

**APPELLANT'S PETITION TO REINSTATE APPEAL AND FOR A REHEARING**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Mikell R. Scarborough, Master in Equity

Case No. 2017-CP-10-5427

FAMILY SERVICES, INC., AS  
CONSERVATOR FOR MURIEL W.  
CLARKIN V. PATRICIA CLARKIN  
SMITH AND WELLS FARGO  
BANK, NA.,

Respondent(s),

v.

PATRICIA CLARKIN SMITH AND  
WELLS FARGO BANK, NA.,  
DEFENDANTS, OF WHOM  
PATRICIA CLARKIN SMITH IS  
THE APPELLANT,

Appellant(s).

**APPELLANT'S PETITION TO REINSTATE APPEAL AND FOR A REHEARING**

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SC Court of Appeals

## **APPELLANT'S PETITION TO REINSTATE APPEAL AND FOR A REHEARING**

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Appellant hereby submits this motion and petition to reinstate appeal in response to the Court's Order entered and dated on June 20, 2024 ("Order"), dismissing Appellant's appeal pursuant to: (1) Rule 59(e) of the South Carolina Rules of Civil Procedure for the Court's reconsideration to alter or amend the Court's Order; (2) Rule 221(c) of the South Carolina Appellate Court Rules for a petition when the Court dismisses Appellant's Appeal; and, (3) Rule 260(a) of the South Carolina Appellate Court Rules for a petition to reinstate Appellant's appeal by leave of the Court upon good cause shown herein. This motion for reinstatement is divided into the section(s) as set forth below. Each section provides multiple grounds for reconsideration of the Court's Order to reinstate the appeal by Appellants making a show of good cause. Rule 260(a), SCACR.

The following exhibits are provided as well in support of this petition: (a) Exhibit A refers to the Court's Order on June 20, 2024; (b) Exhibit B refers to Appellant's index for Appellant's record on appeal; (c) Exhibit C refers to Respondent's designation of matter; (d) Exhibit D refers the investigation results as to hearings held in the lower court(s) for this case by counsel for Appellant; (e) Exhibit E refers to the initial requests and later investigation results as to obtaining missing transcripts by counsel for Appellant; (f) Exhibit F refers to Appellant's proposed index as amended and submitted for the Court's approval; and, (g) Exhibit G refers to Appellant's identified missing documents to include in the amended record on appeal for the Court's approval corresponding to Appellant's proposed index (exhibits are already bates stamped and ready to combine PDF documents for the new record on appeal upon the Court's approval).

Appellant shows the following:

## **FACTS**

### **1.**

During the length of this case from its inception to this appeal, the COVID pandemic also played a major factor in the delays for judicial administration and disposition of cases in conjunction with parties, including counsel for parties, experiencing health concerns related to and subsequently thereafter the COVID pandemic. Appellant's counsel is no exception with a pending diagnosis of COVID long haul and recurring relapses. Administrative orders from the South Carolina Supreme Court also erred on the side of showing gracious extensions and continuances during the COVID pandemic.

### **2.**

Appellant is a pro se party. Prior to June of 2024, Appellant did not have counsel for this appeal nor for most of this case in the lower court due to health concerns and financial difficulty. Appellant did not qualify for South Carolina Legal Services either. The legal issues in this case do not lend to Appellant sufficiently representing herself or preserving her rights. Much of the delay in this appeal relates to Appellant having no legal counsel in complex legal proceedings that require a guiding hand. While the law is harsh holding pro se parties to the same standards as attorneys, the reality of case outcomes is disparate for those who can afford legal representation to those who cannot. Appellant went through various surgeries in conjunction with suffering from COVID to the extent that Appellant's cognitive functions have deteriorated affecting her ability to process and communicate clearly. Appellant has struggled in this aspect to find counsel with enough patience who can consolidate the facts and situation despite her disability. Due to this issue, much of gathering of information must be reversed engineered with the assistance of the lower court's information and electronic filing as Appellant's counsel did not represent Appellant in the lower court.

For good cause, Appellant repeatedly sought assistance, financial assistance, and legal representation in this matter for this appeal well through last year.

3.

Additionally, and for good cause, counsel for Appellant sought this Court's grace to extenuating circumstances involving COVID long haul and navigating relapses from this condition in newfound territory that even doctors are unsure of dealing with these health consequences from the COVID pandemic. Counsel for Appellant seeks the Court's grace and mercy for Appellant not to be penalized due to deficiencies created by Appellant's counsel in this appeal.

4.

In the Court's order on June 20, 2024, the Court mentioned that Appellant's record on appeal did not contain the following: (1) the appropriate transcript for the hearing on May 11, 2021; (2) specific documents from Respondent's designation of matter; and, (3) documents not before the Court. Ex. A. As Appellant's counsel did not represent Appellant in the lower court, Appellant downloaded from e-Flex e-filing system for South Carolina courts all filings that were made part of the record in the lower courts. Ex. B. Respondent's designation of matter as filed before this Court on March 6, 2024, contains various deficiencies that Appellant would not be able to address nor include in Appellant's record on appeal. Ex. C. Additionally, Appellant identified certain items as other materials that are not relevant to Appellant's record on appeal due to either being repetitive, not part of the record in the lower court, or not relevant as a matter of verification or service of an e-filing. Respondent also did not provide to Appellant items that were not made a part of the record in the lower court(s). Moreover, most omitted items were not relied upon by Respondent in Respondent's initial brief as to the statement of issues on appeal,

factual relevance to Respondent's argument, or substantive procedural history in the lower court(s).

5.

The omitted items from Respondent's designation of matter compared with Appellant's index for Appellant's record on appeal include the following:

(1) Motions:

- (a) 6. Appellant's Counsel's Motion to be Relieved as Counsel, filed April 4, 2019;
- (b) 9. Appellant's Motion for Continuance, filed January 27, 2020;
- (c) 11. Appellant's Motion for Continuance, filed February 18, 2020;

(2) Transcripts:

- (a) 16. Transcript for the Hearing on Respondent's Motion for Summary Judgment, May 11, 2021;

(3) Other Evidence:

- (a) 17. Appellant's Letter to Judge Young, filed November 1, 2019;
- (b) 19. Notice of Appearance of New Counsel for Appellant, June 30, 2019;
- (c) 20. Notice of Hearing and Respondent's Certificate of Service, filed December 24, 2020;
- (d) 21. Notice of Hearing and Respondent's Certificate of Service, filed April 16, 2021;
- (e) 22. Certificate of Service for Proposed Order Granting Summary Judgment, filed June 10, 2021;
- (f) 24. Email 5/10/21 5:20 p.m. from Respondent's Counsel to the Master's Office and Appellant containing a pdf copy of certified official records of the Probate Matter (2014-GC-10-0209), 50 pages including the court exemplification dated 8/15/19;
- (g) 25. Copy of the Probate Matter Records a hard copy of which was provided to the Master on May 11, 2021, during the hearing on May 11, 2021, and an electronic copy of which was emailed to the Master's Office and Appellant on May 10, 2021; 50 pages including the court exemplification dated 8/15/19;
- (h) 26. Email 4/1/21 11:40 AM from the Master's Office to Respondent's Counsel and Appellant informing the parties a hearing on the Motion for Summary Judgment would be held Tuesday May 11, 2021, at 12pm;
- (i) 27. Email 4/16/21 10:29 AM from Respondent's Counsel to the Master's Office and Appellant, attaching a courtesy copy of the Notice of Hearing 5/11/21 Respondent Mailed to Appellant on April 16, 2021;
- (j) 28. Email 5/7/21 5:07 PM from Appellant to Master's Office and Respondent's Counsel requesting a continuance of the Motion Hearing Scheduled for 5/11/21;
- (k) 29. Email 5/10/21 12:09 PM from the Master's Office to Appellant and Respondent's Counsel, informing the Appellant the hearing will proceed forward as scheduled and Appellant is welcome to appear by either Web-Ex or in person, but there is no requirement for her to appear;

(I) 30. Charleston County Circuit Court Case Details Public Index for Case Number 2017-CP-10-05427, available online at:  
<https://jcmsweb.charlestoncounty.org/PublicIndex/CaseDetails.aspx?CourtAgency=10002&Casenum=2017CP1005427&CaseType=V&HKey=10978122121102748772501167054100748371721038155907711310812148471021115110673113115705274117738298113119&Org=AC>. Ex. B, C, D, E.

With respect to items that were not before the lower court or tribunal, and Respondent did not provide the same documentation to Appellant for the record on appeal, Appellant is in a difficult situation to produce documentation that is not within the possession of Appellant's counsel nor part of the record for the lower court. Ex. E. These items will be addressed in detail below.

6.

As to items that were not omitted, Respondent's item "17. Appellant's Letter to Judge Young, filed November 1, 2019" was included in Appellant's record on appeal on page 209 as previously submitted under Appellant's item "16. Notice of Motion and Motion for Continuance filed by Appellant on November 27, 2019." This item is included as part of the overall motion for continuance as scanned in by the lower court. Ex. B, C.

This item was not omitted from Appellant's record on appeal.

7.

Additionally, all the exhibits listed in subparts for Respondent's item "12. Respondent's Motion for Summary Judgment including all Exhibits, filed October 6, 2020; a) Exhibit A: Deposition Transcript of Appellant, July 24, 2018, 233 pages; b) Exhibit B: Excerpts of Text Messages between Appellant and Kennedy, 17 pages; c) Exhibit C: Email, 1 page d) Exhibit D: Deed 7/30/13, 4 pages e) Exhibit E: Copy of a Check of Appellant 8/2/13, 1 page f) Exhibit F: Deed 11/17/14, 5 pages g) Exhibit G: Appellant's Answer to Interrogatories 6/19/18, 9 pages h) Exhibit H: Correspondence Excerpts, 7 pages i) Exhibit I: Deed 3/31/16, 4 pages" were included

in Appellant's record on appeal on pages 230-532 as previously submitted under Appellant's item "20. A Motion for Summary Judgment filed by Respondent on October 6, 2020." Ex. B, C.

None of these items were omitted from Appellant's record on appeal.

**8.**

As to items that were erroneously omitted, Appellant acknowledges the following items should be included in Appellant's Record on Appeal corollary relates to the following items designated by Respondent: (1) Motions: (a) 6. Appellant's Counsel's Motion to be Relieved as Counsel, filed April 4, 2019; (b) 9. Appellant's Motion for Continuance, filed January 27, 2020; (c) 11. Appellant's Motion for Continuance, filed February 18, 2020; and, (2) Transcripts: (a) 16. Transcript for the Hearing on Respondent's Motion for Summary Judgment, May 11, 2021. The erroneous omission of the transcript done by Appellant's counsel will be discussed separately.

Ex. B, C.

Appellant included said documents in the proposed index prepared for the updated record on appeal and the Court's approval to proceed. Ex. F, G.

**9.**

On November 1, 2023, Appellant's counsel notified both Respondent's counsel and the Court of issues with obtaining transcripts for the hearings. Ex. E. After the Court's order, Appellant's counsel investigated further as to the issue with the transcripts. The difficulty here arises from various reasons: (1) Appellant's counsel not being involved in the lower court proceedings; (2) certain hearings being resolved without having the hearing versus e-Flex entries; (3) when continuances changed hearing dates; (4) the determination of correct hearing dates to confirm presiding judges and court reporters; (5) the change for obtaining transcripts from in-person hearings to WebEx hearings; and, (6) the verification of

official court reporters versus privately hired court reporters present at WebEx hearings. The results of the investigation concluded that only three hearings occurred in the lower court(s): (1) August 30, 2019, in the Circuit Court; (2) June 25, 2020, in the Master-in-Equity Court; and, (3) May 11, 2021, in the Master-in-Equity Court. Ex. D, E.

Appellant's counsel sought the clerk of court for Circuit Court to order the transcripts with regards to establish the hearing dates, judges presiding over the hearing, and court reporters. Appellant's counsel was only able to obtain one transcript for a hearing on August 30, 2019, which is included in Appellant's record on appeal from pages 93-105. Ex. B. After further investigation, and per the Common Pleas Docket Manager Angela Rigney for the Circuit Court, the following were the hearings and continuances verbatim:

| <b>Date</b>      | <b>Hearing(s) &amp; Information</b>                                                                                                                                                                                                                |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 07/19/2018       | Motion to Compel filed 5/1/2018, scheduled for 7/19/2018 with Judge Murphy, no hearing held – motion resolved without necessity of a hearing.                                                                                                      |
| 7/29/2019        | Motion to Relieve Counsel filed 4/4/2019, scheduled for 7/29/2019 with Judge Jefferson, order was issued on this motion on 5/23/2019 so there was no need for the hearing.                                                                         |
| <b>8/30/2019</b> | <b>Motion to Disqualify filed 7/10/2019, scheduled for 8/30/2019 with Judge Young, motion heard and order issued 10/10/2019</b>                                                                                                                    |
| 12/17/2019       | Motion to enforce settled filed 7/10/2019, it looks like this motion was continued from 2 rosters, 12/17/2019 and 1/30/2020, motion was never heard by a Circuit Judge. It was heard by the Master in Equity's office after the case was referred. |
| 1/30/2020        | Motion to enforce settled filed 7/10/2019, it looks like this motion was continued from 2 rosters, 12/17/2019 and 1/30/2020, motion was never heard by a Circuit Judge. It was heard by the Master in Equity's office after the case was referred. |

*\*2018 hearings unavailable as South Carolina Judicial Branch does not retain transcripts after 5 years. However, a hearing was never actually held, nor would a transcript be available. Ex. D.*

Furthermore, part of the issue was locating the court reporter, if applicable, for the WebEx hearings in the lower court. From the investigation results on June 24, 2024, and per the Roster and Scheduling Clerk/Attorney Martha S. Dennis for the Master-in-Equity Court, the following were the hearings and continuances verbatim:

| <b>Date</b> | <b>Hearing(s) &amp; Information</b>                                                                                                                                                                                                                                                                                                                                                                  |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/12/2020  | Case referred to Master-in-Equity                                                                                                                                                                                                                                                                                                                                                                    |
| 03/31/2020  | Motion to Enforce Settlement on Roster – <b>Continued</b> due to doctor's note                                                                                                                                                                                                                                                                                                                       |
| 05/18/2020  | Motion to Enforce Settlement on Roster – The hearing was not held due to COVID restrictions on in-person hearings at the courthouse and Defendant's doctor's notes regarding her asthma. The public could only enter between 10-2 and this hearing was set for 3:00. This was before we began setting WebEx virtual hearings. It was <b>rescheduled</b> to the next available date on June 25, 2020. |
| 06/25/2020  | <b>Motion to Enforce Settlement Roster – Motion Hearing held before Judge Scarborough via WebEx – Court Reporter = Christine Smith</b>                                                                                                                                                                                                                                                               |
| 01/07/2021  | Motion for Summary Judgment on Roster – Hearing not held continued for Defendant's Surgery                                                                                                                                                                                                                                                                                                           |
| 05/11/2021  | <b>05/11/2021 – Motion for Summary Judgment on Roster – Motion Hearing held in person before Judge Scarborough – Court Reporter = Christine Smith. Ms. Smith was given the option to appear in-person or by WebEx but declined to participate in the hearing.</b>                                                                                                                                    |

Ex. D.

As for the May 11, 2021, hearing, Appellant's counsel was only able to determine the hearing as a WebEx hearing without information as to a court reporter for the hearing previously. Ex. D, E.

Again, on June 21, 2024, Appellant's counsel confirmed again that the South Carolina Judicial Branch only had the video recording of the WebEx hearing on May 11, 2021, with no information about a court reporter. Without an actual court reporter present, issues at said hearings will not be properly (or safely) preserved upon appeal just because the hearing is recorded live to transcribe after-the-fact. After further investigation this past week, Appellant's counsel discovered that Respondent's counsel was already in possession of the transcripts for both WebEx hearings in the Master-in-Equity Court on June 25, 2020 (Motion to Enforce Settlement) and May 11, 2021 (Motion for Summary Judgment). For these WebEx hearings, the court reporter Christine Smith had already done the transcripts upon request by Respondent. Ex. D, E.

On June 26, 2024, Court Reporter Manager Tammie Holmes reported that the court reporter Christine Smith was not a court reporter for the South Carolina Judicial Branch with respect to these

WebEx hearings. Therefore, Ms. Smith was a privately hired court reporter by the Master-in-Equity Court for these hearings. Hence, requests for all WebEx hearings transcripts in this case would not be available through the South Carolina Judicial Branch as is customary. Ms. Holmes is not able to provide said court transcripts done by privately hired court reporters. Ms. Smith now lives out of state, and she is no longer a court reporter for Charleston County. Ex. D, E.

While Appellant's counsel was more wrong than right to some extent, the disadvantage lies in not representing Appellant in the lower court and going through a round-about manner to obtain the necessary information for ordering a transcript from a privately hired court reporter. Nonetheless, and for good cause based on the reasons above, Appellant's counsel has now managed to get the transcript for the hearing on May 11, 2021.

Appellant included said transcript in the proposed index and updated record on appeal for the Court's approval to proceed.

#### **10.**

As to items that were omitted, Respondent's items "19. Notice of Appearance of New Counsel for Appellant, June 30, 2019," and "22. Certificate of Service for Proposed Order Granting Summary Judgment, filed June 10, 2021," these items are extraneous and irrelevant to the appeal. Ex. C. Respondent does not cite these documents but only mentions them in passing with respect to: (1) Item 19 regarding Appellant's inability to maintain counsel due to financial difficulties with counsel operating on a limited scope of engagement to handle a motion hearing; and, (2) Item 22 regarding an email to Appellant about submitting a proposed order but not the actual service of the same. (Respondent's Initial Brief, pp. 3, 5). None of those points have anything to do with the issues on appeal. At no point elsewhere in Respondent's brief do these

items add any relevance to this appeal or Respondent's argument. These items are not included in the facts surrounding the issues on appeal nor the arguments made supporting Respondent's statement of issues. These items are not truly part of substantive procedural history either.

These items are not proper for Respondent's Designation of Matters, and these matters are not relevant to the appeal. Appellant does not raise an issue upon appeal regarding these items. These designated matters only appear in discussion on pages 3 and 5 of Respondent's Initial Brief. (Respondent's Initial Brief, pp. 3, 5).

These items were properly omitted from Appellant's record on appeal.

**11.**

As to Respondent's items "20. Notice of Hearing and Respondent's Certificate of Service, filed December 24, 2020," and "21. Notice of Hearing and Respondent's Certificate of Service, filed April 16, 2021," these items are not relevant to the record on appeal as to preserving an issue on appeal. Ex. C. Respondent cites these notices along with emails that are not part of the record to merely establish the motion for summary judgment occurred on May 11, 2021 (Respondent's Initial Brief, pp. 4-5). Notices for hearings are not truly part of substantive procedural history either. Such documents are merely superfluous.

These items were properly omitted from Appellant's record on appeal.

**12.**

Respondent's item "25. Copy of the Probate Matter Records a hard copy of which was provided to the Master on May 11, 2021, during the hearing on May 11, 2021, and an electronic copy of which was emailed to the Master's Office and Appellant on May 10, 2021; 50 pages including the court exemplification dated 8/15/19" was never made part of the record by the

lower court. Ex. C. While Respondent's counsel may have tendered probate documents to the lower court at the hearing on May 11, 2021, this item, or designated as other materials, is not part of the record nor were these documents presented before the lower court to be preserved upon appeal.

This item is not proper for Respondent's Designation of Matters, and this matter is not relevant to the appeal. Appellant does not raise an issue upon appeal regarding this item. Respondent did not provide Appellant with this item to include in Appellant's record on appeal. Appellant does not have this item in Respondent's possession.

This item was properly omitted from Appellant's record on appeal.

**13.**

Regarding Respondent's items "24. Email 5/10/21 5:20 p.m. from Respondent's Counsel to the Master's Office and Appellant containing a pdf copy of certified official records of the Probate Matter (2014-GC-10-0209), 50 pages including the court exemplification dated 8/15/19," "26. Email 4/1/21 11:40 AM from the Master's Office to Respondent's Counsel and Appellant informing the parties a hearing on the Motion for Summary Judgment would be held Tuesday May 11, 2021, at 12pm," "27. Email 4/16/21 10:29 AM from Respondent's Counsel to the Master's Office and Appellant, attaching a courtesy copy of the Notice of Hearing 5/11/21 Respondent Mailed to Appellant on April 16, 2021," "28. Email 5/7/21 5:07 PM from Appellant to Master's Office and Respondent's Counsel requesting a continuance of the Motion Hearing Scheduled for 5/11/21," and "29. Email 5/10/21 12:09 PM from the Master's Office to Appellant and Respondent's Counsel, informing the Appellant the hearing will proceed forward as scheduled and Appellant is welcome to appear by either Web-Ex or in person, but there is no

requirement for her to appear,” these items, or other materials, are not part of the record nor presented to the lower court or tribunal to be preserved upon appeal. Ex. C.

These items are not proper for Respondent’s Designation of Matters, and these matters are not relevant to the appeal. Appellant does not raise an issue upon appeal regarding these items. Respondent did not provide Appellant with any of these items to include in Appellant’s record on appeal. Appellant does not have these documents in Respondent’s possession.

These items were properly omitted from Appellant’s record on appeal.

**14.**

Respondent’s item “30. Charleston County Circuit Court Case Details Public Index for Case Number 2017-CP-10-05427, available online at:

<https://jcmsweb.charlestoncounty.org/PublicIndex/CaseDetails.aspx?CourtAgency=10002&Casenum=2017CP1005427&CaseType=V&HKey=10978122121102748772501167054100748371721038155907711310812148471021115110673113115705274117738298113119&Org=AC>,” is not a specified designation of matter for any “orders, judgments, decrees, decisions, pleadings, transcript, charges, and exhibits and other materials or documents” for the record on appeal. Rule 210(c), SCACR, Ex. C.

This item was properly omitted from Appellant’s record on appeal.

