS

IN THE COURT OF APPEALS IN THE SUPREME COURT

APPEAL FROM SPARTANBURG COUNTY

COURT OF COMMON PLEAS

HONORABLE J.DERHAM COLE CIRCUIT COURT JUDGE

CASE NO. 2019-CP-42-04222

APPELLATE CASE NO. 2021-001076

Tonji Meredith, APPELLANT

V.

**Tammy Lee Glenn and Scottie Glenn,
RESPONDENTS**

RECEIVED

MAY 09 2024

SC Court of Appeals

SUPPLEMENT TO RECORD ON APPEAL

TONJI MEREDITH

2370 BROCKMAN MCCLIMON RD

GREER, SOUTH CAROLINA 29651

GARY L. COMPTON, ESQUIRE

296 S. DANIEL MORGAN AVENUE

SPARTANBURG, SC 29306

ATTORNEY FOR RESPONDENT

STATE OF SOUTH CAROLINA)

)

IN THE PROBATE COURT

COUNTY OF SPARTANBURG)

Tonji Meredith,)

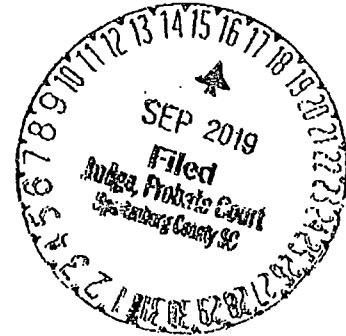
Petitioner,)

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: Tabitha Jackson

Tonji Lavonne Meredith filed a Form 300 on July 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 application 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 application was dismissed.

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

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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 The matter came back up for disposition on August 26, 2019, at which time the Motion was withdrawn and the matter proceeded to trial on the merits.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.

One line of attack against the Will by Mrs. Meredith was her assertion that the Notary is not a Notary, and that she had gotten a letter from the State saying that no notary of that name exists. She did not present the letter.

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 in the Will, 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. Notary commissions are good for ten years; accordingly, a commission expiring September 27, 1999 would have been issued ten years earlier. 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. 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.

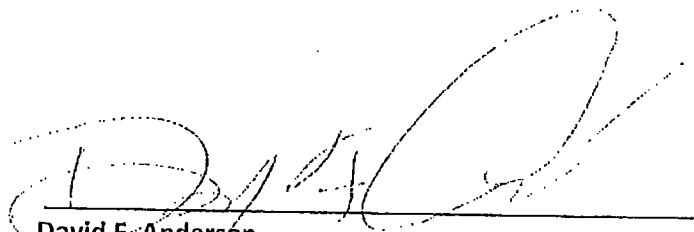
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She also noted that Ms. Osborne filed a name change on May 5, 1994. The manner in which their database is kept did not allow her to see the new name. A follow up email from Ms. Augustine stated that those records regarding the name change had been destroyed pursuant to their records retention policy. The Court takes note it has been twenty five years since the name change, and twenty years since the notary expiration.

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 will allow counsel for Tonji Meredith to pursue the matter and report back on his findings by September 30 should he so choose. The Court notes that the significance of the notary involves how the Will is proven, not its validity per se.

Accordingly, failing a showing that the Court should revisit the admittance of the Last Will and Testament of the late Luther Leon Meredith on self proving grounds due to a problem with the notary, the Court is ready to issue its Order in this matter. The Court will leave open the record through September 30 for receipt of additional evidence concerning the validity of the notary only.

IT IS SO ORDERED.



David F. Anderson
Associate Probate Judge

September 16, 2019

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Anderson, David

From: Meredith Augustine [maugustine@sos.sc.gov]
Sent: Friday, September 13, 2019 11:15 AM
To: Anderson, David
Subject: RE: VERIFICATION OF NOTARY

Good morning, Judge Anderson.

I just wanted to follow up and let you know that the record I requested has been destroyed pursuant to our records retention schedule. However, as I previously emailed, our records do indicate that Ms. Osborne was a notary from 9/27/1989 to 9/27/1999 and filed a name change in 1994.

Please let me know if you have any questions or if I can be of further assistance. Have a great weekend!

Meredith M. Augustine
Deputy General Counsel
Office of the Secretary of State
1205 Pendleton Street, Suite 525
Columbia, SC 29201
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Fax: (803) 734-1661
Email: maugustine@sos.sc.gov
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From: Meredith Augustine
Sent: Wednesday, September 11, 2019 10:43 AM
To: Anderson, David <danderson@spartanburgcounty.org>
Subject: RE: VERIFICATION OF NOTARY

Good morning, Judge Anderson.

I looked at the records in our database and it looks like Debra H. Osborne, DOB 10/31/1952, was a notary for two terms. First, from 4/18/1979 to 4/18/1989 in Lexington County and then from 9/27/1989 to 9/27/1999 in Cherokee County (see attached). She also filed a name change on 5/5/1994. It is unclear from our database what her commissioned name was prior to filing the name change in 1994, so I've requested a copy of that filing from the State Records Center (if they still have it). If they do and it is provided to me, I'll forward you a copy.

I hope this helps. Please let me know if you need anything further.

Meredith M. Augustine
Deputy General Counsel
Office of the Secretary of State
1205 Pendleton Street, Suite 525
Columbia, SC 29201

Notary Search

Notary ID	Display Names	Effective Date	Expiration Date	County Name	Status
40302	Osborne, Debra H	04/18/1979	04/18/1989	Lexington	Expired
40303	Osborne, Debra H.	09/27/1989	09/27/1999	Cherokee	Expired

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