**15.**

As to documents not before the Court in Appellant’s record on appeal, the only document Appellant is aware of is “23. Order on Motions for Attorney Fees, Costs, Reimbursements and for Final Disbursement in Case No. 2022-CP-08-0910 entered on November 3, 2022” cited on pages 537-541. Ex. B.

Appellant removed said document in the proposed index and updated record on appeal for the

Court's approval to proceed.

**16.**

For said reasons, the undersigned counsel is presenting circumstances warranting just cause for reinstating this Appeal in the interests of justice in accordance with the South Carolina Appellate Court Rules.

**RECITATION OF THE LAW**

**17.**

Under Rule 221(c) of the South Carolina Appellate Court Rules, Appellant may petition the Court when the Court dismisses Appellant's appeal due to failure to rectify deficiencies in Appellant's filings not in compliance with the South Carolina Appellate Court Rules:

The appellate court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal. Rule 221(c), SCACR.

**18.**

Additionally, under Rule 260(a) of the South Carolina Appellate Court Rules, Appellant may petition the Court when the Court dismisses Appellant's appeal due to a showing of good cause under the circumstances:

(a) Involuntary Dismissal and Reinstatement. Whenever it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court. A case shall not be reinstated except by leave of the court, upon good cause shown, after notice to all parties. The clerk shall remit the case to the lower court or administrative tribunal in accordance with Rule 221 unless a motion to reinstate the appeal has been actually received by the court within fifteen (15) days of filing of the order of dismissal (the day of filing being excluded). Rule 260(a), SCACR.

**19.**

While certain items are the fault and omission of Appellant's counsel, Appellant's

counsel did experience confusion and difficulty dealing with other unorthodox items on Respondent's designation of matters. Rather than re-submit a record on appeal with further deficiencies, Appellant does need the Court's guidance and ruling on certain matters that should be included and should not be included in Appellant's record on appeal. As a solution, Appellant provides a proposed index, a significant portion of the record on appeal as already prepared, and the identified documents for inclusion in the amended record on appeal.

Appellant's counsel seeks the Court's grace for Appellant's rights to be preserved in this appeal despite the omissions made by Appellant's counsel at no fault to Appellant.

## **ARGUMENT**

### **20.**

The documents indicated on a party's designation of matters must be properly submitted into the record before the lower court for that issue to be preserved on appeal. Rule 209 of the South Carolina Appellate Court Rules dictates what must be included in a party's designation of matter:

(b) Content. The Designation must clearly identify what the party desires to have included in the Record on Appeal, and the Designation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal [See Rule 210(c)]. A party shall not include any matter in his Designation which is not relevant to the appeal. Rule 209(b), SCACR.

This rule discusses relevance of designated matters and what should be properly included. This rule dovetails into Rule 210 of the South Carolina Appellate Court Rules.

### **21.**

Rule 210(c) dictates the incorporation of matters designated that should be incorporated

into the record on appeal:

(c) Content. The Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267. The Record shall not, however, include matter which was not presented to the lower court or tribunal. Matter contained in the Record on Appeal shall be arranged in the following order: the title page, index, orders, judgments, decrees, decisions, pleadings, transcript, charges, and exhibits and other materials or documents. Each page of the Record on Appeal shall be numbered consecutively beginning with the index. Where a portion of a page of the trial transcript, or a page of an exhibit or document, is to be included in the Record on Appeal, the entire page shall be included. *When a portion of an order, judgment, decision or pleading is to be included in the Record on Appeal, the entire order, judgment, decision or pleading shall be included in the Record, to include the caption and signature(s); provided, however, that the portion of a pleading showing verification or service shall not be included unless relevant to the appeal.* Rule 210(c), SCACR (emphasis added).

This rule refers to verification or service documents that should not be included unless relevant to the appeal.

## 22.

As to the documentation listed on Respondent's designation of matters, Respondent's items 1-5, 7-8, 10, 12-15, and 17-18, all are included in Appellant's record on appeal. Appellant acknowledges that Respondent's items 6, 9, 11, and 16 were erroneously omitted and should be included in Appellant's record on appeal that can be added easily to the latter part. The majority of the other, omitted items relate to other materials with respect to Respondent's items 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, and 30. The question remains as to whether these other, omitted materials are relevant to the appeal. The answer is no.

The other materials category under Rules 209(b) and 210(c) is not a carte blanche checkbox to plug in extraneous items that have no bearing to the issues on appeal nor preserve any issue on appeal. These other, omitted items related to other materials are not relevant to the

appeal and should be properly omitted from Appellant’s appeal on record. The designation of matters is not for fluff. Respondent’s items only appear on the following pages of Respondent’s initial brief:

| Respondent Item for Designated Matters     | Correlating page to Respondent’s Initial Brief |
|--------------------------------------------|------------------------------------------------|
| 19 (notice of appearance)                  | p. 3                                           |
| 20 (notice of hearing)                     | p. 4                                           |
| 21 (notice of hearing)                     | p. 4                                           |
| 22 (Certificate of service-proposed order) | p. 5                                           |
| 24 (email)                                 | p. 4                                           |
| 25 (email/probate records)                 | pp. 2, 21                                      |
| 26 (email)                                 | pp. 4, 10                                      |
| 27 (email)                                 | p. 4                                           |
| 28 (email)                                 | p. 4                                           |
| 29 (email)                                 | p. 5                                           |
| 30 (e-Flex case history)                   | pp. 5, 10, 25                                  |

Rule 209(b) indicates the inclusion of “portions of the transcript, pleadings, orders, exhibits, or other materials” for a party’s designation of matters. Rule 209(b), SCACR. By contrast, Rule 210(c) indicates the inclusion of “orders, judgments, decrees, decisions, pleadings, transcript, charges, and exhibits and other materials or documents” for the record on appeal. Rule 210(c), SCACR. None of these designated matters bear any relevance nor are these matters permissible to include in Appellant’s record on appeal. Omission of these designated matters is proper. Nor do these documents address Appellant’s issues on appeal or Respondents issues on appeal.

Items that have no substantial bearing on substantive procedural history or arguments made in support of or against issues on appeal should not be included in a party’s designation of matters on appeal. Electronic notices through e-Flex (Items 19-21) or certifications of service (Items 20-22) are also superfluous as verification or service documents that should not be included in a party’s designation of matters on appeal. Proof of Respondent submitting a

proposed order does not preserve any legal issue upon appeal nor maintain relevance to the appeal for inclusion in Appellant's record on appeal.

Items never entered into the record of the lower court(s) may not be raised upon appeal. For example, Respondent's total of six (6) items in Respondent's designation of matters (Items 24-30) is improper to include in Appellant's record on appeal. Additionally, the validity of a sister probate case documents (Item 25) is not being raised on appeal nor was the same entered into the record for the lower court(s). Said document is also improper to include in Appellant's record on appeal. Emails to and from Respondent and the lower court(s) are not part of the record for the lower court(s).

Appellant seeks the Court's ruling on Respondent's items 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, and 30 in Respondent's designation of matters to be excluded from Appellant's record on appeal as improperly submitted designated matters.

### **23.**

As to allegations of Appellant acting in bad faith, Respondent's unveiled hostility, irritation, and impatience toward Appellant is clear: "In this matter, Appellant over the course of the last six years, has established a pattern and practice of acting for the purpose of delay and failing to take affirmative steps to defend against Respondent's prosecution of this action." (Respondent's Initial Brief, p. 6). What may be unclear is that Appellant and Respondent's counsel have dealt with each other before and after this case regarding other, separate cases with many opportunities to interact. Respondent by way of Respondent's counsel shows clear frustration with Appellant that is not solely because of this case. The interactions involving all these cases and experiences are clumped into a whole that is projected to this Court. Here,

Respondent cannot rely on anything other than behavior and documents preserved on the record with the lower court(s) *in this case for this appeal*.

As Appellant's counsel was not involved in the lower court(s) regarding this case, Appellant's counsel also investigated as to the validity underlying Respondent's unveiled hostility toward Appellant as to delay-tactics. The so-called delays in lower court for this case were not excessive. This case only had three hearings total. With regard to Appellant acting in good faith, much of what Respondent hopes to rely upon is the perfunctory discussion in Respondent's brief that does not derive from the record in the lower court to establish such behavior. (Respondent's Initial Brief, pp. 3-5). Respondent may not rely upon inadmissible and impermissible documentation that is not part of the record in the lower court(s) to support allegations that Appellant exercised bad faith to intentionally delay proceedings. (Respondent's Initial Brief, pp. 3-5).

Continuances or delays stemmed from Appellant's health concerns that were verified by doctor notes, delays due to the COVID pandemic, delays due to transferring from the Circuit Court to the Master-in-Equity Court, and delays when a case bounds over from the lower court to the appellate court. Most of Appellant's continuance requests were, in fact, approved by the lower court(s). In that respect, the lower court did not err nor is said issue on appeal. In this instance, Appellant's counsel is at fault—not Appellant. And, for good cause. Appellant's counsel bears fault and accepts responsibility for the submission as filed and identified by the Court for said deficiencies.

#### 24.

As a solution to maximize judicial economy, prevent any changes to Appellant's final

brief, and lessen the risk of further deficiencies, Appellant included a revised cover, index, and proposed index for the record on appeal. The bound record would be set up as two volumes. Additionally, Appellant has included the omitted documents as a separate exhibit that are ready to combine with the existing record on appeal (omitting previously designated item 23) and show preparedness for resubmitting the corrected record on appeal and one bound copy accordingly without delay.

As to Appellant's proposed index in accordance with this petition, Appellant can easily facilitate any adjustments as ordered by the Court as items to be included or omitted from the record on appeal in the best interests of judicial economy and efficiency. Any omitted documents that should be included in Appellant's record on appeal may be added to the end of the index and after the already prepared record on appeal from pages 1-536. Appellant has added the omitted documents to both the index and prepped the same as bates stamped exhibits based on the Court's identification of deficiencies.

Appellant seeks this Court to approve of Appellant's revised index for Appellant's record of appeal and Appellant's additional documents for Appellant to prepare correctly without further deficiencies that include Respondent's items 6, 9, 11, and 16 in Respondent's designation of matters into Appellant's amended record on appeal.

## **25.**

As provided by the South Carolina Appellate Court Rules, Appellant requests leave of the Court to reinstate Appellant's appeal upon providing good cause shown due to Appellant.

## **CONCLUSION**

Appellant seeks the Court to grant this motion and petition and reinstate this appeal for the abovementioned reasons. Appellant's counsel seeks relief from the Court on the behalf of Appellant to

make the requested corrections per the Court's identifications of deficiencies. Appellant's counsel bears sole responsibility for these deficiencies, profusely apologizes to the Court, and seeks the Court's grace to prevent Appellant being penalized consequently. Appellant seeks in earnest to ensure the revised submissions are perfected in the interests of respecting the Court's judicial resources and judicial economy with respect to the Court's time and consideration in this matter.

WHEREFORE, for all the reasons set forth above: this motion and petition be granted; this appeal is reinstated; upon reinstatement, the order dismissing this appeal is reversed; and, and such other and further relief as the Court deems just and proper.

Respectfully submitted this                    1           day of           July           , 2024 .

DICKSON DAVIS LAW FIRM, LLC

/s/ Deborah D. Davis, Esq.

Deborah D. Davis, Esq.

SC Bar No.: 102942

620 Rutherford Street

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ATTORNEY FOR APPELLANT(S)

South Carolina

Date: July 1, 2024

# EXHIBIT A

# The South Carolina Court of Appeals

Family Services, Inc., as Conservator for Muriel W.  
Clarkin, Respondent,

v.

Patricia Clarkin Smith and Wells Fargo Bank, NA.,  
Defendants,

Of whom Patricia Clarkin Smith is the Appellant.

Appellate Case No. 2021-000793

---

## ORDER

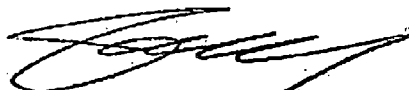
---

On April 12, 2024, this court advised Appellant that she must file proof of service of the record on appeal and a motion to allow late filing of the proof of service within ten days or this appeal would be dismissed. On April 18, 2024, Appellant filed the record on appeal, a proof of service, and a motion to allow late filing of the record on appeal. Respondent opposes the motion due to the significant delays with Appellant's filings in this appeal and ongoing deficiencies with the record on appeal.

Though Appellant has now filed the record on appeal and proof of service, the record on appeal does not contain most of Respondent's designated matters, including the transcript of the hearing relating to the order on appeal, and contains at least one item that was not presented below. *See* Rule 210(c), SCACR ("The Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267. The Record shall not, however, include matter which was not presented to the lower court or tribunal."). Because this appeal was filed nearly three years ago, and Appellant continues to cause delays with late and deficient filings, Appellant's motion to allow late filing is denied and this appeal is dismissed. The remittitur will be sent as required by Rule 221(b), SCACR.

**FILED**  
**Jun 20 2024**

---



FOR THE COURT

Columbia, South Carolina

cc:

David Conor Keys, Esquire

Deborah Dickson Davis, Esquire

**FILED**  
**Jun 20 2024**

# EXHIBIT B

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# EXHIBIT C

**RECEIVED**

**Mar 06 2024**

**SC Court of Appeals**

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Mikell R. Scarborough, Master in Equity Charleston County

Case No. 2017-CP-10-5427  
Appellate Case No. 2021-000793

Family Services, Inc., as Conservator for Muriel W. Clarkin.....Respondent,

v.

Patricia Clarkin Smith and Wells Fargo Bank, NA., Defendants,  
Of whom Patricia Clarkin Smith is the ..... Appellant.

RESPONDENT'S DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL

Pursuant to Rule 209, SCACR, Respondent, Family Services, Inc. as Conservator for Muriel W. Clarkin hereby designates the following material for inclusion in the record on appeal. Undersigned counsel certifies, pursuant to Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to the appeal.

**ORDERS**

1. Consent Order Relieving and Substituting Counsel for Appellant, filed May 23, 2019;
2. Order Disqualifying Counsel for Appellant, filed October 10, 2019;
3. Order Referring the Matter to the Master in Equity February 12, 2020;
4. Order Granting Respondent's Motion for Summary Judgment, filed June 21, 2021;

## **MOTIONS**

5. Respondent's Motion to Compel Discovery Including all Exhibits, filed May 1, 2018;
6. Appellant's Counsel's Motion to be Relieved as Counsel, filed April 4, 2019;
7. Respondent's Motion to Enforce Settlement including all Exhibits, filed July 10, 2019;
8. Appellant's Motion for Continuance, filed November 27, 2019;
9. Appellant's Motion for Continuance, filed January 27, 2020;
10. Respondent's Motion to Refer the Matter to the Master in Equity, filed February 11, 2020;
11. Appellant's Motion for Continuance, filed February 18, 2020;
12. Respondent's Motion for Summary Judgment including all Exhibits, filed October 6, 2020;
  - a) Exhibit A: Deposition Transcript of Appellant, July 24, 2018, 233 pages;
  - b) Exhibit B: Excerpts of Text Messages between Appellant and Kennedy, 17 pages;
  - c) Exhibit C: Email, 1 page
  - d) Exhibit D: Deed 7/30/13, 4 pages
  - e) Exhibit E: Copy of a Check of Appellant 8/2/13, 1 page
  - f) Exhibit F: Deed 11/17/14, 5 pages
  - g) Exhibit G: Appellant's Answer to Interrogatories 6/19/18, 9 pages
  - h) Exhibit H: Correspondence Excerpts, 7 pages
  - i) Exhibit I: Deed 3/31/16, 4 pages

## **PLEADINGS**

13. Summons and Complaint, filed October 20, 2017;
14. Appellant's Answer, filed November 28, 2017;
15. Amended Complaint, filed December 4, 2017;

## **TRANSCRIPTS**

16. Transcript for the Hearing on Respondent's Motion for Summary Judgment, May 11, 2021;

## **OTHER EVIDENCE**

17. Appellant's Letter to Judge Young, filed November 1, 2019;
18. Affidavit of Kelley Evans in Support of Motion to Enforce Settlement, filed August 13, 2019;

19. Notice of Appearance of New Counsel for Appellant, June 30, 2019;
20. Notice of Hearing and Respondent's Certificate of Service, filed December 24, 2020;
21. Notice of Hearing and Respondent's Certificate of Service, filed April 16, 2021;
22. Certificate of Service for Proposed Order Granting Summary Judgment, filed June 10, 2021;
23. Affidavit of Kelly Evans, filed June 10, 2021;
24. Email 5/10/21 5:20 p.m. from Respondent's Counsel to the Master's Office and Appellant containing a pdf copy of certified official records of the Probate Matter (2014-GC-10-0209), 50 pages including the court exemplification dated 8/15/19;
25. Copy of the Probate Matter Records a hard copy of which was provided to the Master on May 11, 2021, during the hearing on May 11, 2021, and an electronic copy of which was emailed to the Master's Office and Appellant on May 10, 2021; 50 pages including the court exemplification dated 8/15/19;
26. Email 4/1/21 11:40 AM from the Master's Office to Respondent's Counsel and Appellant informing the parties a hearing on the Motion for Summary Judgment would be held Tuesday May 11, 2021, at 12pm.
27. Email 4/16/21 10:29 AM from Respondent's Counsel to the Master's Office and Appellant, attaching a courtesy copy of the Notice of Hearing 5/11/21 Respondent Mailed to Appellant on April 16, 2021.
28. Email 5/7/21 5:07 PM from Appellant to Master's Office and Respondent's Counsel requesting a continuance of the Motion Hearing Scheduled for 5/11/21.
29. Email 5/10/21 12:09 PM from the Master's Office to Appellant and Respondent's Counsel, informing the Appellant the hearing will proceed forward as scheduled and Appellant is welcome to appear by either Web-Ex or in person, but there is no requirement for her to appear.
30. Charleston County Circuit Court Case Details Public Index for Case Number 2017-CP-10-05427, available online at:  
<https://jcmsweb.charlestoncounty.org/PublicIndex/CaseDetails.aspx?CourtAgency=10002&Casenum=2017CP1005427&CaseType=V&HKey=10978122121102748772501167054100748371721038155907711310812148471021115110673113115705274117738298113119&Org=AC>

March 6, 2024.

THE LAW OFFICE OF  
DAVID CONOR KEYS, LLC

s/ D. Conor Keys

D. Conor Keys (100148)

P.O. Box 14225

Charleston, SC 29422

Phone: 843-906-3998

conor@dconorkeyslaw.com

*Attorney for Respondent*

# EXHIBIT D

## Christy Owens

---

**From:** Angela Rigney <ARigney@CharlestonCounty.org>  
**Sent:** Monday, June 24, 2024 9:26 AM  
**To:** Deborah Davis  
**Cc:** Christy Owens; Clerk Of Court  
**Subject:** RE: Family Services, Inc. v. Patricia Clarkin Smith et al. (Case No. 2017CP1005427) re: Confirmation for hearings (In-person or WebEx) and court reporters present

Ms. Davis,

I am working to determine hearings on this case, however, this matter was referred to the Master In Equity on 2/12/2020. Any hearings scheduled after this case was referred to the Master were scheduled by their office and you will need to contact them to regarding those hearings. I will forward you what information our office has hopefully by the end of the day today, or first thing in the morning tomorrow.

### Angela Rigney

Common Pleas Docket Manager  
Charleston County Clerk of Court  
100 Broad Street, Suite 106  
Charleston, SC 29401  
843-958-5013

### CourtPlus®

---

**From:** Deborah Davis <d.davis@dicksondavislaw.com>  
**Sent:** Friday, June 21, 2024 3:45 PM  
**To:** Angela Rigney <ARigney@CharlestonCounty.org>  
**Cc:** Christy Owens <legalassistant@dicksondavislaw.com>; Clerk Of Court <clerkofcourt@charlestoncounty.org>  
**Subject:** Family Services, Inc. v. Patricia Clarkin Smith et al. (Case No. 2017CP1005427) re: Confirmation for hearings (In-person or WebEx) and court reporters present

**CAUTION:** This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

Ms. Rigney,

I have a deadline of 7/5/2024 to respond to the appellate court regarding a dismissal of an appeal for my client.

I did not represent my client in this case. I only represent my client on appeal.

When my office called the clerk of court to confirm court hearing dates and court reporters at those hearings for my office to request hearing transcripts, I only received the following dates: 7/16/2018, 7/29/2018, and 8/30/2019.

I think the issue is that no court reporter was done for the remainder of hearings due to changes in court operations from COVID.

I am having trouble identifying the other hearings for this case. All in all, I see the following hearing dates for the entirety of the case:

7/16/2018

7/29/2018

8/30/2019

6/25/2020 (continued from previous scheduling on 12/17/2019, 1/30/2020, 2/25/2020, 3/31/2020, and 5/18/2020???)

7/6/2020

5/11/2021

Please confirm that I have the correct hearing dates as well as the number of continuances for the hearing that was actually held.

I will need to confirm the judge holding the hearing as well as the court reporter. I will also need to know whether the hearing was in-person or WebEx.

I appreciate your help in this matter.

Best Regards,

A handwritten signature in black ink, appearing to read "Deborah D. Davis". The signature is stylized with large, flowing loops.

Deborah D. Davis, Esq.

Attorney at Law

Dickson Davis Law Firm, LLC

620 Rutherford Street

Greenville, SC 29609

[www.dicksondavislaw.com](http://www.dicksondavislaw.com)

833.729.3426 ext. 3 tel

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*When you receive correspondence from the Dickson Davis Law Firm, LLC, or request work, review, or any of the above as part of your overall consultation, you understand and acknowledge that any consultation work done prior to executing the fee contract agreement and the engagement letter is subject to hourly billing for document review, correspondence with the prospective client (i.e., emails, phone calls, text messages), correspondence with other third parties with the prospective client's permission. If your consultation exceeds one hour, then your consultation fee will include the flat fee for your initial consultation and overage is billable on an hourly, prorated basis.*

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---

**From:** Deborah Davis <[d.davis@dicksondavislaw.com](mailto:d.davis@dicksondavislaw.com)>

**Sent:** Friday, June 21, 2024 3:11 PM

**To:** [jleblanc@sccourts.org](mailto:jleblanc@sccourts.org) <[jleblanc@sccourts.org](mailto:jleblanc@sccourts.org)>

**Cc:** [tholmes@sccourts.org](mailto:tholmes@sccourts.org) <[tholmes@sccourts.org](mailto:tholmes@sccourts.org)>; [transcripts@psc.sc.gov](mailto:transcripts@psc.sc.gov) <[transcripts@psc.sc.gov](mailto:transcripts@psc.sc.gov)>; Christy Owens <[legalassistant@dicksondavislaw.com](mailto:legalassistant@dicksondavislaw.com)>; [jbickett@sccourts.org](mailto:jbickett@sccourts.org) <[jbickett@sccourts.org](mailto:jbickett@sccourts.org)>; [pdanner@sccourts.org](mailto:pdanner@sccourts.org) <[pdanner@sccourts.org](mailto:pdanner@sccourts.org)>; [mdempsey@sccourts.org](mailto:mdempsey@sccourts.org) <[mdempsey@sccourts.org](mailto:mdempsey@sccourts.org)>; [mstatham@sccourts.org](mailto:mstatham@sccourts.org) <[mstatham@sccourts.org](mailto:mstatham@sccourts.org)>; [svizer@sccourts.org](mailto:svizer@sccourts.org) <[svizer@sccourts.org](mailto:svizer@sccourts.org)>; [retiredcr@sccourts.org](mailto:retiredcr@sccourts.org) <[retiredcr@sccourts.org](mailto:retiredcr@sccourts.org)>

**Subject:** Family Services, Inc. v. Patricia Clarkin Smith et al. (Case No. 2017CP1005427) re: Transcript Requests & Confirmation for hearings and available transcripts by court reporters present

Good afternoon to all:

Due to a response required to the South Carolina Appellate Court involving the dismissal of the appeal and a petition to reinstate the appeal, I need your help to assist with the below.

My deadline is prior to 7/5/2024, but I will need the below email confirmed within the next 1-2 business days.

Please assist me in confirming the information below or directing me as needed to the correct person.

When we coordinated with obtaining court reporter information for transcripts in this case, we were given only the following dates: 7/16/2018, 7/29/2018, and 8/30/2019.

I have the following dates for hearings from this case:

7/16/2018: Judge Murphy, Court Reporter Amanda K. Haffenden. Transcript unavailable and not retained after 5 years from 7/18/2018.

7/29/2018: Judge Jefferson, Court Reporter Phyllis H. Norton. Transcript unavailable and not retained after 5 years from 7/29/2018.

8/30/2019: Judge Roger Young, Court Reporter Karen Anderson. We obtained this hearing transcript previously.

6/25/2020: Judge Mikell R. Scarborough. Unable to obtain court reporter for this hearing. Please confirm a hearing took place and whether the hearing was in person or via WebEx. If the hearing took place, please provide the judge and court reporter's information.

7/6/2020: Judge Mikell R. Scarborough. Unable to obtain court reporter for this hearing. Please confirm a hearing took place and whether the hearing was in person or via WebEx. If the hearing took place, please provide the judge and court reporter's information.

5/11/2021: WebEx hearing only. Judge Mikell R. Scarborough. No actual reporter present during the hearing. Only DVD available. If a court reporter was present at this WebEx hearing, then please contact me directly for me to obtain a transcript of the hearing.

**If any of the copied court reporters could confirm directly with me having provided and prepared already any transcripts for the above hearings within the 5-year period, then please contact immediately and I will arrange payment for the same.**

If it is possible to determine and request the information, then I would like to know if opposing counsel or any other attorney involved in this matter ever requested the transcripts that I might be able to ask for a copy of the same from that person.

I appreciate your assistance. Thank you all for your help in this matter.

Best Regards,

A handwritten signature in black ink, appearing to read "Deborah D. Davis". The signature is stylized with large, flowing loops.

Deborah D. Davis, Esq.

Attorney at Law

Dickson Davis Law Firm, LLC

620 Rutherford Street

Greenville, SC 29609

[www.dicksondavislaw.com](http://www.dicksondavislaw.com)

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*Please note that, unless you have signed the fee contract agreement, the engagement letter, and paid the deposit or retainer fee in full, if applicable, then Dickson Davis Law Firm, LLC, does not represent you in this matter after your initial consultation.*

*When you receive correspondence from the Dickson Davis Law Firm, LLC, or request work, review, or any of the above as part of your overall consultation, you understand and acknowledge that any consultation work done prior to executing the fee contract agreement and the engagement letter is subject to hourly billing for document review, correspondence with the prospective client (i.e., emails, phone calls, text messages), correspondence with other third parties with the prospective client's permission. If your consultation exceeds one hour, then your consultation fee will include the flat fee for your initial consultation and overage is billable on an hourly, prorated basis.*

*The Dickson Davis Law Firm, LLC, uses encryption email for sensitive information or client correspondences through GoDaddy using ProofPoint or PracticePanther. If you receive an email from the Dickson Davis Law Firm, LLC, from GoDaddy and ProofPoint, please respond using that portal to ensure and maintain confidentiality in attorney-client correspondence. You may also send sensitive information via PracticePanther as well. Please do not send sensitive client information through regular email and upload such information either through PracticePanther or GoDaddy ProofPoint.*

## Deborah Davis

---

**From:** Angela Rigney <ARigney@CharlestonCounty.org>  
**Sent:** Monday, June 24, 2024 12:06 PM  
**To:** Deborah Davis  
**Cc:** Christy Owens; Clerk Of Court  
**Subject:** RE: Family Services, Inc. v. Patricia Clarkin Smith et al. (Case No. 2017CP1005427) re: Confirmation for hearings (In-person or WebEx) and court reporters present

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good morning,

This is what I have been able to determine from the Clerk of Court docket on this case file:

Motion scheduling:

- Motion to Compel filed 5/1/2018, scheduled for 7/19/2018 with Judge Murphy, no hearing held – motion resolved without necessity of a hearing.
- Motion to Relieve Counsel filed 4/4/2019, scheduled for 7/29/2019 with Judge Jefferson, order was issued on this motion on 5/23/2019 so there was no need for the hearing.
- Motion to Disqualify filed 7/10/2019, scheduled for 8/30/2019 with Judge Young, motion heard and order issued 10/10/2019
- Motion to enforce settled filed 7/10/2019, it looks like this motion was continued from 2 rosters, 12/17/2019 and 1/30/2020, motion was never heard by a Circuit Judge. It was heard by the Master in Equity's office after the case was referred.

I believe the only motion hearing you will be able to request a transcript for will be the motion to disqualify heard by Judge Young on 8/30/2019. Any other motion hearing were held by the Master's office.

Published on Jury Trial Rosters:

- 3/25/2019
- 4/15/2019
- 8/19/2019
- 11/18/2019

Although the case was published jury trial rosters it did not go to trial. The case was then referred to the Master in Equity.

I hope this information is helpful.

**Angela Rigney**

Common Pleas Docket Manager  
Charleston County Clerk of Court  
100 Broad Street, Suite 106  
Charleston, SC 29401  
843-958-5013

## CourtPlus®

---

**From:** Deborah Davis <d.davis@dicksondavislaw.com>

**Sent:** Friday, June 21, 2024 3:45 PM

**To:** Angela Rigney <ARigney@CharlestonCounty.org>

**Cc:** Christy Owens <legalassistant@dicksondavislaw.com>; Clerk Of Court <clerkofcourt@charlestoncounty.org>

**Subject:** Family Services, Inc. v. Patricia Clarkin Smith et al. (Case No. 2017CP1005427) re: Confirmation for hearings (In-person or WebEx) and court reporters present

**CAUTION:** This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

Ms. Rigney,

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I did not represent my client in this case. I only represent my client on appeal.

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5/11/2021

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I appreciate your help in this matter.

Best Regards,



Deborah D. Davis, Esq.

Attorney at Law

Dickson Davis Law Firm, LLC

620 Rutherford Street

Greenville, SC 29609

[www.dicksondavislaw.com](http://www.dicksondavislaw.com)

833.729.3426 ext. 3 tel

864.752.1424 fax

[d.davis@dicksondavislaw.com](mailto:d.davis@dicksondavislaw.com)

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---

**From:** Deborah Davis <d.davis@dicksondavislaw.com>

**Sent:** Friday, June 21, 2024 3:11 PM

**To:** jleblanc@sccourts.org <jleblanc@sccourts.org>

**Cc:** tholmes@sccourts.org <tholmes@sccourts.org>; transcripts@psc.sc.gov <transcripts@psc.sc.gov>; Christy Owens <legalassistant@dicksondavislaw.com>; jbickett@sccourts.org <jbickett@sccourts.org>; pdanner@sccourts.org <pdanner@sccourts.org>; mdempsey@sccourts.org <mdempsey@sccourts.org>; mstatham@sccourts.org <mstatham@sccourts.org>; svizer@sccourts.org <svizer@sccourts.org>; retiredcr@sccourts.org <retiredcr@sccourts.org>

**Subject:** Family Services, Inc. v. Patricia Clarkin Smith et al. (Case No. 2017CP1005427) re: Transcript Requests & Confirmation for hearings and available transcripts by court reporters present

Good afternoon to all:

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My deadline is prior to 7/5/2024, but I will need the below email confirmed within the next 1-2 business days.

Please assist me in confirming the information below or directing me as needed to the correct person.

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I have the following dates for hearings from this case:

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7/29/2018: Judge Jefferson, Court Reporter Phyllis H. Norton. Transcript unavailable and not retained after 5 years from 7/29/2018.

8/30/2019: Judge Roger Young, Court Reporter Karen Anderson. We obtained this hearing transcript previously.

6/25/2020: Judge Mikell R. Scarborough. Unable to obtain court reporter for this hearing. Please confirm a hearing took place and whether the hearing was in person or via WebEx. If the hearing took place, please provide the judge and court reporter's information.

7/6/2020: Judge Mikell R. Scarborough. Unable to obtain court reporter for this hearing. Please confirm a hearing took place and whether the hearing was in person or via WebEx. If the hearing took place, please provide the judge and court reporter's information.

5/11/2021: WebEx hearing only. Judge Mikell R. Scarborough. No actual reporter present during the hearing. Only DVD available. If a court reporter was present at this WebEx hearing, then please contact me directly for me to obtain a transcript of the hearing.

**If any of the copied court reporters could confirm directly with me having provided and prepared already any transcripts for the above hearings within the 5-year period, then please contact immediately and I will arrange payment for the same.**

If it is possible to determine and request the information, then I would like to know if opposing counsel or any other attorney involved in this matter ever requested the transcripts that I might be able to ask for a copy of the same from that person.

I appreciate your assistance. Thank you all for your help in this matter.

Best Regards,

A handwritten signature in black ink, appearing to read "Deborah D. Davis". The signature is stylized with large, flowing loops.

Deborah D. Davis, Esq.

Attorney at Law

Dickson Davis Law Firm, LLC

620 Rutherford Street

Greenville, SC 29609

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**RE: Family Services, Inc. v. Patricia Clarkin Smith et al. (Case No. 2017CP1005427) re: Confirmation for hearings (In-person or WebEx) and court reporters present**

Martha S. Dennis <MDennis@charlestoncounty.org>

Mon 6/24/2024 11:42 AM

To: Katelyn Brunson <KBrunson@charlestoncounty.org>; Deborah Davis <d.davis@dicksondavislaw.com>

Cc: Christy Owens <legalassistant@dicksondavislaw.com>; MIELawClerk <MIELawClerk@charlestoncounty.org>; conor@dconorkeyslaw.com <conor@dconorkeyslaw.com>

Good Morning,

Thank you for your email. Below you will find a timeline of hearings held and continued before Judge Scarborough.

02/12/2020 – Referred to the Master in Equity – any prior hearing date would need information from Circuit Court Clerk

03/31/2020 – Motion to Enforce Settlement on Roster – **Continued** due to doctor's note

05/18/2020 – Motion to Enforce Settlement on Roster – The hearing was not held due to COVID restrictions on in-person hearings at the courthouse and Defendant's doctor's notes regarding her asthma. The public could only enter between 10-2 and this hearing was set for 3:00. This was before we began setting WebEx virtual hearings. It was **rescheduled** to the next available date on June 25, 2020.

06/25/2020 – Motion to Enforce Settlement Roster – Motion Hearing held before Judge Scarborough via WebEx – Court Reporter = Christine Smith

01/07/2021 – Motion for Summary Judgment on Roster – Hearing not held continued for Defendant's Surgery

05/11/2021 – Motion for Summary Judgment on Roster – Motion Hearing held in person before Judge Scarborough – Court Reporter = Christine Smith. Ms. Smith was given the option to appear in-person or by WebEx but declined to participate in the hearing.

Our court reporter at the time, Christine Smith, no longer works for Charleston County because she moved to Idaho but she can be reached at [christinesmithphotography@gmail.com](mailto:christinesmithphotography@gmail.com) and her number is 843-367-9596.

If you have any questions, please let me know.

Many Thanks,

Martha "Marti" Dennis, Esq.

Roster and Scheduling Clerk/Attorney

7/2/24, 10:26 PM

Mail - Deborah Davis - Outlook

Charleston County Master-In-Equity's Office

100 Broad Street

Suite 266

Charleston, SC 29401

MDennis@charlestoncounty.org

843-958-5053 direct

843-958-5077 fax

---

**From:** Katelyn Brunson <KBrunson@charlestoncounty.org>

**Sent:** Monday, June 24, 2024 9:47 AM

**To:** Deborah Davis <d.davis@dicksondavislaw.com>

**Cc:** Christy Owens <legalassistant@dicksondavislaw.com>; MIELawClerk <MIELawClerk@charlestoncounty.org>; Martha S. Dennis <MDennis@charlestoncounty.org>; conor@dconorkeyslaw.com

**Subject:** RE: Family Services, Inc. v. Patricia Clarkin Smith et al. (Case No. 2017CP1005427) re: Confirmation for hearings (In-person or WebEx) and court reporters present

Good morning Mrs. Davis,

Thank you for reaching out to our office. As we discussed I have included Judge Scarborough's scheduling clerk and law clerk on this email to assist with the request below. In addition, Mr. Keys is included to ensure that all parties are aware of this communication with the court. We will be in touch as soon as possible with this information.

Have a great rest of your day!

Many Thanks,

Katelyn "Katie" Brunson, Esq.

Administrative Services Coordinator II

Charleston County Master in Equity

100 Broad Street, Suite 266

Charleston, SC 29401

Ph: (843) 958-5054

[kbrunson@charlestoncounty.org](mailto:kbrunson@charlestoncounty.org)

**From:** Deborah Davis <d.davis@dicksondavislaw.com>  
**Sent:** Monday, June 24, 2024 9:32 AM  
**To:** Katelyn Brunson <KBrunson@charlestoncounty.org>  
**Cc:** Christy Owens <legalassistant@dicksondavislaw.com>  
**Subject:** Fwd: Family Services, Inc. v. Patricia Clarkin Smith et al. (Case No. 2017CP1005427) re: Confirmation for hearings (In-person or WebEx) and court reporters present

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Mr. Brunson,

The email thread below is my attempt to investigate and confirm all hearings in this case as a whole. Angela referred me to you with the master-in-equity to determine the hearing dates in this court per the following:

I have a deadline of 7/5/2024 to respond to the appellate court regarding a dismissal of an appeal for my client.

I did not represent my client in this case. I only represent my client on appeal.

When my office called the clerk of court to confirm court hearing dates and court reporters at those hearings for my office to request hearing transcripts, I only received the following dates: 7/16/2018, 7/29/2018, and 8/30/2019.

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7/6/2020

5/11/2021

Please confirm that I have the correct hearing dates as well as the number of continuances for the hearing that was actually held.

7/2/24, 10:26 PM

Mail - Deborah Davis - Outlook

I will need to confirm the judge holding the hearing as well as the court reporter. I will also need to know whether the hearing was in-person or WebEx.

I appreciate your help in this matter.

Please assist me in obtaining this information as soon as possible. I am grateful to your assistance.

Best Regards,

Deborah D. Davis, Esq.

Managing Attorney

Dickson Davis Law Firm, LLC

620 Rutherford Street

Greenville, SC 29609

833.729.3426 tel

864.752.1424 fax

[www.dicksondavislaw.com](http://www.dicksondavislaw.com)

[d.davis@dicksondavislaw.com](mailto:d.davis@dicksondavislaw.com)

THE FIRM'S POLICY IS TO REPLY TO ALL CALLS, TEXTS, AND EMAILS WITHIN THREE (3) BUSINESS DAYS. FOR QUALITY ASSURANCE, IF YOU DO NOT RECEIVE A RESPONSE IN THE REQUIRED TIMEFRAME THAT IS IN NONCOMPLIANCE WITH THIS POLICY, THEN REPORT TO ME DIRECTLY TO INVESTIGATE AND ADDRESS THE ISSUE.

*Please excuse any grammatical or spelling errors, including typos, when corresponding from a mobile device.*

---

**From:** Angela Rigney <[ARigney@CharlestonCounty.org](mailto:ARigney@CharlestonCounty.org)>

**Sent:** Monday, June 24, 2024 9:26 AM

**To:** Deborah Davis <[d.davis@dicksondavislaw.com](mailto:d.davis@dicksondavislaw.com)>

**Cc:** Christy Owens <[legalassistant@dicksondavislaw.com](mailto:legalassistant@dicksondavislaw.com)>; Clerk Of Court <[clerkofcourt@charlestoncounty.org](mailto:clerkofcourt@charlestoncounty.org)>

**Subject:** RE: Family Services, Inc. v. Patricia Clarkin Smith et al. (Case No. 2017CP1005427) re: Confirmation for hearings (In-person or WebEx) and court reporters present

Ms. Davis,

I am working to determine hearings on this case, however, this matter was referred to the Master In Equity on 2/12/2020. Any hearings scheduled after this case was referred to the Master were scheduled by their office and you will need to contact them to regarding those hearings. I will forward you what information our office has hopefully by the end of the day today, or first thing in the morning tomorrow.

**Angela Rigney**

Common Pleas Docket Manager  
Charleston County Clerk of Court  
100 Broad Street, Suite 106  
Charleston, SC 29401  
843-958-5013

CourtPlus®

---

**From:** Deborah Davis <d.davis@dicksondavislaw.com>  
**Sent:** Friday, June 21, 2024 3:45 PM  
**To:** Angela Rigney <ARigney@CharlestonCounty.org>  
**Cc:** Christy Owens <legalassistant@dicksondavislaw.com>; Clerk Of Court <clerkofcourt@charlestoncounty.org>  
**Subject:** Family Services, Inc. v. Patricia Clarkin Smith et al. (Case No. 2017CP1005427) re: Confirmation for hearings (In-person or WebEx) and court reporters present

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Ms. Rigney,

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7/2/24, 10:26 PM

Mail - Deborah Davis - Outlook

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**Cc:** tholmes@sccourts.org <tholmes@sccourts.org>; transcripts@psc.sc.gov <transcripts@psc.sc.gov>; Christy Owens <legalassistant@dicksondavislaw.com>; jbickett@sccourts.org <jbickett@sccourts.org>; pdanner@sccourts.org <pdanner@sccourts.org>; mdempsey@sccourts.org <mdempsey@sccourts.org>; mstatham@sccourts.org <mstatham@sccourts.org>; svizer@sccourts.org <svizer@sccourts.org>; retiredcr@sccourts.org <retiredcr@sccourts.org>

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Mail - Deborah Davis - Outlook

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Deborah D. Davis, Esq.

Attorney at Law

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# EXHIBIT E

## Christy Owens

---

**From:** Christy Owens  
**Sent:** Tuesday, October 10, 2023 4:54 PM  
**To:** retiredcr@sccourts.org  
**Cc:** transcripts@sccourts.org  
**Subject:** Case No.: 2017CP105427 Family Services, Inc., as Conservator for Muriel W. Clarkin vs. Patricia Clarkin Smith and Wells Fargo Bank, NA  
**Attachments:** 2023\_10\_10\_Transcript\_Form.pdf; 2023\_10\_10\_Transcript\_Form2.pdf

Dear Clerk of Court,

Please see the attached transcript form(s) and send us the two transcripts requested.

Please and thank you!

Please feel free to message me if you have any questions or concerns!

Thank you so much for all your time and guidance!

Best Regards,

Christy Owens  
Paralegal

Dickson Davis Law Firm, LLC  
620 Rutherford Street  
Greenville, SC 29609  
[www.dicksondavislaw.com](http://www.dicksondavislaw.com)

833.729.3426 ext. 1 tel  
864.752.1424 fax  
[legalassistant@dicksondavislaw.com](mailto:legalassistant@dicksondavislaw.com)

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## South Carolina Judicial Branch

### TRANSCRIPT REQUEST FORM

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter/Transcriptionist and to South Carolina Court Administration at [transcripts@sccourts.org](mailto:transcripts@sccourts.org). If WebEx or DCRP were used to capture the record, please indicate below and send the form to [transcripts@sccourts.org](mailto:transcripts@sccourts.org).

| Requestor's Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Full Name<br><b>Deborah D Davis</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                 | Law Firm/Agency<br><b>Dickson Davis Law Firm, LLC</b>                                                                                                                                                                                                                                                                                                                                | Phone Number<br><b>833-729-3426</b>                                                  |
| Email Address<br><b>d.davis@dicksondavislaw.com</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                 | Mailing Address<br><b>620 Rutherford Street, Greenville, SC 29609</b>                                                                                                                                                                                                                                                                                                                |                                                                                      |
| Is the requestor a party in the case? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                      |
| If no, does the requestor represent a party? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of party <b>Patricia Smith Clarkin</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                      |
| Transcript Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                      |
| Docket Number<br><b>2017-CP-10-5427</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Full Case Caption (i.e. State v. John Doe or John Smith v. Jane Smith)<br><b>Family Services, Inc., as Conservator for Muriel W. Clarkin vs Patricia Clarkin Smith and Wells Fargo Bank, NA</b> |                                                                                                                                                                                                                                                                                                                                                                                      | Circuit <input checked="" type="checkbox"/><br>Family <input type="checkbox"/>       |
| Date(s) of Proceeding<br><b>8-30-2019</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | County <b>Charleston</b>                                                                                                                                                                        | Appeal pending<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                | Death Penalty<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Presiding Judge<br><b>Roger Young</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                 | Special Circumstances<br>Is the hearing to be transcribed one of the following:<br><input type="checkbox"/> Termination of parental rights<br><input type="checkbox"/> Adoption<br><input type="checkbox"/> Any actions involving child custody/visitation.                                                                                                                          |                                                                                      |
| Opposing Counsel(s) (name and email address)<br><b>David Conor Keys</b><br><b>conor@dconorkeys.com</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                      |
| Court Reporter(s)<br><b>Karen Andersen</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> WebEx<br><input type="checkbox"/> DCRP                                                                                                                                 | Delivery Timeframe<br>(check Rule 607 for current page rates)<br><input type="checkbox"/> Quote<br><input type="checkbox"/> Rough Draft<br><input type="checkbox"/> Overnight delivery<br><input type="checkbox"/> Daily delivery<br><input type="checkbox"/> Expedited delivery (7 days) Due on/before: <input type="text"/><br><input type="checkbox"/> Regular delivery (60 days) |                                                                                      |
| Portion of proceeding to be transcribed<br><input checked="" type="checkbox"/> Entire hearing<br><input type="checkbox"/> Voir dire by juror<br><input type="checkbox"/> Jury selection<br><input type="checkbox"/> Plaintiff's opening statement<br><input type="checkbox"/> Defendant's opening statement<br><input type="checkbox"/> Plaintiff's closing arguments<br><input type="checkbox"/> Defendant's closing arguments<br><input type="checkbox"/> Entire direct examination<br><input type="checkbox"/> Entire cross examination<br><input type="checkbox"/> Entire redirect<br><input type="checkbox"/> Examination of witness (W) by attorney (A)<br>W: <input type="text"/><br>A: <input type="text"/><br><input type="checkbox"/> Ruling of the court |                                                                                                                                                                                                 | Delivery Method (additional fees may apply)<br><input checked="" type="checkbox"/> PDF / Email<br><input checked="" type="checkbox"/> Hard Copy/Priority Mail (\$50 + shipping)<br><input type="checkbox"/> PDF & Hard Copy/Priority Mail (\$50 + shipping)                                                                                                                          |                                                                                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                 | Responsible Payor<br><input checked="" type="checkbox"/> Private / Self<br><input type="checkbox"/> Court Appointed Counsel<br>Appeals Attorney <input type="text"/><br>Email <input type="text"/><br><input type="checkbox"/> Other <input type="text"/>                                                                                                                            |                                                                                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                 | Next Hearing Date <input type="text"/>                                                                                                                                                                                                                                                                                                                                               |                                                                                      |

Requestor's Signature: Deborah Dickson Davis  
(Typed name will serve as signature)

Date: 10/10/2023

**NOTE:** Requests will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party, regardless of indigent status. Please promptly submit your payment in the method of payment requested, in order for the transcript to be produced. In some cases, a deposit may be required before the transcript can be placed in the production queue. You may also request a quote before deciding to order. *If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.*

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## South Carolina Judicial Branch

### TRANSCRIPT REQUEST FORM

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reporter or transcriptionist.



## South Carolina Judicial Branch

### TRANSCRIPT REQUEST FORM

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter/Transcriptionist and to South Carolina Court Administration at [transcripts@sccourts.org](mailto:transcripts@sccourts.org). If WebEx or DCRP were used to capture the record, please indicate below and send the form to [transcripts@sccourts.org](mailto:transcripts@sccourts.org).

| Requestor's Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| <b>Full Name</b><br>Deborah D Davis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                     | <b>Law Firm/Agency</b><br>Dickson Davis Law Firm, LLC                                                                                                                                                                                                                                                                                                                                       | <b>Phone Number</b><br>8337293426                                                            |
| <b>Email Address</b><br>d.davis@dicksondavislaw.com                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                     | <b>Mailing Address</b><br>620 Rutherford Street Greenville, SC 29609                                                                                                                                                                                                                                                                                                                        |                                                                                              |
| Is the requestor a party in the case? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                              |
| If no, does the requestor represent a party? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of party Patricia Clarkin Smith                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                              |
| Transcript Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                              |
| <b>Docket Number</b><br>2017-CP-10-5427                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Full Case Caption</b> (i.e. State v. John Doe or John Smith v. Jane Smith)<br>Family Services, Inc., as Conservator for Muriel W. Clarkin vs.<br>Patricia Clarkin Smith and Wells Fargo Bank, NA |                                                                                                                                                                                                                                                                                                                                                                                             | <b>Circuit</b> <input checked="" type="checkbox"/><br><b>Family</b> <input type="checkbox"/> |
| <b>Date(s) of Proceeding</b><br>7-29-2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>County</b> Charleston                                                                                                                                                                            | <b>Appeal pending</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                | <b>Death Penalty</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |
| <b>Presiding Judge</b><br>Judge Jefferson                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                     | <b>Special Circumstances</b><br>Is the hearing to be transcribed one of the following:<br><input type="checkbox"/> Termination of parental rights<br><input type="checkbox"/> Adoption<br><input type="checkbox"/> Any actions involving child custody/visitation.                                                                                                                          |                                                                                              |
| <b>Opposing Counsel(s)</b> (name and email address)<br>David Conor Keys<br>conor@dconorkeyslaw.com                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                     | <b>Delivery Timeframe</b><br>(check Rule 607 for current page rates)<br><input type="checkbox"/> Quote<br><input type="checkbox"/> Rough Draft<br><input type="checkbox"/> Overnight delivery<br><input type="checkbox"/> Daily delivery<br><input type="checkbox"/> Expedited delivery (7 days) Due on/before: <input type="text"/><br><input type="checkbox"/> Regular delivery (60 days) |                                                                                              |
| <b>Court Reporter(s)</b><br>Phyllis H. Norton                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> WebEx<br><input type="checkbox"/> DCRP                                                                                                                                     | <b>Delivery Method</b> (additional fees may apply)<br><input checked="" type="checkbox"/> PDF / Email<br><input checked="" type="checkbox"/> Hard Copy/Priority Mail (\$50 + shipping)<br><input type="checkbox"/> PDF & Hard Copy/Priority Mail (\$50 + shipping)                                                                                                                          |                                                                                              |
| <b>Portion of proceeding to be transcribed</b><br><input checked="" type="checkbox"/> Entire hearing<br><input type="checkbox"/> Voir dire by juror<br><input type="checkbox"/> Jury selection<br><input type="checkbox"/> Plaintiff's opening statement<br><input type="checkbox"/> Defendant's opening statement<br><input type="checkbox"/> Plaintiff's closing arguments<br><input type="checkbox"/> Defendant's closing arguments<br><input type="checkbox"/> Entire direct examination<br><input type="checkbox"/> Entire cross examination<br><input type="checkbox"/> Entire redirect<br><input type="checkbox"/> Examination of witness (W) by attorney (A)<br>W: <input type="text"/><br>A: <input type="text"/><br><input type="checkbox"/> Ruling of the court |                                                                                                                                                                                                     | <b>Responsible Payor</b><br><input checked="" type="checkbox"/> Private / Self<br><input type="checkbox"/> Court Appointed Counsel<br>Appeals Attorney <input type="text"/><br>Email <input type="text"/><br><input type="checkbox"/> Other <input type="text"/>                                                                                                                            |                                                                                              |
| <b>Next Hearing Date</b> <input type="text"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                              |

**Requestor's Signature:** Deborah Dickson Davis **Date:** 10/10/2023  
(Typed name will serve as signature)

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## South Carolina Judicial Branch

### TRANSCRIPT REQUEST FORM

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reporter or transcriptionist.

## Christy Owens

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**From:** Christy Owens  
**Sent:** Thursday, October 12, 2023 12:22 PM  
**To:** retiredcr@sccourts.org  
**Cc:** transcripts@sccourts.org; Deborah Davis  
**Subject:** Case No.: 2017CP105427 Family Services, Inc., as Conservator for Muriel W. Clarkin vs. Patricia Clarkin  
Smith and Wells Fargo Bank, NA  
**Attachments:** 2023\_10\_10\_Transcript\_Form\_3.pdf

Dear Clerk of Court,

Please see the attached transcript form(s) and send us the two transcripts requested.

Please and thank you!

Please feel free to message me if you have any questions or concerns!

Thank you so much for all your time and guidance!

Best Regards,

Christy Owens  
Paralegal

Dickson Davis Law Firm, LLC  
620 Rutherford Street  
Greenville, SC 29609  
[www.dicksondavislaw.com](http://www.dicksondavislaw.com)

833.729.3426 ext. 1 tel  
864.752.1424 fax  
[legalassistant@dicksondavislaw.com](mailto:legalassistant@dicksondavislaw.com)

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*Please note that, unless you have signed the fee contract agreement, the engagement letter, and paid the deposit or retainer fee in full, if applicable, then Dickson Davis Law Firm, LLC, does not represent you in this matter after your initial consultation.*

*When you receive correspondence from the Dickson Davis Law Firm, LLC, or request work, review, or any of the above as part of your overall consultation, you understand and acknowledge that any consultation work done prior to the scheduled consultation meeting, executing the fee contract agreement, executing the engagement letter, or any of the above is subject to the firm's hourly billing for document review, correspondence with the prospective client (i.e., emails, phone calls, text messages), correspondence with other third parties with the prospective client's permission. Consultations are charged a flat fee. If your consultation exceeds one hour, then your consultation fee will include the flat fee for your initial consultation and the overage is billable on an hourly, prorated basis.*

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## South Carolina Judicial Branch

### TRANSCRIPT REQUEST FORM

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| Requestor's Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| <b>Full Name</b><br>Deborah D Davis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                     | <b>Law Firm/Agency</b><br>Dickson Davis Law Firm, LLC                                                                                                                                                                                                                                                                                                                                       | <b>Phone Number</b><br>833-729-3426                                                          |
| <b>Email Address</b><br><a href="mailto:d.davis@dicksondavislaw.com">d.davis@dicksondavislaw.com</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                     | <b>Mailing Address</b><br>620 Rutherford Street, Greenville, SC 29609                                                                                                                                                                                                                                                                                                                       |                                                                                              |
| Is the requestor a party in the case? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                              |
| If no, does the requestor represent a party? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of party Patricia Smith Clarkin                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                              |
| Transcript Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                              |
| <b>Docket Number</b><br>2017-CP-10-5427                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Full Case Caption</b> (i.e. State v. John Doe or John Smith v. Jane Smith)<br>Family Services, Inc., as Conservator for Muriel W. Clarkin vs.<br>Patricia Clarkin Smith and Wells Fargo Bank, NA |                                                                                                                                                                                                                                                                                                                                                                                             | <b>Circuit</b> <input checked="" type="checkbox"/><br><b>Family</b> <input type="checkbox"/> |
| <b>Date(s) of Proceeding</b><br>07/16/2018                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>County</b> Charleston                                                                                                                                                                            | <b>Appeal pending</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                | <b>Death Penalty</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |
| <b>Presiding Judge</b><br>Judge Murphy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                     | <b>Special Circumstances</b><br>Is the hearing to be transcribed one of the following:<br><input type="checkbox"/> Termination of parental rights<br><input type="checkbox"/> Adoption<br><input type="checkbox"/> Any actions involving child custody/visitation.                                                                                                                          |                                                                                              |
| <b>Opposing Counsel(s)</b> (name and email address)<br>David Conor Keys<br><a href="mailto:conor@dconorkeyslaw.com">conor@dconorkeyslaw.com</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                              |
| <b>Court Reporter(s)</b><br>Amanda K. Haffenden                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/> WebEx<br><input type="checkbox"/> DCRP                                                                                                                                     | <b>Delivery Timeframe</b><br>(check Rule 607 for current page rates)<br><input type="checkbox"/> Quote<br><input type="checkbox"/> Rough Draft<br><input type="checkbox"/> Overnight delivery<br><input type="checkbox"/> Daily delivery<br><input type="checkbox"/> Expedited delivery (7 days) Due on/before: <input type="text"/><br><input type="checkbox"/> Regular delivery (60 days) |                                                                                              |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                     | <b>Responsible Payor</b><br><input checked="" type="checkbox"/> Private / Self<br><input checked="" type="checkbox"/> Court Appointed Counsel<br>Appeals Attorney <input type="text"/><br>Email <input type="text"/><br><input type="checkbox"/> Other <input type="text"/>                                                                                                                 |                                                                                              |
| <b>Next Hearing Date</b> <input type="text"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                              |

**Requestor's Signature:** Deborah Dickson Davis  
(Typed name will serve as signature)

**Date:** 10/10/2023

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# South Carolina Judicial Branch

## TRANSCRIPT REQUEST FORM

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reporter or transcriptionist.

**From:** Christy Owens  
**To:** [tholmes@sccourts.org](mailto:tholmes@sccourts.org)  
**Cc:** Deborah Davis  
**Subject:** 2017CP105427 Family Services, Inc., as Conservator for Muriel W. Clarkin vs. Patricia Clarkin Smith and Wells Fargo Bank, NA  
**Date:** Tuesday, October 31, 2023 4:23:00 PM  
**Attachments:** [2023\\_10\\_10 Transcript Form.pdf](#)  
[2023\\_10\\_10 Transcript Form2.pdf](#)  
[2023\\_10\\_10 Transcript Form 3.pdf](#)

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Dear Ms. Holmes

Please update us on the status of sending us the two transcripts requested to the Court on 10/12/2023. Please see the attached that I have sent to [rtiredcr@sccourts.org](mailto:rtiredcr@sccourts.org) and [transcripts@sccourts.org](mailto:transcripts@sccourts.org).

Please assist us in getting these Court Transcripts asap.

Please and thank you!

Please feel free to message me if you have any questions or concerns!

Thank you so much for all your time and guidance!

Best Regards,

Christy Owens  
Paralegal

Dickson Davis Law Firm, LLC  
620 Rutherford Street  
Greenville, SC 29609  
[www.dicksondavislaw.com](http://www.dicksondavislaw.com)

833.729.3426 ext. 1 tel  
864.752.1424 fax  
[legalassistant@dicksondavislaw.com](mailto:legalassistant@dicksondavislaw.com)

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**From:** [Holmes, Tammie](#)  
**To:** [Christy Owens; RetiredCR](#)  
**Cc:** [Transcripts; Deborah Davis](#)  
**Subject:** RE: Case No.: 2017CP105427 Family Services, Inc., as Conservator for Muriel W. Clarkin vs. Patricia Clarkin Smith and Wells Fargo Bank, NA  
**Date:** Wednesday, November 1, 2023 10:14:11 AM  
**Attachments:** [Rule 607 NEW.docx](#)

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Good morning Ms. Owens.

In accordance with Rule 607, unfortunately court reporters are not required to retain records after five-years. The date you provided is over the five-year limit meaning the files you are requesting have been destroyed. I have attached the rule for your review.

Thank you,

Tammie M. Holmes  
Court Reporter Manager  
South Carolina Judicial Branch  
1220 Senate Street, Ste. 200  
Columbia, SC 29201  
[tholmes@sccourts.org](mailto:tholmes@sccourts.org)  
803-734-1825

---

**From:** Christy Owens <[legalassistant@dicksondavislaw.com](mailto:legalassistant@dicksondavislaw.com)>  
**Sent:** Thursday, October 12, 2023 12:22 PM  
**To:** RetiredCR <[Retiredcr@sccourts.org](mailto:Retiredcr@sccourts.org)>  
**Cc:** Transcripts <[transcripts@sccourts.org](mailto:transcripts@sccourts.org)>; Deborah Davis <[d.davis@dicksondavislaw.com](mailto:d.davis@dicksondavislaw.com)>  
**Subject:** Case No.: 2017CP105427 Family Services, Inc., as Conservator for Muriel W. Clarkin vs. Patricia Clarkin Smith and Wells Fargo Bank, NA

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Dear Clerk of Court,

Please see the attached transcript form(s) and send us the two transcripts requested.

Please and thank you!

Please feel free to message me if you have any questions or concerns!

Thank you so much for all your time and guidance!

Best Regards,

Christy Owens  
Paralegal

Dickson Davis Law Firm, LLC  
620 Rutherford Street  
Greenville, SC 29609  
[www.dicksondavislaw.com](http://www.dicksondavislaw.com)

833.729.3426 ext. 1 tel  
864.752.1424 fax  
[legalassistant@dicksondavislaw.com](mailto:legalassistant@dicksondavislaw.com)

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## Deborah Davis

---

**From:** Holmes, Tammie <tholmes@sccourts.org>  
**Sent:** Wednesday, November 1, 2023 8:46 AM  
**To:** Christy Owens  
**Cc:** Deborah Davis  
**Subject:** RE: 2017CP105427 Family Services, Inc., as Conservator for Muriel W. Clarkin vs. Patricia Clarkin Smith and Wells Fargo Bank, NA

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Good morning Ms. Owens.

I have sent an email to Ms. Norton and Ms. Anderson inquiring as to the status of these transcripts. I will let you know as soon as I heard back from them.

Thank you.

Tammie M. Holmes  
Court Reporter Manager  
South Carolina Judicial Branch  
1220 Senate Street, Ste. 200  
Columbia, SC 29201  
[tholmes@sccourts.org](mailto:tholmes@sccourts.org)  
803-734-1825

**From:** Christy Owens <legalassistant@dicksondavislaw.com>  
**Sent:** Tuesday, October 31, 2023 4:24 PM  
**To:** Holmes, Tammie <tholmes@sccourts.org>  
**Cc:** Deborah Davis <d.davis@dicksondavislaw.com>  
**Subject:** 2017CP105427 Family Services, Inc., as Conservator for Muriel W. Clarkin vs. Patricia Clarkin Smith and Wells Fargo Bank, NA

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Dear Ms. Holmes

Please update us on the status of sending us the two transcripts requested to the Court on 10/12/2023. Please see the attached that I have sent to [rtiredcr@sccourts.org](mailto:rtiredcr@sccourts.org) and [transcripts@sccourts.org](mailto:transcripts@sccourts.org).

Please assist us in getting these Court Transcripts asap.

Please and thank you!

Please feel free to message me if you have any questions or concerns!

Thank you so much for all your time and guidance!

Best Regards,

Christy Owens  
Paralegal

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## **RULE 607**

### **COURT REPORTER TRANSCRIPTS AND RECORDINGS**

**(a) Applicability.** This rule is applicable to court reporter transcripts and recordings relating to proceedings before the family and circuit court, to include proceedings before masters-in-equity. A court reporter or transcriptionist for such a proceeding, regardless whether the court reporter or transcriptionist is a Judicial Branch employee or contractor, or is a private court reporter retained by the parties, shall comply with the requirements of this rule.

**(b) Ordering Transcripts.** Transcripts of proceedings which are needed for an appeal or appellate review of a post-conviction relief action before the Supreme Court or Court of Appeals shall be ordered as provided by Rules 207(a) or 243(b), SCACR. In all other cases, the request for the transcript shall be made, in writing, to the court reporter, and a copy of the request shall be served as provided by Rule 262(b), SCACR, on all parties to the proceeding which is to be transcribed and, if the transcript is requested for use in another case, on all parties in that case. A copy of the request shall also be provided to the Office of Court Administration. If the request is made by an attorney, the attorney shall provide copies of all correspondence via electronic means as specified in Rule 207(a)(7) and by Order of the Supreme Court.<sup>1</sup> The names and addresses of all persons who are to be served with a copy shall be included on the request for the transcript. The court reporter must acknowledge receipt of the request by responding to the person making the request within five business days, and provide a copy to the Office of Court Administration as specified in Rule 207(a)(7) and by Order of the Supreme Court.

**(c) Preparation of Transcript.** The transcript shall be prepared in the manner prescribed by the Court Reporters Manual published by the Office of Court Administration.

**(d) Delivery of Transcripts.** A court reporter shall transcribe and deliver the transcript no later than sixty (60) days after the date of the request. Records shall be transcribed by the court reporter in the order in which the requests for transcripts are made; provided, however, that requests to transcribe post-conviction relief proceedings challenging a sentence of death shall be given priority as provided by S.C. Code Ann. § 17-27-160(E).

**(e) Extension of Time to Deliver.** If a court reporter anticipates continuous engagement in the performance of other official duties which make it impossible to prepare a transcript within the time specified in (d) above, the reporter shall promptly notify the Office of Court Administration by submitting a Court-approved Notice of Request for Extension form. The Office of Court Administration may grant up to three extensions for a total of up to ninety (90) days. Extensions in excess of ninety days (90) days shall not be allowed except by order of the Chief Justice.

**(f) Notice of Extension.** Upon the granting of any extension of time for delivery of the transcript, the Office of Court Administration shall notify the parties and, if the

transcript has been requested for an appeal or other proceeding before the Supreme Court or the Court of Appeals, the Clerk of that Court.

**(g) Failure to Receive Transcript.** If the requesting party has not received the transcript within the allotted time nor received notification of an extension within ten (10) days after the allotted time, the requesting party shall notify, in writing, the Office of Court Administration, the court reporter and, if the transcript has been requested for an appeal or other proceeding before the Supreme Court or the Court of Appeals, the Clerk of that Court. If the request was made by an attorney, the attorney shall also provide notice via electronic means as provided in Rule 207(a)(7) and by Order of the Supreme Court.

**(h) Fees for Transcription and Other Services.**

**(1) By Judicial Branch Court Reporter.** A court reporter or transcriptionist employed by, contracted by, or otherwise acting on behalf of or at the direction of the Judicial Branch shall receive the following fees:

**(A)** A fee of Four Dollars and Twenty-Five Cents (\$4.25) per page for producing an original transcript.

**(B)** A fee of One Dollar (\$1.00) per page for furnishing a copy of a previously prepared transcript.

**(C)** A fee of Two Dollars (\$2.00) per page for each person receiving Real-time output when a Real-time Request is signed by the requestor.

**(D)** A fee of One Dollar and Fifty Cents (\$1.50) per page for condensed transcripts, which contain no more than four pages of text. This service is only available to a requestor who has requested an original or a copy of the transcript.

**(E)** A fee of One Dollar (\$1.00) per page for Keyword Indexing. This service is only available to a requestor who has requested an original or a copy of the transcript.

**(F)** A fee of Fifty Dollars (\$50) plus shipping costs for mailed transcripts. This service is only available to a requestor who has requested an original or a copy of the transcript.

**(G)** A fee of Two Dollars (\$2.00) per page for unedited (rough draft) transcripts.

**(H)** The following per page costs apply to requests to produce a transcript on an expedited basis:

**(i)** A fee of Five Dollars (\$5.00) for original transcripts delivered within seven days of the request and One Dollar (\$1.00) for a copy.

**(ii)** A fee of Six Dollars (\$6.00) for original transcripts delivered overnight and One Dollar and Twenty-Five Cents (\$1.25) for a copy.

**(iii)** A fee of Seven Dollars (\$7.00) for original transcripts delivered on a daily basis and One Dollar and Twenty-Five Cents (\$1.25) for a copy.

**(2) By Private Court Reporter.** In the event a court reporter is retained by the parties and is not a Judicial Branch court reporter, the fees to be charged shall be agreed upon by the private court reporter and the parties. Where a Judicial Branch court reporter or transcriptionist also produces a transcript for a proceeding, the transcript produced by the Judicial Branch court reporter or transcriptionist is the official transcript.

**(i) Retention of Recordings.**

**(1) Five Years from Proceeding.** A court reporter must retain the primary and backup recordings of a proceeding for at least five (5) years after the date of the proceeding before destroying or deleting any recordings. If the proceeding was a hearing or trial which lasted for more than one day, the time shall be computed from the last day of the hearing or trial.

**(2) One year from Transcription.** A court reporter must also retain the primary and backup recordings from a proceeding that has been transcribed for at least one (1) year after the original transcript is sent to the requesting party, even if this results in the reporter retaining the recordings longer than five (5) years, to allow a party to challenge the accuracy of the transcription.

**(j) Failure to Comply.** The willful failure of a court reporter to comply with the provisions of this Rule shall constitute contempt of court enforceable by order of the Supreme Court.

Last amended by Order dated March 15, 2023.

1 The Supreme Court's May 1, 2018 Order specifying this procedure is available at: <https://www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2018-05-01-04>.

**Deborah Davis**

---

**From:** Deborah Davis  
**Sent:** Friday, November 3, 2023 5:22 PM  
**To:** Clark, Tyler P.  
**Cc:** conor@dconorkeyslaw.com; Christy Owens  
**Subject:** FW: Appellate Case No. 2021-000793 / Civil Case No. 2017-CP-10-05427 (Family Services, Inc., as Conservator for Muriel W. Clarkin v. Patricia Clarkin Smith and Wells Fargo Bank, NA.) re: Motion to File Out of Time  
**Attachments:** Family Services v. Smith - Motion to File.pdf; D. Davis - Illness Letter.pdf; Doctors\_Note.pdf

Mr. Clark,

Attached are doctor notes concerning my ongoing health issues for the last 6 weeks with respect to my client's motion to file out of time. I have had to limit my case load while I have been unwell and unable to speak well with a very long case of laryngitis. I am seeing a specialist next week. I appreciate the Court's grace and understanding in these circumstances.

Prior to falling ill, I reviewed the lower court's proceedings and filings as a matter of public record. However, obtaining the transcripts is problematic and still a work in progress. I addressed with opposing counsel separately that I have found the appeal proper on a certain position from a substantive, constitutional legal issue.

I will file a DOM next week (that may need to be amended based on the result of obtaining transcripts) in addition to other documentation for clarity purposes.

Thank you for your time and assistance in this matter.

Best Regards,



Deborah D. Davis, Esq.  
Attorney at Law

Dickson Davis Law Firm, LLC  
620 Rutherford Street  
Greenville, SC 29609  
[www.dicksondavislaw.com](http://www.dicksondavislaw.com)

864.729.3428 tel  
864.752.1424 fax  
[d.davis@dicksondavislaw.com](mailto:d.davis@dicksondavislaw.com)

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**From:** Court Of Appeals Filings <ctappfilings@sccourts.org>  
**Sent:** Friday, November 3, 2023 4:56 PM  
**To:** Deborah Davis <d.davis@dicksondavislaw.com>; Court Of Appeals Filings <ctappfilings@sccourts.org>  
**Cc:** Christy Owens <legalassistant@dicksondavislaw.com>; conor@dconorkeyslaw.com; Clark, Tyler P. <tpclark@sccourts.org>  
**Subject:** RE: Appellate Case No. 2021-000793 / Civil Case No. 2017-CP-10-05427 (Family Services, Inc., as Conservator for Muriel W. Clarkin v. Patricia Clarkin Smith and Wells Fargo Bank, NA.) re: Motion to File Out of Time

Dear Counsel:

The Court has received your filing. A stamped copy is attached for your records.

Thank you.

---

**From:** Deborah Davis <d.davis@dicksondavislaw.com>  
**Sent:** Friday, November 3, 2023 4:31 PM  
**To:** Court Of Appeals Filings <ctappfilings@sccourts.org>  
**Cc:** Christy Owens <legalassistant@dicksondavislaw.com>; conor@dconorkeyslaw.com; Clark, Tyler P. <tpclark@sccourts.org>  
**Subject:** Appellate Case No. 2021-000793 / Civil Case No. 2017-CP-10-05427 (Family Services, Inc., as Conservator for Muriel W. Clarkin v. Patricia Clarkin Smith and Wells Fargo Bank, NA.) re: Motion to File Out of Time

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

To Clerk of Appellate Court:

Please see the attached Appellant's Motion to File Out of Time due to ongoing medical issues for Appellant's counsel. Counsel for Appellant will also address separately regarding documentation of ongoing medical issues.

Best Regards,



Deborah D. Davis, Esq.  
Attorney at Law

Dickson Davis Law Firm, LLC  
620 Rutherford Street  
Greenville, SC 29609  
[www.dicksondavislaw.com](http://www.dicksondavislaw.com)

864.729.3428 tel  
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[d.davis@dicksondavislaw.com](mailto:d.davis@dicksondavislaw.com)

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**Deborah Davis**

---

**From:** Deborah Davis  
**Sent:** Friday, November 3, 2023 4:23 PM  
**To:** conor@dconorkeyslaw.com  
**Cc:** Christy Owens  
**Subject:** Appellate Case No. 2021-000793 / Civil Case No. 2017-CP-10-05427 (Family Services, Inc., as Conservator for Muriel W. Clarkin v. Patricia Clarkin Smith and Wells Fargo Bank, NA., \_  
**Attachments:** 2023\_11\_03\_cover\_letter\_court\_appeals\_motion\_e-sign.pdf; 2023\_11\_03\_motion\_file\_out\_time\_e-sign.pdf; 2023\_11\_03\_motion\_file\_out\_time\_POS\_e-sign.pdf; D. Davis - Illness Letter.pdf; Doctors\_Note.pdf

Conor,

Please see the attached Motion to File Out of Time that I will electronically file with the appellate court.

I have been very unwell over the past 6 weeks. I am seeing a specialist next week on Monday. Prior to that, my client was unwell from her surgery recovery making it difficult to coordinate with her regarding her case.

I have reviewed the lower court's proceedings that are available as a matter of public record. Regardless, I have determined a substantive, constitutional legal issue on appeal that is proper for appeal from the lower court. I have determined that an appeal is proper as a matter of law.

However, I have been unable to locate the transcripts for the court hearings in the lower case. Additionally, I am unsure whether you have additional transcripts from depositions.

Please touch base on Monday to discuss later in the afternoon. I am unable to talk for long periods of time due to an ongoing case of laryngitis for 3+ weeks now. Email is helpful for now.

Thank you for your time and assistance in this matter.

Best Regards,



Deborah D. Davis, Esq.  
Attorney at Law

Dickson Davis Law Firm, LLC  
620 Rutherford Street  
Greenville, SC 29609  
[www.dicksondavislaw.com](http://www.dicksondavislaw.com)

864.729.3428 tel  
864.752.1424 fax

[d.davis@dicksondavislaw.com](mailto:d.davis@dicksondavislaw.com)

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**Deborah Davis**

---

**From:** Karen Andersen <Karen\_Andersen@scd.uscourts.gov>  
**Sent:** Tuesday, November 7, 2023 9:47 AM  
**To:** Deborah Davis  
**Subject:** Re: Family Services, Inc., as Conservator for Muriel W. Clarkin vs. Patricia Clarkin Smith and Wells Fargo Bank, NA

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Completed

Good morning. The transcript you are requesting would be \$105.25 payable to me at the address below. Upon payment, I will gladly put your transcript in line for production. Thank you.

Karen V. Andersen, CRR, RMR, CSR  
United States District Court  
901 Richland Street  
Columbia, SC 29201

---

**From:** Holmes, Tammie <tholmes@sccourts.org>  
**Sent:** Wednesday, November 1, 2023 8:42 AM  
**To:** Karen Andersen <Karen\_Andersen@scd.uscourts.gov>  
**Cc:** Transcripts <transcripts@sccourts.org>  
**Subject:** Family Services, Inc., as Conservator for Muriel W. Clarkin vs. Patricia Clarkin Smith and Wells Fargo Bank, NA

**CAUTION - EXTERNAL:**

Good morning Karen.

Attached please find a transcript request for a hearing where you were the court reporter who captured the record for the above referenced hearing. Please let me know if you will be able to produce this transcript.

Thank you.

Tammie M. Holmes  
Court Reporter Manager  
South Carolina Judicial Branch  
1220 Senate Street, Ste. 200  
Columbia, SC 29201  
[tholmes@sccourts.org](mailto:tholmes@sccourts.org)  
803-734-1825

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**CAUTION - EXTERNAL EMAIL:** This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

## Christy Owens

---

**From:** Karen Andersen <Karen\_Andersen@scd.uscourts.gov>  
**Sent:** Monday, November 20, 2023 9:30 AM  
**To:** Christy Owens  
**Subject:** Fw: Family Services, Inc., as Conservator for Muriel W. Clarkin vs. Patricia Clarkin Smith and Wells Fargo Bank, NA

Good morning. I wanted to make sure you received my previous e-mail. Please let me know if you have decided not to order the transcript. Thank you.

Karen V. Andersen, CRR, RMR, CSR  
United States District Court  
901 Richland Street  
Columbia, SC 29201

---

**From:** Karen Andersen <Karen\_Andersen@scd.uscourts.gov>  
**Sent:** Tuesday, November 7, 2023 9:47 AM  
**To:** d.davis@dicksondavislaw.com <d.davis@dicksondavislaw.com>  
**Subject:** Re: Family Services, Inc., as Conservator for Muriel W. Clarkin vs. Patricia Clarkin Smith and Wells Fargo Bank, NA

Good morning. The transcript you are requesting would be \$105.25 payable to me at the address below. Upon payment, I will gladly put your transcript in line for production. Thank you.

Karen V. Andersen, CRR, RMR, CSR  
United States District Court  
901 Richland Street  
Columbia, SC 29201

---

**From:** Holmes, Tammie <tholmes@sccourts.org>  
**Sent:** Wednesday, November 1, 2023 8:42 AM  
**To:** Karen Andersen <Karen\_Andersen@scd.uscourts.gov>  
**Cc:** Transcripts <transcripts@sccourts.org>  
**Subject:** Family Services, Inc., as Conservator for Muriel W. Clarkin vs. Patricia Clarkin Smith and Wells Fargo Bank, NA

### **CAUTION - EXTERNAL:**

Good morning Karen.

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Thank you.

Tammie M. Holmes  
Court Reporter Manager  
South Carolina Judicial Branch  
1220 Senate Street, Ste. 200

Columbia, SC 29201  
[tholmes@sccourts.org](mailto:tholmes@sccourts.org)  
803-734-1825

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**CAUTION: EXTERNAL EMAIL:** This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

## Christy Owens

---

**From:** RetiredCR <Retiredcr@sccourts.org>  
**Sent:** Monday, November 20, 2023 9:38 AM  
**To:** Christy Owens; RetiredCR  
**Cc:** Transcripts; Deborah Davis  
**Subject:** RE: Case No.: 2017CP105427 Family Services, Inc., as Conservator for Muriel W. Clarkin vs. Patricia Clarkin Smith and Wells Fargo Bank, NA

Good Morning Ms. Owens,

Karen Andersen has stated she sent you an estimate but never received a response back.

Thank you,

Court Reporter Section

**From:** Christy Owens <legalassistant@dicksondavislaw.com>  
**Sent:** Tuesday, October 31, 2023 2:54 PM  
**To:** RetiredCR <Retiredcr@sccourts.org>  
**Cc:** Transcripts <transcripts@sccourts.org>; Deborah Davis <d.davis@dicksondavislaw.com>  
**Subject:** RE: Case No.: 2017CP105427 Family Services, Inc., as Conservator for Muriel W. Clarkin vs. Patricia Clarkin Smith and Wells Fargo Bank, NA

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Dear Clerk of Court,

Please update us on the status of sending us the two transcripts requested in the previous email.

Please and thank you!

Please feel free to message me if you have any questions or concerns!

Thank you so much for all your time and guidance!

Best Regards,

Christy Owens  
Paralegal

Dickson Davis Law Firm, LLC  
620 Rutherford Street  
Greenville, SC 29609  
[www.dicksondavislaw.com](http://www.dicksondavislaw.com)

833.729.3426 ext. 1 tel  
864.752.1424 fax  
[legalassistant@dicksondavislaw.com](mailto:legalassistant@dicksondavislaw.com)

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**From:** Christy Owens

**Sent:** Thursday, October 12, 2023 12:22 PM

**To:** [retiredcr@sccourts.org](mailto:retiredcr@sccourts.org)

**Cc:** [transcripts@sccourts.org](mailto:transcripts@sccourts.org); Deborah Davis <[d.davis@dicksondavislaw.com](mailto:d.davis@dicksondavislaw.com)>

**Subject:** Case No.: 2017CP105427 Family Services, Inc., as Conservator for Muriel W. Clarkin vs. Patricia Clarkin Smith and Wells Fargo Bank, NA

Dear Clerk of Court,

Please see the attached transcript form(s) and send us the two transcripts requested.

Please and thank you!

Please feel free to message me if you have any questions or concerns!

Thank you so much for all your time and guidance!

Best Regards,

Christy Owens  
Paralegal

Dickson Davis Law Firm, LLC  
620 Rutherford Street  
Greenville, SC 29609

[www.dicksondavislaw.com](http://www.dicksondavislaw.com)

833.729.3426 ext. 1 tel

864.752.1424 fax

[legalassistant@dicksondavislaw.com](mailto:legalassistant@dicksondavislaw.com)

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Billing task in PP



DICKSON DAVIS LAW FIRM

COVER LETTER

November 27, 2023

United States District Court  
Atten: Karen V. Andersen  
901 Richland Street  
Columbia, SC 29201

VIA FEDEX

Re : Family Services as Conservator for Muriel Clarkin vs. Patricia Smith Clarkin  
Case No. : See list below

Dear Clerk of Court:

As you are aware, I represent Patricia Smith. Please find enclosed the check in the amount of One Hundred and Five Dollars, and Twenty-Five Cent (\$105.25) for the **TRANSCRIPT FEE(S)** for the below case:

| Case No.     | Case Caption                                                                 | File Id. No. |
|--------------|------------------------------------------------------------------------------|--------------|
| 2017CP105427 | Family Services as Conservator for Muriel Clarkin vs. Patricia Smith Clarkin | 2023-06-002  |

If we have any additional fees that are outstanding at this time, and we are not current on any payments, then please notify us via email at [info@dicksondavislaw.com](mailto:info@dicksondavislaw.com).

Please let me know if you need any additional information.

Best Regards,

By:   
Deborah D. Davis, Esq.  
Managing Attorney

/ddd

D

DICKSON DAVIS LAW FIRM, LLC  
310 RUTHERFORD STREET  
GREENVILLE, SC 29609

3503

67-448/539 SC  
1873

DATE 11/27/2023

PAY  
TO THE  
ORDER OF

Karen V. Anderson

\$ 105.25

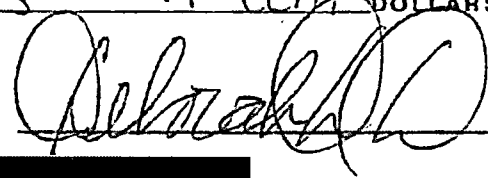
One Hundred five dollars + 25/100 cent DOLLARS



BANK OF AMERICA 

ACH R/T 053904483

FOR Transcript Fee Case: 2017CP105427



⑈003503⑈ 

ORIGIN ID: LQKA (864) 729-3428  
DEBORAH DAVIS, ESQ.  
DICKSON DAVIS LAW, LLC  
820 RUTHERFORD STREET

GREENVILLE, SC 29609  
UNITED STATES US

SHIP DATE: 28NOV23  
ACTWGT: 0.10 LB  
CAD: 111657562/NET4660

BILL SENDER

TO **KAREN V. ANDERSEN**  
**UNITED STATES DISTRICT COURT**  
**901 RICHLAND STREET**

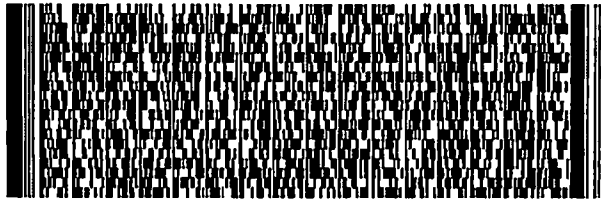
**COLUMBIA SC 29201**

(833) 729-3426 X 1

REF: 2023-06-002 TRANSCRIPT PAYMENT

INV.  
PO:

DEPT:



583J117D129AE3

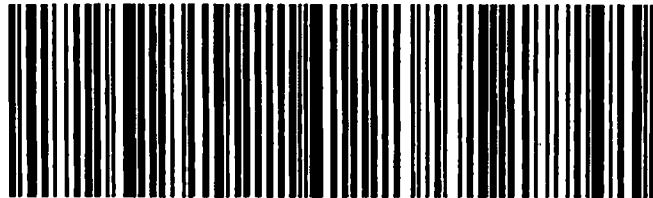
TRK#  
0201

**7871 1430 1005**

**THU - 30 NOV 12:00P**  
**MORNING 2DAY**

**SP USCA**

**29201**  
**SC-US CAE**



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1. Use the 'Print' button on this page to print your label to your laser or Inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

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## Shipment Receipt

### Address Information

**Ship to:**

Karen V. Andersen  
United States District Court  
901 Richland Street

COLUMBIA, SC  
29201  
US  
8337293426 1

**Ship from:**

Deborah Davis, Esq.  
Dickson Davis Law, LLC  
620 Rutherford Street

GREENVILLE, SC  
29609  
US  
8647293428

### Shipment Information:

Tracking no.: 787114301005

Ship date: 11/28/2023

Estimated shipping charges: 28.02 USD

### Package Information

Pricing option: FedEx Standard Rate

Service type: FedEx 2Day AM

Package type: FedEx Envelope

Number of packages: 1

Total weight: 0.10 LBS

Declared Value: 0.00 USD

Special Services:

Pickup/Drop-off: Drop off package at FedEx location

### Billing Information:

Bill transportation to: My Account - 770-770

Your reference: 2023-06-002 Transcript Payment

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Invoice no.:

Department no.:

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## Christy Owens

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**From:** RetiredCR <Retiredcr@sccourts.org>  
**Sent:** Monday, December 11, 2023 3:31 PM  
**To:** Christy Owens; RetiredCR  
**Cc:** Transcripts  
**Subject:** RE: Case No.: 2017CP105427 Family Services, Inc., as Conservator for Muriel W. Clarkin vs. Patricia Clarkin Smith and Wells Fargo Bank, NA

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Good Morning Ms. Owens,

We have reviewed the notes and audio from July 29, 2019 and the case Family Services, Inc., as Conservator for Muriel W. Clarkin vs. Patricia Clarkin Smith and Wells Fargo Bank, NA was not held that day. Please review your records to verify you have the correct date.

Thank you,

Court Reporter Section

---

**From:** Christy Owens <legalassistant@dicksondavislaw.com>  
**Sent:** Tuesday, October 10, 2023 4:54 PM  
**To:** RetiredCR <Retiredcr@sccourts.org>  
**Cc:** Transcripts <transcripts@sccourts.org>  
**Subject:** Case No.: 2017CP105427 Family Services, Inc., as Conservator for Muriel W. Clarkin vs. Patricia Clarkin Smith and Wells Fargo Bank, NA

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Dear Clerk of Court,

Please see the attached transcript form(s) and send us the two transcripts requested.

Please and thank you!

Please feel free to message me if you have any questions or concerns!

Thank you so much for all your time and guidance!

Best Regards,

Christy Owens  
Paralegal

Dickson Davis Law Firm, LLC  
620 Rutherford Street  
Greenville, SC 29609  
[www.dicksondavislaw.com](http://www.dicksondavislaw.com)

833.729.3426 ext. 1 tel  
864.752.1424 fax  
[legalassistant@dicksondavislaw.com](mailto:legalassistant@dicksondavislaw.com)

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**Deborah Davis**

---

**From:** Deborah Davis  
**Sent:** Friday, June 21, 2024 4:45 PM  
**To:** transcripts@sccourts.org  
**Cc:** Christy Owens  
**Subject:** Fwd: Family Services, Inc. v. Patricia Clarkin Smith et al. (Case No. 2017CP1005427) re: Transcript Requests & Confirmation for hearings and available transcripts by court reporters present  
**Attachments:** 2023\_10\_10\_Transcript\_Form2.pdf; 2023\_10\_10\_Transcript\_Form.pdf; 2023\_10\_10\_Transcript\_Form\_3.pdf; 2024\_06\_21\_SCCA800\_2021\_05\_11.pdf

Per the email below, please see the attached transcript request titled 2024-06-21-SCCA800 to process via expedited order.

Best Regards,

Deborah D. Davis, Esq.  
Managing Attorney

Dickson Davis Law Firm, LLC  
620 Rutherford Street  
Greenville, SC 29609  
833.729.3426 tel  
864.752.1424 fax  
www.dicksondavislaw.com  
d.davis@dicksondavislaw.com

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*Please excuse any grammatical or spelling errors, including typos, when corresponding from a mobile device.*

---

**From:** Deborah Davis <d.davis@dicksondavislaw.com>  
**Sent:** Friday, June 21, 2024 3:11:28 PM  
**To:** jleblanc@sccourts.org <jleblanc@sccourts.org>  
**Cc:** tholmes@sccourts.org <tholmes@sccourts.org>; transcripts@psc.sc.gov <transcripts@psc.sc.gov>; Christy Owens <legalassistant@dicksondavislaw.com>; jbickett@sccourts.org <jbickett@sccourts.org>; pdanner@sccourts.org <pdanner@sccourts.org>; mdempsey@sccourts.org <mdempsey@sccourts.org>; mstatham@sccourts.org <mstatham@sccourts.org>; svizer@sccourts.org <svizer@sccourts.org>; retiredcr@sccourts.org <retiredcr@sccourts.org>  
**Subject:** Family Services, Inc. v. Patricia Clarkin Smith et al. (Case No. 2017CP1005427) re: Transcript Requests & Confirmation for hearings and available transcripts by court reporters present

Good afternoon to all:

Due to a response required to the South Carolina Appellate Court involving the dismissal of the appeal and a petition to reinstate the appeal, I need your help to assist with the below.

My deadline is prior to 7/5/2024, but I will need the below email confirmed within the next 1-2 business days.

Please assist me in confirming the information below or directing me as needed to the correct person.

When we coordinated with obtaining court reporter information for transcripts in this case, we were given only the following dates: 7/16/2018, 7/29/2018, and 8/30/2019.

I have the following dates for hearings from this case:

7/16/2018: Judge Murphy, Court Reporter Amanda K. Haffenden. Transcript unavailable and not retained after 5 years from 7/18/2018.

7/29/2018: Judge Jefferson, Court Reporter Phyllis H. Norton. Transcript unavailable and not retained after 5 years from 7/29/2018.

8/30/2019: Judge Roger Young, Court Reporter Karen Anderson. We obtained this hearing transcript previously.

6/25/2020: Judge Mikell R. Scarborough. Unable to obtain court reporter for this hearing. Please confirm a hearing took place and whether the hearing was in person or via WebEx. If the hearing took place, please provide the judge and court reporter's information.

7/6/2020: Judge Mikell R. Scarborough. Unable to obtain court reporter for this hearing. Please confirm a hearing took place and whether the hearing was in person or via WebEx. If the hearing took place, please provide the judge and court reporter's information.

5/11/2021: WebEx hearing only. Judge Mikell R. Scarborough. No actual reporter present during the hearing. Only DVD available. If a court reporter was present at this WebEx hearing, then please contact me directly for me to obtain a transcript of the hearing.

**If any of the copied court reporters could confirm directly with me having provided and prepared already any transcripts for the above hearings within the 5-year period, then please contact immediately and I will arrange payment for the same.**

If it is possible to determine and request the information, then I would like to know if opposing counsel or any other attorney involved in this matter ever requested the transcripts that I might be able to ask for a copy of the same from that person.

I appreciate your assistance. Thank you all for your help in this matter.

Best Regards,

A handwritten signature in black ink, appearing to read "Deborah D. Davis". The signature is stylized with large, flowing loops.

Deborah D. Davis, Esq.  
Attorney at Law

Dickson Davis Law Firm, LLC  
620 Rutherford Street  
Greenville, SC 29609  
[www.dicksondavislaw.com](http://www.dicksondavislaw.com)

833.729.3426 ext. 3 tel  
864.752.1424 fax  
[d.davis@dicksondavislaw.com](mailto:d.davis@dicksondavislaw.com)

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## South Carolina Judicial Branch

### TRANSCRIPT REQUEST FORM

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter/Transcriptionist and to South Carolina Court Administration at [transcripts@sccourts.org](mailto:transcripts@sccourts.org). If WebEx or DCRP were used to capture the record, please indicate below and send the form to [transcripts@sccourts.org](mailto:transcripts@sccourts.org).

| Requestor's Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| <b>Full Name</b><br>Deborah D. Davis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                  | <b>Law Firm/Agency</b><br>Dickson Davis Law Firm                                                                                                                                                                                                                                                                                                                                                   | <b>Phone Number</b><br>833-729-3426                                                          |
| <b>Email Address</b><br><a href="mailto:d.davis@dicksondavislaw.com">d.davis@dicksondavislaw.com</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                  | <b>Mailing Address</b><br>620 Rutherford Street, Greenville, SC 29609                                                                                                                                                                                                                                                                                                                              |                                                                                              |
| <b>Is the requestor a party in the case?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                              |
| <b>If no, does the requestor represent a party?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of party Patricia Clarkin Smith                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                              |
| Transcript Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                              |
| <b>Docket Number</b><br>2017-CP-10-5427                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Full Case Caption</b> (i.e. State v. John Doe or John Smith v. Jane Smith)<br>Family Services, Inc., as Conservator ) For Muriel W. Clarkin, v. Patricia Clarkin Smith et al. |                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Circuit</b> <input checked="" type="checkbox"/><br><b>Family</b> <input type="checkbox"/> |
| <b>Date(s) of Proceeding</b><br>6/25/2020, 7/6/2020, 5/11/2021,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>County</b><br>Charleston                                                                                                                                                      | <b>Appeal pending</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                       | <b>Death Penalty</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |
| <b>Presiding Judge</b><br>Mikell R. Scarborough                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                  | <b>Special Circumstances</b><br>Is the hearing to be transcribed one of the following:<br><input type="checkbox"/> Termination of parental rights<br><input type="checkbox"/> Adoption<br><input type="checkbox"/> Any actions involving child custody/visitation.                                                                                                                                 |                                                                                              |
| <b>Opposing Counsel(s)</b> (name and email address)<br>D. Conor Keys, <a href="mailto:conor@dconorkeyslaw.com">conor@dconorkeyslaw.com</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                  | <b>Delivery Timeframe</b><br>(check Rule 607 for current page rates)<br><input type="checkbox"/> Quote<br><input type="checkbox"/> Rough Draft<br><input type="checkbox"/> Overnight delivery<br><input type="checkbox"/> Daily delivery<br><input checked="" type="checkbox"/> Expedited delivery (7 days) Due on/before: <b>6/28/2024</b><br><input type="checkbox"/> Regular delivery (60 days) |                                                                                              |
| <b>Court Reporter(s)</b><br>Undetermined                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> WebEx<br><input checked="" type="checkbox"/> DCRP                                                                                            | <b>Delivery Method</b> (additional fees may apply)<br><input checked="" type="checkbox"/> PDF / Email<br><input type="checkbox"/> Hard Copy/Priority Mail (\$50 + shipping)<br><input type="checkbox"/> PDF & Hard Copy/Priority Mail (\$50 + shipping)                                                                                                                                            |                                                                                              |
| <b>Portion of proceeding to be transcribed</b><br><input checked="" type="checkbox"/> Entire hearing<br><input type="checkbox"/> Voir dire by juror<br><input type="checkbox"/> Jury selection<br><input type="checkbox"/> Plaintiff's opening statement<br><input type="checkbox"/> Defendant's opening statement<br><input type="checkbox"/> Plaintiff's closing arguments<br><input type="checkbox"/> Defendant's closing arguments<br><input type="checkbox"/> Entire direct examination<br><input type="checkbox"/> Entire cross examination<br><input type="checkbox"/> Entire redirect<br><input type="checkbox"/> Examination of witness (W) by attorney (A)<br>W: _____<br>A: _____<br><input type="checkbox"/> Ruling of the court |                                                                                                                                                                                  | <b>Responsible Payor</b><br><input checked="" type="checkbox"/> Private / Self<br><input type="checkbox"/> Court Appointed Counsel<br>Appeals Attorney<br>Email<br><input type="checkbox"/> Other                                                                                                                                                                                                  |                                                                                              |
| <b>Next Hearing Date</b><br>7/5/2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                              |

**Requestor's Signature:** Deborah D. Davis

**Date:** 6/21/2024

(Typed name will serve as signature)

**NOTE:** Requests will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party, regardless of indigent status. Please promptly submit your payment in the method of payment requested, in order for the transcript to be produced. In some cases, a deposit may be required before the transcript can be placed in the production queue. You may also request a quote before deciding to order. *If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.*

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## South Carolina Judicial Branch

### TRANSCRIPT REQUEST FORM

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter/Transcriptionist and to South Carolina Court Administration at [transcripts@sccourts.org](mailto:transcripts@sccourts.org). If WebEx or DCRP were used to capture the record, please indicate below and send the form to [transcripts@sccourts.org](mailto:transcripts@sccourts.org).

| Requestor's Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Full Name<br><b>Deborah D Davis</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                  | Law Firm/Agency<br><b>Dickson Davis Law Firm, LLC</b>                                                                                                                                                                                                                                                                                                                                | Phone Number<br><b>833-729-3426</b>                                                  |
| Email Address<br><b>d.davis@dicksondavislaw.com</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                  | Mailing Address<br><b>620 Rutherford Street, Greenville, SC 29609</b>                                                                                                                                                                                                                                                                                                                |                                                                                      |
| Is the requestor a party in the case? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                      |
| If no, does the requestor represent a party? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of party <b>Patricia Smith Clarkin</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                      |
| Transcript Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                      |
| Docket Number<br><b>2017-CP-10-5427</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Full Case Caption (i.e. State v. John Doe or John Smith v. Jane Smith)<br><b>Family Services, Inc., as Conservator for Muriel W. Clarkin vs. Patricia Clarkin Smith and Wells Fargo Bank, NA</b> |                                                                                                                                                                                                                                                                                                                                                                                      | Circuit <input checked="" type="checkbox"/><br>Family <input type="checkbox"/>       |
| Date(s) of Proceeding<br><b>8-30-2019</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | County <b>Charleston</b>                                                                                                                                                                         | Appeal pending<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                | Death Penalty<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Presiding Judge<br><b>Roger Young</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                  | Special Circumstances<br>Is the hearing to be transcribed one of the following:<br><input type="checkbox"/> Termination of parental rights<br><input type="checkbox"/> Adoption<br><input type="checkbox"/> Any actions involving child custody/visitation.                                                                                                                          |                                                                                      |
| Opposing Counsel(s) (name and email address)<br><b>David Conor Keys<br/>conor@dconorkeysllaw.com</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                  | Delivery Timeframe<br>(check Rule 607 for current page rates)<br><input type="checkbox"/> Quote<br><input type="checkbox"/> Rough Draft<br><input type="checkbox"/> Overnight delivery<br><input type="checkbox"/> Daily delivery<br><input type="checkbox"/> Expedited delivery (7 days) Due on/before: <input type="text"/><br><input type="checkbox"/> Regular delivery (60 days) |                                                                                      |
| Court Reporter(s)<br><b>Karen Andersen</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> WebEx<br><input type="checkbox"/> DCRP                                                                                                                                  | Delivery Method (additional fees may apply)<br><input checked="" type="checkbox"/> PDF / Email<br><input checked="" type="checkbox"/> Hard Copy/Priority Mail (\$50 + shipping)<br><input type="checkbox"/> PDF & Hard Copy/Priority Mail (\$50 + shipping)                                                                                                                          |                                                                                      |
| Portion of proceeding to be transcribed<br><input checked="" type="checkbox"/> Entire hearing<br><input type="checkbox"/> Voir dire by juror<br><input type="checkbox"/> Jury selection<br><input type="checkbox"/> Plaintiff's opening statement<br><input type="checkbox"/> Defendant's opening statement<br><input type="checkbox"/> Plaintiff's closing arguments<br><input type="checkbox"/> Defendant's closing arguments<br><input type="checkbox"/> Entire direct examination<br><input type="checkbox"/> Entire cross examination<br><input type="checkbox"/> Entire redirect<br><input type="checkbox"/> Examination of witness (W) by attorney (A)<br>W: <input type="text"/><br>A: <input type="text"/><br><input type="checkbox"/> Ruling of the court |                                                                                                                                                                                                  | Responsible Payor<br><input checked="" type="checkbox"/> Private / Self<br><input type="checkbox"/> Court Appointed Counsel<br>Appeals Attorney <input type="text"/><br>Email <input type="text"/><br><input type="checkbox"/> Other <input type="text"/>                                                                                                                            |                                                                                      |
| Next Hearing Date <input type="text"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                      |

Requestor's Signature: Deborah Dickson Davis  
(Typed name will serve as signature)

Date: 10/10/2023

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# South Carolina Judicial Branch

## TRANSCRIPT REQUEST FORM

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reporter or transcriptionist.



## South Carolina Judicial Branch

### TRANSCRIPT REQUEST FORM

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| Requestor's Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| <b>Full Name</b><br>Deborah D Davis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                     | <b>Law Firm/Agency</b><br>Dickson Davis Law Firm, LLC                                                                                                                                                                                                                                                                                                                                       | <b>Phone Number</b><br>833-729-3426                                                          |
| <b>Email Address</b><br>d.davis@dicksondavislaw.com                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                     | <b>Mailing Address</b><br>620 Rutherford Street, Greenville, SC 29609                                                                                                                                                                                                                                                                                                                       |                                                                                              |
| Is the requestor a party in the case? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                              |
| If no, does the requestor represent a party? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of party Patricia Smith Clarkin                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                              |
| Transcript Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                              |
| <b>Docket Number</b><br>2017-CP-10-5427                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Full Case Caption</b> (i.e. State v. John Doe or John Smith v. Jane Smith)<br>Family Services, Inc., as Conservator for Muriel W. Clarkin vs.<br>Patricia Clarkin Smith and Wells Fargo Bank, NA |                                                                                                                                                                                                                                                                                                                                                                                             | <b>Circuit</b> <input checked="" type="checkbox"/><br><b>Family</b> <input type="checkbox"/> |
| <b>Date(s) of Proceeding</b><br>07/16/2018                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>County</b> Charleston                                                                                                                                                                            | <b>Appeal pending</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                | <b>Death Penalty</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |
| <b>Presiding Judge</b><br>Judge Murphy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                     | <b>Special Circumstances</b><br>Is the hearing to be transcribed one of the following:<br><input type="checkbox"/> Termination of parental rights<br><input type="checkbox"/> Adoption<br><input type="checkbox"/> Any actions involving child custody/visitation.                                                                                                                          |                                                                                              |
| <b>Opposing Counsel(s)</b> (name and email address)<br>David Conor Keys<br>conor@dconorkeyslaw.com                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                     | <b>Delivery Timeframe</b><br>(check Rule 607 for current page rates)<br><input type="checkbox"/> Quote<br><input type="checkbox"/> Rough Draft<br><input type="checkbox"/> Overnight delivery<br><input type="checkbox"/> Daily delivery<br><input type="checkbox"/> Expedited delivery (7 days) Due on/before: <input type="text"/><br><input type="checkbox"/> Regular delivery (60 days) |                                                                                              |
| <b>Court Reporter(s)</b><br>Amanda K. Haffenden                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/> WebEx<br><input type="checkbox"/> DCRP                                                                                                                                     | <b>Delivery Method</b> (additional fees may apply)<br><input checked="" type="checkbox"/> PDF / Email<br><input type="checkbox"/> Hard Copy/Priority Mail (\$50 + shipping)<br><input checked="" type="checkbox"/> PDF & Hard Copy/Priority Mail (\$50 + shipping)                                                                                                                          |                                                                                              |
| <b>Portion of proceeding to be transcribed</b><br><input checked="" type="checkbox"/> Entire hearing<br><input type="checkbox"/> Voir dire by juror<br><input type="checkbox"/> Jury selection<br><input type="checkbox"/> Plaintiff's opening statement<br><input type="checkbox"/> Defendant's opening statement<br><input type="checkbox"/> Plaintiff's closing arguments<br><input type="checkbox"/> Defendant's closing arguments<br><input type="checkbox"/> Entire direct examination<br><input type="checkbox"/> Entire cross examination<br><input type="checkbox"/> Entire redirect<br><input type="checkbox"/> Examination of witness (W) by attorney (A)<br>W: <input type="text"/><br>A: <input type="text"/><br><input type="checkbox"/> Ruling of the court |                                                                                                                                                                                                     | <b>Responsible Payor</b><br><input checked="" type="checkbox"/> Private / Self<br><input checked="" type="checkbox"/> Court Appointed Counsel<br>Appeals Attorney <input type="text"/><br>Email <input type="text"/><br><input type="checkbox"/> Other <input type="text"/>                                                                                                                 |                                                                                              |
| <b>Next Hearing Date</b> <input type="text"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                              |

**Requestor's Signature:** Deborah Dickson Davis  
(Typed name will serve as signature)

**Date:** 10/10/2023

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## South Carolina Judicial Branch

### TRANSCRIPT REQUEST FORM

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reporter or transcriptionist.



## South Carolina Judicial Branch

### TRANSCRIPT REQUEST FORM

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| Requestor's Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| <b>Full Name</b><br>Deborah D Davis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                     | <b>Law Firm/Agency</b><br>Dickson Davis Law Firm, LLC                                                                                                                                                                                                                                                                                                                                       | <b>Phone Number</b><br>8337293426                                                            |
| <b>Email Address</b><br><a href="mailto:d.davis@dicksondavislaw.com">d.davis@dicksondavislaw.com</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                     | <b>Mailing Address</b><br>620 Rutherford Street Greenville, SC 29609                                                                                                                                                                                                                                                                                                                        |                                                                                              |
| Is the requestor a party in the case? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                              |
| If no, does the requestor represent a party? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of party Patricia Clarkin Smith                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                              |
| Transcript Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                              |
| <b>Docket Number</b><br>2017-CP-10-5427                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Full Case Caption (i.e. State v. John Doe or John Smith v. Jane Smith)</b><br>Family Services, Inc., as Conservator for Muriel W. Clarkin vs.<br>Patricia Clarkin Smith and Wells Fargo Bank, NA |                                                                                                                                                                                                                                                                                                                                                                                             | <b>Circuit</b> <input checked="" type="checkbox"/><br><b>Family</b> <input type="checkbox"/> |
| <b>Date(s) of Proceeding</b><br>7-29-2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>County</b> Charleston                                                                                                                                                                            | <b>Appeal pending</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                | <b>Death Penalty</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |
| <b>Presiding Judge</b><br>Judge Jefferson                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                     | <b>Special Circumstances</b><br>Is the hearing to be transcribed one of the following:<br><input type="checkbox"/> Termination of parental rights<br><input type="checkbox"/> Adoption<br><input type="checkbox"/> Any actions involving child custody/visitation.                                                                                                                          |                                                                                              |
| <b>Opposing Counsel(s) (name and email address)</b><br>David Conor Keys<br><a href="mailto:conor@dconorkeysllaw.com">conor@dconorkeysllaw.com</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                              |
| <b>Court Reporter(s)</b><br>Phyllis H. Norton                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> WebEx<br><input type="checkbox"/> DCRP                                                                                                                                     | <b>Delivery Timeframe</b><br>(check Rule 607 for current page rates)<br><input type="checkbox"/> Quote<br><input type="checkbox"/> Rough Draft<br><input type="checkbox"/> Overnight delivery<br><input type="checkbox"/> Daily delivery<br><input type="checkbox"/> Expedited delivery (7 days) Due on/before: <input type="text"/><br><input type="checkbox"/> Regular delivery (60 days) |                                                                                              |
| <b>Portion of proceeding to be transcribed</b><br><input checked="" type="checkbox"/> Entire hearing<br><input type="checkbox"/> Voir dire by juror<br><input type="checkbox"/> Jury selection<br><input type="checkbox"/> Plaintiff's opening statement<br><input type="checkbox"/> Defendant's opening statement<br><input type="checkbox"/> Plaintiff's closing arguments<br><input type="checkbox"/> Defendant's closing arguments<br><input type="checkbox"/> Entire direct examination<br><input type="checkbox"/> Entire cross examination<br><input type="checkbox"/> Entire redirect<br><input type="checkbox"/> Examination of witness (W) by attorney (A)<br>W: <input type="text"/><br>A: <input type="text"/><br><input type="checkbox"/> Ruling of the court |                                                                                                                                                                                                     | <b>Delivery Method (additional fees may apply)</b><br><input checked="" type="checkbox"/> PDF / Email<br><input checked="" type="checkbox"/> Hard Copy/Priority Mail (\$50 + shipping)<br><input type="checkbox"/> PDF & Hard Copy/Priority Mail (\$50 + shipping)                                                                                                                          |                                                                                              |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                     | <b>Responsible Payor</b><br><input checked="" type="checkbox"/> Private / Self<br><input type="checkbox"/> Court Appointed Counsel<br>Appeals Attorney <input type="text"/><br>Email <input type="text"/><br><input type="checkbox"/> Other <input type="text"/>                                                                                                                            |                                                                                              |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                              |
| <b>Next Hearing Date</b> <input type="text"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                              |

**Requestor's Signature:** Deborah Dickson Davis **Date:** 10/10/2023  
(Typed name will serve as signature)

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# South Carolina Judicial Branch

## TRANSCRIPT REQUEST FORM

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reporter or transcriptionist.

**Family Services, Inc. v. Patricia Clarkin Smith et al. (Case No. 2017CP1005427) re: Transcript Requests & Confirmation for hearings and available transcripts by court reporters present**

Deborah Davis <d.davis@dicksondavislaw.com>

Fri 6/21/2024 3:11 PM

To: jleblanc@sccourts.org <jleblanc@sccourts.org>  
Cc: tholmes@sccourts.org <tholmes@sccourts.org>; transcripts@psc.sc.gov <transcripts@psc.sc.gov>; Christy Owens <legalassistant@dicksondavislaw.com>; jbickett@sccourts.org <jbickett@sccourts.org>; pdanner@sccourts.org <pdanner@sccourts.org>; mdempsey@sccourts.org <mdempsey@sccourts.org>; mstatham@sccourts.org <mstatham@sccourts.org>; svizer@sccourts.org <svizer@sccourts.org>; retiredcr@sccourts.org <retiredcr@sccourts.org>  
Bcc: Smith, Patricia Clarkin <contact+d980ae66-668b-473a-a8c5-b175db0cf653@mailsync.practicepanther.com>

4 attachments (1,018 KB)

2023\_10\_10\_Transcript\_Form2.pdf; 2023\_10\_10\_Transcript\_Form.pdf; 2023\_10\_10\_Transcript\_Form\_3.pdf; 2024\_06\_21\_SCCA800\_2021\_05\_11.pdf;

Good afternoon to all:

Due to a response required to the South Carolina Appellate Court involving the dismissal of the appeal and a petition to reinstate the appeal, I need your help to assist with the below.

My deadline is prior to 7/5/2024, but I will need the below email confirmed within the next 1-2 business days.

Please assist me in confirming the information below or directing me as needed to the correct person.

When we coordinated with obtaining court reporter information for transcripts in this case, we were given only the following dates: 7/16/2018, 7/29/2018, and 8/30/2019.

I have the following dates for hearings from this case:

7/16/2018: Judge Murphy, Court Reporter Amanda K. Haffenden. Transcript unavailable and not retained after 5 years from 7/18/2018.

7/29/2018: Judge Jefferson, Court Reporter Phyllis H. Norton. Transcript unavailable and not retained after 5 years from 7/29/2018.

8/30/2019: Judge Roger Young, Court Reporter Karen Anderson. We obtained this hearing transcript previously.

6/25/2020: Judge Mikell R. Scarborough. Unable to obtain court reporter for this hearing. Please confirm a hearing took place and whether the hearing was in person or via WebEx. If the hearing took place, please provide the judge and court reporter's information.

7/6/2020: Judge Mikell R. Scarborough. Unable to obtain court reporter for this hearing. Please confirm a hearing took place and whether the hearing was in person or via WebEx. If the hearing took place, please provide the judge and court reporter's information.

5/11/2021: WebEx hearing only. Judge Mikell R. Scarborough. No actual reporter present during the hearing. Only DVD available. If a court reporter was present at this WebEx hearing, then please contact me directly for me to obtain a transcript of the hearing.

If any of the copied court reporters could confirm directly with me having provided and prepared already any transcripts for the above hearings within the 5-year period, then please contact immediately and I will arrange payment for the same.

If it is possible to determine and request the information, then I would like to know if opposing counsel or any other attorney involved in this matter ever requested the transcripts that I might be able to ask for a copy of the same from that person.

I appreciate your assistance. Thank you all for your help in this matter.

Best Regards,



Deborah D. Davis, Esq.  
Attorney at Law

Dickson Davis Law Firm, LLC

6/21/24, 3:12 PM

Mail - Deborah Davis - Outlook

620 Rutherford Street  
Greenville, SC 29609  
[www.dicksondavislaw.com](http://www.dicksondavislaw.com)

833.729.3426 ext. 3 tel  
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## South Carolina Judicial Branch

### TRANSCRIPT REQUEST FORM

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter/Transcriptionist and to South Carolina Court Administration at [transcripts@sccourts.org](mailto:transcripts@sccourts.org). If WebEx or DCRP were used to capture the record, please indicate below and send the form to [transcripts@sccourts.org](mailto:transcripts@sccourts.org).

| Requestor's Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                        |                                                                                                                                                                                                                                                                                                                                                                 |                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| Full Name                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                        | Law Firm/Agency                                                                                                                                                                                                                                                                                                                                                 | Phone Number                                                              |
| Email Address                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                        | Mailing Address                                                                                                                                                                                                                                                                                                                                                 |                                                                           |
| Is the requestor a party in the case? <input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                        |                                                                                                                                                                                                                                                                                                                                                                 |                                                                           |
| If no, does the requestor represent a party? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of party                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                        |                                                                                                                                                                                                                                                                                                                                                                 |                                                                           |
| Transcript Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                        |                                                                                                                                                                                                                                                                                                                                                                 |                                                                           |
| Docket Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Full Case Caption (i.e. State v. John Doe or John Smith v. Jane Smith) |                                                                                                                                                                                                                                                                                                                                                                 | Circuit <input type="checkbox"/><br>Family <input type="checkbox"/>       |
| Date(s) of Proceeding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | County                                                                 | Appeal pending<br><input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                      | Death Penalty<br><input type="checkbox"/> Yes <input type="checkbox"/> No |
| Presiding Judge                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                        | Special Circumstances<br>Is the hearing to be transcribed one of the following:<br><input type="checkbox"/> Termination of parental rights<br><input type="checkbox"/> Adoption<br><input type="checkbox"/> Any actions involving child custody/visitation.                                                                                                     |                                                                           |
| Opposing Counsel(s) (name and email address)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                        |                                                                                                                                                                                                                                                                                                                                                                 |                                                                           |
| Court Reporter(s)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> WebEx<br><input type="checkbox"/> DCRP        | Delivery Timeframe<br>(check Rule 607 for current page rates)<br><input type="checkbox"/> Quote<br><input type="checkbox"/> Rough Draft<br><input type="checkbox"/> Overnight delivery<br><input type="checkbox"/> Daily delivery<br><input type="checkbox"/> Expedited delivery (7 days) Due on/before:<br><input type="checkbox"/> Regular delivery (60 days) |                                                                           |
| Portion of proceeding to be transcribed<br><input type="checkbox"/> Entire hearing<br><input type="checkbox"/> Voir dire by juror<br><input type="checkbox"/> Jury selection<br><input type="checkbox"/> Plaintiff's opening statement<br><input type="checkbox"/> Defendant's opening statement<br><input type="checkbox"/> Plaintiff's closing arguments<br><input type="checkbox"/> Defendant's closing arguments<br><input type="checkbox"/> Entire direct examination<br><input type="checkbox"/> Entire cross examination<br><input type="checkbox"/> Entire redirect<br><input type="checkbox"/> Examination of witness (W) by attorney (A)<br>W: _____<br>A: _____<br><input type="checkbox"/> Ruling of the court |                                                                        | Delivery Method (additional fees may apply)<br><input type="checkbox"/> PDF / Email<br><input type="checkbox"/> Hard Copy/Priority Mail (\$50 + shipping)<br><input type="checkbox"/> PDF & Hard Copy/Priority Mail (\$50 + shipping)                                                                                                                           |                                                                           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                        | Responsible Payor<br><input type="checkbox"/> Private / Self<br><input type="checkbox"/> Court Appointed Counsel<br>Appeals Attorney<br>Email<br><input type="checkbox"/> Other                                                                                                                                                                                 |                                                                           |
| Next Hearing Date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                        |                                                                                                                                                                                                                                                                                                                                                                 |                                                                           |

Requestor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Typed name will serve as signature)

**NOTE:** Requests will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party, regardless of indigent status. Please promptly submit your payment in the method of payment requested, in order for the transcript to be produced. In some cases, a deposit may be required before the transcript can be placed in the production queue. You may also request a quote before deciding to order. *If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.*

If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter or transcriptionist.

## Christy Owens

---

**From:** Holmes, Tammie <tholmes@sccourts.org>  
**Sent:** Wednesday, June 26, 2024 9:22 AM  
**To:** Christy Owens  
**Cc:** Deborah Davis  
**Subject:** RE: Family Services, Inc. v. Patricia Clarkin Smith et al. (Case No. 2017CP1005427) re: Confirmation for hearings (In-person or WebEx) and court reporters present

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good morning Ms. Owens.

Ms. Christine Smith was not a court reporter for the South Carolina Judicial Branch during the time frame that you have indicated. It appears that Ms. Smith may have been hired privately by the attorneys or the Master-in-Equity's office. If you have not, I would check with the Master-in-Equity's office to see if they can contact her and get a copy of the transcript for you.

Thank you,

Tammie M. Holmes  
Court Reporters Manager  
South Carolina Judicial Branch  
1220 Senate Street, Ste. 200  
Columbia, SC 29201  
[tholmes@sccourts.org](mailto:tholmes@sccourts.org)  
803-734-1825

---

**From:** Christy Owens <legalassistant@dicksondavislaw.com>  
**Sent:** Monday, June 24, 2024 3:44 PM  
**To:** Holmes, Tammie <tholmes@sccourts.org>  
**Cc:** Deborah Davis <d.davis@dicksondavislaw.com>  
**Subject:** Family Services, Inc. v. Patricia Clarkin Smith et al. (Case No. 2017CP1005427) re: Confirmation for hearings (In-person or WebEx) and court reporters present

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Hello Ms. Holmes,

I am reaching out today in regards to the case mentioned above.

I have reached out to the court reporter for the webex hearing in order to purchase the transcript by have not yet received a response. The Court reporter at that time was Christine Smith she is no longer a court reporter, if you could please assist us with getting in touch with her to get the transcripts, her contact information is [christinesmithphotography@gmail.com](mailto:christinesmithphotography@gmail.com) and her number is 843-367-9596.

Attorney Davis is in need of the transcripts in which she was a court reporter for this case on these hearings:

02/12/2020 – Referred to the Master in Equity – any prior hearing date would need information from Circuit Court Clerk

03/31/2020 – Motion to Enforce Settlement on Roster – **Continued** due to doctor's note

05/18/2020 – Motion to Enforce Settlement on Roster – The hearing was not held due to COVID restrictions on in-person hearings at the courthouse and Defendant's doctor's notes regarding her asthma. The public could only enter between 10-2 and this hearing was set for 3:00. This was before we began setting WebEx virtual hearings. It was **rescheduled** to the next available date on June 25, 2020.

06/25/2020 – Motion to Enforce Settlement Roster – Motion Hearing held before Judge Scarborough via WebEx – Court Reporter = Christine Smith

01/07/2021 – Motion for Summary Judgment on Roster – Hearing not held continued for Defendant's Surgery

05/11/2021 – Motion for Summary Judgment on Roster – Motion Hearing held in person before Judge Scarborough – Court Reporter = Christine Smith. Ms. Smith was given the option to appear in-person or by WebEx but declined to participate in the hearing.

Please let me how to go about getting these transcripts?

Feel free to contact me at 833.729.3426 Ext 1.

Best Regards,

Christy Owens  
Paralegal

Dickson Davis Law Firm, LLC  
620 Rutherford Street  
Greenville, SC 29609  
[www.dicksondavislaw.com](http://www.dicksondavislaw.com)

833.729.3426 ext. 1 tel  
864.752.1424 fax  
[legalassistant@dicksondavislaw.com](mailto:legalassistant@dicksondavislaw.com)

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# **EXHIBIT F**

**FORM 15**  
**RECORD ON APPEAL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Mikell R. Scarborough, Master in Equity

---

Case No. 2021-000793

---

FAMILY SERVICES, INC., AS  
CONSERVATOR FOR MURIEL W.  
CLARKIN, RESPONDENT,

Appellant(s),

v.

PATRICIA CLARKIN SMITH AND  
WELLS FARGO BANK, NA.,  
DEFENDANTS, OF WHOM  
PATRICIA CLARKIN SMITH IS  
THE APPELLANT,

Respondent (s).

---

**RECORD ON APPEAL**

---

DICKSON DAVIS LAW FIRM, LLC

Deborah D. Davis, Esq.  
SC Bar No.: 102942  
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Greenville, SC 29609  
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ATTORNEY FOR APPELLANT

The Law Office David Conor Keys, LLC  
D. Conor Keys, Esq.  
P.O. Box 14225  
Charleston, SC 29422  
(843) 906-3998

ATTORNEY FOR RESPONDENT

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# **EXHIBIT G**

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STATE OF SOUTH CAROLINA  
COURT OF COMMON PLEAS  
COUNTY OF CHARLESTON  
  
Family Services, Inc. as Conservator  
for Muriel W. Clarkin,  
  
Plaintiff,  
  
vs. CASE NO. 2017-CP-10-5427  
  
Patricia Clarkin Smith and  
Wells Fargo Bank, N.A.,  
  
Defendants.

Hearing before the Honorable Mikell R.  
Scarborough, reported by Christine A. Smith, Court  
Reporter and Notary Public, at 10:58 a.m. on May 11,  
2021 at 100 Broad Street, Courtroom 2A, Charleston,  
South Carolina.

---

Christine A. Smith, Court Reporter  
Master-in-Equity  
100 Broad Street  
Suite 266  
Charleston, SC 29401  
(843) 367-9596  
csmith@adacounty.id.gov

1 APPEARANCES OF COUNSEL:

2  
3 ATTORNEYS FOR THE PLAINTIFF:

4 David Conor Keys, Esq.  
5 The Law Office of David Conor Keys, LLC  
6 P.O. Box 14225  
7 Charleston, SC 29422  
8 (843) 906-3998  
9 Conor@dconorkeys.law.com

10  
11 ATTORNEYS FOR THE DEFENDANT:

12 Patricia Clarkin Smith, Pro Se  
13 602 Atlantic Street  
14 Mt. Pleasant, SC 29464  
15  
16  
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## P R O C E E D I N G S

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2  
3 THE COURT: So Ms. Wilkerson, my new law clerk  
4 has gone back because Ms. Patricia Clarkin Smith has  
5 called into her. I don't expect her. She was  
6 informed yesterday by my staff that she could show up  
7 today. I guess that's how you-all got the notice to  
8 be here, and we're back where we are. When you-all  
9 get situated I'm going to set the record the best I  
10 can and we'll go from there. Okay? I'm sure she  
11 wants to call in.

12 (A recess transpired.)

13 THE COURT: The case before the Court is  
14 captioned Family Services, Inc. as Conservator for  
15 Muriel W. Clarkin, Plaintiff versus Patricia Clarkin  
16 Smith and Wells Fargo Bank, N.A., Defendants. The  
17 case number is 2017-CP-10-5427.

18 We're before the Court today on Plaintiff's  
19 Motion for Summary Judgment on multiple causes of  
20 action. Mr. Conor Keys is here present for the  
21 Plaintiff along with --

22 MR. KEYS: Kelly Evans, Your Honor.

23 THE COURT: Ms. Kelly Evans.

24 MS. EVANS: With Family Services.

25 THE COURT: Yes. Ms. Kelly Evans with Family

1 Services. Mr. Keys has filed his motion. That was  
2 back in October of last year, and supported it with  
3 multiple exhibits, some of which I have before me,  
4 not all of them. One of them was the 233-page  
5 deposition which I haven't printed.

6 Let me give you a little background on this  
7 case at least as far as I know it to be. This is a  
8 2017 action and was commenced by Family Services.  
9 Ms. Clarkin Smith was originally represented by Alan  
10 Toporek. Mr. Toporek was relieved as counsel in  
11 April of 2019. Wells Fargo was essentially let out  
12 of the case. They have a mortgage on at least one of  
13 these properties if not more than one.

14 MR. KEYS: It's just one property.

15 THE COURT: Just one. And their interest is  
16 protected through the mortgage, so they sort of  
17 backed out of it. Let me see. Mr. Toporek left as  
18 counsel for Ms. Clarkin Smith then and she went to  
19 Attorney Karen DeJong. Ms. DeJong was then  
20 disqualified as counsel for Ms. Clarkin Smith by  
21 order of Judge Roger Young in October of 2019.

22 She informed the Court in November, 2019 that  
23 she would be proceeding pro se. She asked for her  
24 first continuance in writing in January of 2020.  
25 This case was then referred over here to the

1 Master-in-Equity on February 12th of 2020 by Judge  
2 McCoy. The Court must have set it for a hearing on  
3 February 25th of 2020. She asked for her first  
4 continuance in writing in Court at that time. So  
5 she's had two written continuances. She's had other  
6 requests orally including -- I think it was yesterday  
7 or the day before. I forget when it was.

8 MR. KEYS: I think Your Honor heard the Motion  
9 to Enforce back in June. I think between that motion  
10 and this motion requests go back to 2019, and we're  
11 at seven or eight requested continuances. Not all of  
12 them got filed.

13 THE COURT: It's time to proceed. Let's see.  
14 I issued an order in July of last year pursuant to  
15 the Plaintiff's Motion to Enforce a Settlement  
16 Agreement that was dated in December of '18. The  
17 Motion to Enforce was filed in July of '19. At that  
18 time she hired Mr. Rick Hyman for the limited  
19 appearance to argue against the agreement being  
20 enforced.

21 I denied the enforcement of the agreement  
22 under Rule 43(k), I believe because it had not yet  
23 been approved by the Court pursuant to that Rule and  
24 also relieved Mr. Hyman as her attorney and provided  
25 that she was to obtain new counsel and ordered to

1 proceed to trial within 90 days. That order was  
2 issued in July of 2020. It is now May of 2021. I  
3 think it is probably time to move this case along.

4 MR. KEYS: Yes, Your Honor.

5 THE COURT: Any other matters before we  
6 proceed with the motion?

7 MR. KEYS: I, though I wouldn't usually do  
8 this, but for your benefit, Your Honor, I would  
9 probably give you a little bit of background about  
10 some of the other litigation going on because she's  
11 probably going to bring it up.

12 THE COURT: I don't want to get into that.  
13 Let me just say this: She has a wealth of health  
14 issues. She's talked to my office staff multiple  
15 times. I can't even begin to tell you what they are,  
16 but she's got a lot of them. She claims that she  
17 can't be here. I advised her yesterday through my  
18 staff that this is not a criminal case, and therefore  
19 she has no right of confrontation, and under the  
20 Constitution and the laws of South Carolina and the  
21 USA, she's certainly welcome to come if she can come.  
22 If she can't come she could appear by WebEx.

23 When she couldn't appear by WebEx and we had  
24 one hearing -- which I think I did abort because she  
25 couldn't hear and she couldn't do this and she

1       couldn't do that.

2               MR. KEYS: She was on the phone.

3               THE COURT: Yes. We had one hearing and I  
4       just pushed that one off.

5               MR. KEYS: So she's not present on the phone  
6       or she is?

7               MS. WILKERSON: I think she's hoping to appear  
8       in person but is not here yet.

9               THE COURT: Well, if she comes in, she will  
10      come in, but you have the burden of proof on the  
11      Motion for Summary Judgment. I have reviewed briefly  
12      your memoranda. There are lots of causes of action  
13      here. This is an ongoing dilemma with the Probate  
14      Court.

15              MR. KEYS: There were some alternative causes  
16      of action. Just in a quick synopsis, I would boil it  
17      down into three different things.

18              THE COURT: All right.

19              MR. KEYS: You have got these different  
20      disbursements of money on one. You've got a question  
21      as to payment of rent, that's two. Then you've got a  
22      question of voiding a deed interest out there.

23              THE COURT: Okay.

24              MR. KEYS: Now Ms. Clarkin is 88.

25              THE COURT: She's still alive.

1 MR. KEYS: She's still alive.

2 THE COURT: Where is she physically?

3 MR. KEYS: Ms. Clarkin lives with her son,  
4 Michael Clarkin in Isle of Palms. They live  
5 together. Michael was in a bad -- he was a dock  
6 worker and he was in a bad accident a number of years  
7 ago, so they're both actually under conservatorships  
8 under the Probate Court.

9 THE COURT: I've got you.

10 MR. KEYS: They both require assisted living  
11 care, so it kind of works that they're together and  
12 share assisted living.

13 THE COURT: He was the one -- Pray For  
14 Clarkin, all the bumper stickers around town, had a  
15 box dropped on him or something if I remember right;  
16 is that the guy?

17 MR. KEYS: Yes.

18 THE COURT: Oh, yes. I do remember that.  
19 Okay.

20 MR. KEYS: So she has four living children.  
21 You have Charlie, who doesn't seem to get very  
22 involved in the family affairs. You have Muriel  
23 Kennedy, the oldest daughter. Then you have Patricia  
24 Smith, the next daughter, and then you have Michael,  
25 who I believe was the youngest. There's also

1 multiple grandchildren.

2 In 2014, she had two properties titled in her  
3 name. You have Shemwood, which is in Mt. Pleasant,  
4 and that was this generation's family, and then you  
5 have Atlantic Street, which is the subject of this  
6 action. Atlantic Street was actually Ms. Clarkin's  
7 childhood home, I believe. She eventually took title  
8 to it through the estate. This is just going back,  
9 but not necessarily relevant to what's going on.

10 THE COURT: Atlantic is in the Old Village  
11 area?

12 MR. KEYS: Yes, it is. If I may approach, I  
13 can give you a Zillow I printed off.

14 THE COURT: That's fine.

15 MR. KEYS: I also sent you some of the  
16 underlying Probate Court orders and petitions, but I  
17 didn't want to file them just to keep them out of the  
18 public record for privacy's sake.

19 So in 2013, Mac Gibson, who had always acted  
20 as Ms. Clarkin's counsel, does a lot of work for her.  
21 He deeds -- and this is all basically all at the same  
22 time. He deeds a half interest to Ms. Smith in  
23 Atlantic Street, a right of survivorship. He does a  
24 power of attorney for Ms. Clarkin naming Muriel  
25 Kennedy as having power of attorney. Then Ms. Smith

1 is named as the alternate in the event that  
2 Ms. Kennedy is unable to perform. He does a will,  
3 and he deeds out a third interest in the other  
4 property I'm speaking of, Shemwood, to both -- a  
5 third to Ms. Smith and a third to Ms. Kennedy.  
6 That's with rights of survivorship just like the  
7 Atlantic Street property.

8 So then in 2014, Ms. Smith testified in her  
9 deposition, and it's cited in the memo, Your Honor,  
10 that Ms. Kennedy approaches her in October of 2014  
11 and says, you know, Mom's having trouble with her  
12 memory and basically said, you know, I think we need  
13 to put a conservatorship in place. Will you sign  
14 this paperwork? Ms. Smith said she stated, No. Hell  
15 no. That's when my red lights -- my warning lights  
16 went off. So that's October of '14.

17 Then you get to November 18th of 2014.  
18 Ms. Smith takes Ms. Clarkin and gets her to execute a  
19 deed conveying the other half interest of Atlantic  
20 Street to Ms. Smith because just the year prior  
21 Attorney Mac Gibson, on Ms. Clarkin's behalf, drafted  
22 a deed to Atlantic giving Ms. Smith a half interest  
23 with right of survivorship.

24 So she gets her to do the second half on  
25 November 18, 2014. No consideration is paid. Mac

1 Gibson, who had just done all this work and had been  
2 Ms. Clarkin's attorney for years does not do the  
3 drafting of this. Ms. Smith is the one who records  
4 it herself, and then on the same day, while she was  
5 at it, she also took Ms. Clarkin to the bank and got  
6 Ms. Clarkin to withdraw \$6,000 for Ms. Smith. So  
7 that's November of '18.

8 Then you get to -- and I would note -- she  
9 starts going into Alzheimer's assessment studies in  
10 October/November. So on the petition for  
11 conservatorship, which was filed 12/22/14, which I'll  
12 get to in a second here, they attach some medical  
13 records, and one of them is dated 11/12/14 when  
14 Ms. Clarkin is going into Roper to be assessed for  
15 Alzheimer's.

16 It was a determination of whether or not she  
17 could make an informed consent as to her rights in  
18 the study of Ms. Smith. They made a determination on  
19 11/12/14 that she lacked the capacity to do that. So  
20 that's attached to the petition that was filed with  
21 the Court.

22 There is also an 11/26/14 report from her  
23 doctor with regard to that Alzheimer's research where  
24 he states in there that he does not believe that she  
25 should be controlling her financial affairs and

1 property any longer, that she's no longer capable of  
2 making these decisions.

3 THE COURT: That doctor's name is what?

4 MR. KEYS: Minkota (phonetic). It is listed  
5 in the memo. It is also attached to the Probate  
6 records that I e-mailed to you last night, Your  
7 Honor, or to your clerk.

8 THE COURT: Okay.

9 MR. KEYS: I believe it's Minkota.

10 THE COURT: I'm going to have you do an order  
11 probably. Just reference his name in the order, if  
12 you would, please, and the date. The date is  
13 important. So there was an assessment on 12th of  
14 November?

15 MR. KEYS: Right. And then she does a  
16 follow-up on the 26th.

17 THE COURT: Two weeks later.

18 MR. KEYS: In between --

19 THE COURT: In the meanwhile a half interest  
20 conveyed --

21 MR. KEYS: Half interest conveyed out, plus  
22 the \$6,000 in cash, and this is a month after her  
23 sister said, hey, you know, we should probably get a  
24 conservatorship in place. Will you sign these  
25 documents.

1 THE COURT: Okay.

2 MR. KEYS: So then you get to a week later,  
3 12/8. She goes out and gets another power of  
4 attorney drafted, even though Mac Gibson drafted one  
5 just the year prior, that made Kennedy, her sister,  
6 attorney-in-fact, and made her the alternative in the  
7 event Kennedy couldn't serve.

8 She goes out and gets another one from her  
9 attorney, Jocelyn Bolling, not Mr. Gibson, who had  
10 always worked with Ms. Clarkin, and it's a dual power  
11 of attorney, so she gets Ms. Clarkin to execute that.  
12 That's 12/8. Then you get to 12/22. Ms. Kennedy  
13 files a petition with the Probate Court to have  
14 Ms. Clarkin declared incapacitated, and to have  
15 Ms. Kennedy appointed as conservator and guardian.

16 THE COURT: Who filed that in December?

17 MR. KEYS: On December 22nd, 2014, Muriel  
18 Kennedy, who is the eldest daughter.

19 THE COURT: Ms. Kennedy filed it?

20 MR. KEYS: Yes. The one who had originally  
21 talked to Ms. Smith in October of '14 and said, We  
22 need to file some paperwork to have mom declared  
23 incapacitated.

24 THE COURT: Guardian and conservatorship both?

25 MR. KEYS: Yes. So her basis asserted --

1 again, I provided you these certified records from  
2 the Probate Court, were a number of the issues that  
3 we just talked about dealing with with Ms. Smith.  
4 She said, Ms. Smith is out here getting my mother to  
5 sign legal documents and withdraw money from the  
6 bank.

7 She said, There was an agreement in place so  
8 in August of 2013 when the half interest in Atlantic  
9 Street was deeded to Ms. Smith, she began residing  
10 there. Attached to the motion as Exhibit E is what I  
11 believe to be her first rent check made to  
12 Ms. Clarkin for \$500 a month.

13 THE COURT: I do see it now. She didn't write  
14 the number down. She wrote the figure, \$500 down?

15 MR. KEYS: That is correct. So that was  
16 another thing that Ms. Kennedy, her sister, listed in  
17 the petition, is that she's paying my mother rent but  
18 she's supposed to be paying it to me because  
19 Ms. Kennedy had the power of attorney, and was at  
20 that point in time kind of controlling Ms. Clarkin's  
21 finances. She said, It's not coming here.

22 THE COURT: So that rent, that August 2,  
23 2013 -- the notice for August rent of \$500 --

24 MR. KEYS: Two days after the deed giving her  
25 a half interest --

1 THE COURT: The half interest deed was filed  
2 July 30th?

3 MR. KEYS: Right. And then you've got -- so  
4 she starts paying monthly rent. So then that was one  
5 of the other reasons Kennedy asserted in the  
6 petition. She attached the two doctors' letters I  
7 spoke of.

8 December 23rd -- the Court on December 22nd  
9 issued an ex parte order declaring Ms. Clarkin  
10 incapacitated and naming Ms. Kennedy, her daughter,  
11 as the temporary conservator. Then December 23rd,  
12 Ms. Clarkin, is at Atlantic Street with Ms. Smith and  
13 the cops show up and serve her with the order  
14 declaring her incapacitated and informing her of what  
15 is going on. Ms. Smith is present and in the room.

16 So after the cops leave, Ms. Smith goes out  
17 and goes to the bank and withdraws \$10,000 out of an  
18 account titled only in Ms. Clarkin's name using a  
19 credit card that Ms. Smith apparently had never  
20 actually used before but was an authorized user of.  
21 This is after she and her mother have both been  
22 informed that her mother was declared incapacitated  
23 by the State. So the authority is lacking.

24 Family Services didn't know that at the time,  
25 but we've come to find out later that that money went

1 to Mr. Toporek to represent Ms. Smith, not  
2 Ms. Clarkin. Mr. Toporek made that very clear as is  
3 evidenced by the interrogatories attached.

4 THE COURT: Right. It was a cash advance on a  
5 Wells Fargo credit card is what that was?

6 MR. KEYS: It was a cash withdrawal, so it  
7 didn't show up on the statements as actually going to  
8 Mr. Toporek or anything like that, but yes, it was a  
9 Wells credit card account.

10 THE COURT: Okay.

11 MR. KEYS: So that's the 23rd. There is a  
12 hearing on January 9th in the Probate Court, and they  
13 are addressing Ms. Smith's Motion to Dismiss the  
14 action. The Court denies the motion. The Court  
15 appoints Family Services at that point in time as  
16 temporary conservator. The Court orders two  
17 independent assessments from doctors to determine  
18 capacity and sets a formal final hearing for March  
19 13th or March 19th of 2015.

20 March 19, 2015, both the doctors testify. You  
21 have the order. It's dated 3/27/15, and they both  
22 come to the conclusion that she should be permanently  
23 declared incapacitated. It is noteworthy that  
24 Dr. Mulberry, I believe, states that he believes that  
25 she is susceptible to undue influence.

1 But in between you have the January 9th  
2 temporary hearing, and then on January 27th, after  
3 she was present at that temporary hearing, Ms. Smith  
4 again charges that credit card account \$7,500, and  
5 this time it was a straight charge off the credit  
6 card, so it showed Mr. Toporek's law firm as having  
7 received those funds.

8 Once Family Services comes in, they wrote a  
9 letter to Mr. Toporek and said, Those funds were not  
10 authorized. We need you to return them. He did  
11 return that \$7,500. That is not an issue in dispute.

12 (Off-the-record discussion.)

13 THE COURT: Go ahead.

14 MR. KEYS: So we have the \$10,000 on 12/23  
15 that she took out. We have the \$6,000 on 11/18/14  
16 she took out. You also have \$6,000 that was taken  
17 out on -- she received on 11/1/23. And in Exhibit  
18 A, which is the deposition transcript, Page 105 to  
19 108, she testifies that she owed the amount of both  
20 the \$6,000 from the 2014 amount and the \$6,000 from  
21 the 2012 amount to her mother.

22 One was -- she called it the TERI program and  
23 the other was for medical leave. And she is leaving  
24 a voice message. This is a recording of a voice  
25 message she left on Ms. Evans' phone. It was played

1 to her during the transcript. She says, I can get  
2 that back. I can pay off that portion, and I can  
3 also pay off the portion of the equity loan. We  
4 talked about the HELOC that was Wells Fargo. In 2014  
5 she actually got \$15,000 out of that.

6 (Off-the-record interruption.)

7 THE COURT: Go ahead.

8 MR. KEYS: So she leaves two voice messages in  
9 February of 2015, when Family Services just appointed  
10 Kelly Evans. She talks about paying -- that she will  
11 pay it back, and it's her responsibility to pay the  
12 \$6,000 she received from her mother in 2012 what she  
13 calls the TERI program, and the \$6,000 that she  
14 received in 2014 that she says was for medical leave  
15 or something.

16 She also talks about repaying the HELOC amount  
17 she received because in April of 2013 she received --  
18 or 2014 she received \$15,000 from the HELOC that  
19 Wells Fargo is the lender on that is secured by  
20 Atlantic Street.

21 She was not good about paying that. That was  
22 another reason that her sister brought the  
23 conservatorship. Once Family Services came in, they  
24 were invoicing her monthly. She did make payments,  
25 and she did eventually pay that off in 2017 so that

1 is not an issue here. It is just an ongoing saga of  
2 how this woman always was able to get money. She  
3 said she was going to pay her mother back, and we're  
4 dealing with the issues where she didn't.

5 THE COURT: Okay.

6 MR. KEYS: Then there is one more -- so that's  
7 \$12,000 there plus the \$10,000 to Toporek, and then  
8 you have \$1,500 on 8/21/13, which in the complaint.  
9 We allege that she received the funds and she had  
10 stated that she was obligated to repay those funds  
11 and she admitted that in her answer to the complaint.

12 She also states in Exhibit D, which is text  
13 messages between her sister, Muriel Kennedy, and her.  
14 On Page 21 she talks about, I owe the \$6,000 to mom  
15 from 2012, and I owe the \$1,500 in 2013. There's  
16 another statement where she's conceding that she owes  
17 this money that she hasn't repaid to her mother.

18 That is \$23,500. We would assert that under  
19 our causes of action, which includes conversion on  
20 just enrichment, money not received, quantum meruit.  
21 We're not seeking to get four times here, but just  
22 different causes of action to get at it.

23 Under those, you are entitled, if the Court  
24 were to find, to prejudgment interest. So we would  
25 request prejudgment interest, not from the various

1 times that the monies were received, but just going  
2 from when the conservatorship was put in place.  
3 There are records in the motion where we've asked for  
4 these sums at various times and in various manners  
5 from her over the years, Family Services has. So  
6 they were first appointed by order of 1/16/15, and we  
7 would request prejudgment interest from that date.

8 Next, Your Honor, you get to the question of  
9 rent that we talked about briefly.

10 THE COURT: Okay.

11 MR. KEYS: The deed is recorded, 7/30/13. The  
12 first check she makes for her first rent payment,  
13 8/2/13, in the amount of \$500. The petition which  
14 Ms. Kennedy filed with the Probate Court says she was  
15 supposed to be paying \$600.

16 Exhibit B to the motion is the text messages  
17 back and forth with Ms. Kennedy and Ms. Smith, and it  
18 evidences that she regularly in 2013 and 2014, so  
19 when she first obtained titled, was paying monthly  
20 rent to her mother.

21 Pages 144 through 151 of the deposition, she  
22 testified that she gave her mother money every month,  
23 between \$400 and \$500. So though she paid in 2013  
24 and 2014 -- as soon as the conservatorship comes in  
25 place in 2015 she stops paying on the agreement they

1 had.

2 Again, she never received any consideration  
3 for that transfer, and she testified in her  
4 deposition, and it's noted in the motion, that the  
5 reason they made the half interest transfer in July  
6 30th, 2013, half interest in Atlantic Street  
7 regarding survivorship was because -- I believe she  
8 had just gotten divorced. So she's moving in there  
9 and they wanted to bring the taxes down. They wanted  
10 to get out of the 6 percent and go to the 4 percent,  
11 which we all know is more than 2 percent.

12 THE COURT: Right.

13 MR. KEYS: And so she said, That was why I  
14 actually made that transfer in the first place. Then  
15 we are just requesting rent at the low dollar. She  
16 said \$450 to \$500. Kennedy says \$600. We're  
17 requesting monthly rent of \$450.

18 THE COURT: I'll give you \$500. If it was up  
19 to me it would be \$1,500 but that's not my deal.

20 MR. KEYS: And we're requesting it just from  
21 when the conservatorship came in until the date of  
22 the order.

23 THE COURT: January 15th?

24 MR. KEYS: Yes.

25 THE COURT: Okay.

1 MR. KEYS: And we would also assert that you  
2 could award prejudgment interest. We're asserting  
3 this under promissory estoppel and on just  
4 enrichment, Your Honor.

5 THE COURT: Okay. All right.

6 MR. KEYS: Now we get on to the deed. So this  
7 is the --

8 THE COURT: We're up to seven years, six and a  
9 half years of rent due now, right?

10 MR. KEYS: Yes, six and a half. You've got  
11 the 11/18/14 deed that was not drafted by Mac Gibson,  
12 drafted only a year after Mac Gibson gives her a half  
13 interest with right of survivorship.

14 In the deposition I asked her, Do you know  
15 what right of survivorship means? She said she did.  
16 It's quoted in the motion. She goes on to say, But I  
17 needed to be able to take out a mortgage for  
18 Ms. Smith's benefit and use Atlantic Street as  
19 secured collateral for her to get that loan for her  
20 benefit, and she said, And my sister came to me a  
21 month before she had this deed executed and before  
22 she personally recorded it and said, You know, I  
23 think mom needs to be declared incapacitated. Will  
24 you sign the paperwork?

25 And she testified to this in her deposition.

1 I believe it's Page 105 or 108. It's noted in the  
2 motion. If her mother was declared incapacitated,  
3 her mother wouldn't be able to sign a mortgage. Then  
4 she wouldn't be able to get that loan that Ms. Smith  
5 wanted for Ms. Smith's benefit using Atlantic Street.

6 So she basically said that that's why she  
7 wanted that deed to be recorded. Again, it's kind of  
8 crazy because she already had right of survivorship,  
9 and the original deed corresponds with -- that's why  
10 I also brought up the (unintelligible) deed, Your  
11 Honor. In that she gave each of her daughters a  
12 one-third interest with right of survivorship in the  
13 (unintelligible) deed. She retained an interest. It  
14 looks like a pattern and practice when she was using  
15 her counsel to retain an interest in her properties  
16 and then gift out a partial interest to her  
17 daughters.

18 This second one was not done by Mac. No  
19 consideration was paid, and the same day she goes out  
20 and forces her mother to take \$6,000 out of the bank.  
21 So we would assert that there's undue influence  
22 there, Your Honor. Now, there's a couple of  
23 different ways to skin this cat. Is there a  
24 confidential relationship? We would assert there is.

25 She, in fact, admitted there was in responding

1 to the complaint. You also have two powers of  
2 attorney. The 2013 -- she is listed as an alternate,  
3 and the December 8, 2014 power of attorney, which she  
4 got Ms. Clarkin to execute naming her as power of  
5 attorney. So you've got fiduciary duties there.  
6 You've got a parent/child relationship. So we would  
7 assert that there is a confidential relationship  
8 there.

9 We would also assert that under the laws of  
10 our state, you don't have to find the existence of a  
11 confidential relationship, and you don't even have to  
12 prove the incapacity of Ms. Clarkin at the time that  
13 she executed the deed.

14 If you'll look at our Supreme Court's decision  
15 in Brooks v. Kay, which is 339 SC 479, it's a 2000  
16 case. They said, Even acts in a confidential  
17 relationship, this Court has several times proved the  
18 principal that the imposition or undue influence upon  
19 a grantor will be inferred from proof of great mental  
20 weakness not amounting to incapacity to execute a  
21 deed, but accompanied by gross inadequacy of  
22 consideration. There was no consideration paid for  
23 the 11/14 deed.

24 They went on to say, regarding Ms. Brooks in  
25 that case, even if Brooks was mentally competent

1 enough to execute the deed, there was no doubt that  
2 she was rapidly approaching senility. If not already  
3 suffering from Alzheimer's disease, responsible for  
4 her commitment to the state hospital only one year  
5 after the transaction.

6 In this case, she had already been diagnosed  
7 with Alzheimer's disease before the transfer, and  
8 it's a matter of weeks before the Court declares her  
9 incapacitated, not a year after the transaction.

10 So it would say that even though -- we would  
11 assert that she was incapacitated at the time she  
12 executed the deed, but if you were to find that she  
13 was -- that she lacked evidence to do so, you can  
14 show from the specs and circumstances, that there was  
15 a great mental infirmity coupled with a lack of --  
16 there was an inadequacy of the purchase price that  
17 you can make an inference of undue influence.

18 THE COURT: Okay.

19 MR. KEYS: So moreover, we would also say that  
20 there was a confidential relationship, and the burden  
21 shifted to Ms. Smith to show by clear and convincing  
22 evidence that the transaction wasn't bona fide and  
23 that there was consideration paid. There is  
24 definitely inferences of broad going along with the  
25 confidential relationship. We also have fraudulent

1 conveyance, Your Honor.

2 Fraudulent conveyance, again, no consideration  
3 paid, so you don't actually have to show intent to  
4 defraud. We would assert, though, that there are  
5 numerous badges of fraud that you could actually find  
6 there was fraud in the transaction. Again, you have  
7 the mother/daughter relationship. You have  
8 essentially a landlord/tenant relationship. No  
9 consideration was paid. You've got the confidential  
10 relationship I just talked about. Pendency of threat  
11 of litigation. Her sister told her the month before,  
12 Let's do a conservatorship, and a month later her  
13 sister filed an action to do a conservatorship, and  
14 Ms. Smith challenged it and moved to dismiss it.

15 You've got sequency or concealment of the act.  
16 Again, if they were using the traditional means,  
17 which Ms. Clarkin had always operated under, and this  
18 also goes to departure from usual methods of  
19 business, they would have gone to Mac Gibson and  
20 gotten him to draft something. He had always done  
21 her work. Why was it not done in this circumstance?  
22 At the time, the HELOC was in place and Ms. Clarkin's  
23 entire interest was thereby transferred to that 11/14  
24 deed. That is a lot of badges of fraud such that you  
25 could infer actual intent to defraud on the part of

1 Ms. Smith at the time that she caused the 11/14 deed  
2 to be executed and recorded.

3 Even if there wasn't lack of consideration,  
4 you don't have to find it, Your Honor. It's just the  
5 fact that this transfer was made. It was made just  
6 before the conservatorship was put in place, and she  
7 knew that her sister was talking about that. So it  
8 looks like she's trying to hide property -- it  
9 doesn't have to be a creditor -- from anybody who  
10 would have an interest in that property.

11 Then we go on to quiet title, Your Honor.  
12 There is one other deed that I need to bring up. So  
13 that's the 11/14/18 deed. Conservatorship gets put  
14 in place in March of 2015. That Probate case,  
15 unfortunately, is a litigious unhappy mess. It has  
16 been for six years.

17 THE COURT: All right.

18 MR. KEYS: And so a year later she's a party  
19 to that action. She's aware that Guardians ad Litem  
20 and Family Services are starting to wonder whether  
21 that transfer on 11/14 of the deed was appropriate.  
22 She goes out and transfers the property again into a  
23 trust of which she is the beneficiary and the  
24 trustee.

25 THE COURT: Have you-all seen any evidence of

1 the creation of the trust? How was the trust created  
2 other than by the deed; do you know?

3 MR. KEYS: It was created, I believe, by  
4 Jocelyn Bolling. The deed references the date the  
5 trust was created, the same day it was executed.

6 THE COURT: That was in '16, I think it was,  
7 wasn't it?

8 MR. KEYS: Yes. March of '16 and Ms. Smith,  
9 although it's not in here --

10 THE COURT: Recorded April 6 of '16?

11 MR. KEYS: Yes.

12 THE COURT: I've got it. Okay.

13 MR. KEYS: She's the beneficiary and she's the  
14 trustee.

15 THE COURT: Now, is the trust a named party,  
16 or do you seek to have the trust named as a party?

17 MR. KEYS: I don't. We're asserting bona  
18 fide -- again, she's the trustee, Your Honor. They  
19 weren't a bona fide purchaser for value. They knew  
20 there were issues there.

21 THE COURT: Same theory as the other deed?

22 MR. KEYS: Yes.

23 THE COURT: Fraudulent conveyance?

24 MR. KEYS: We're just trying to unwind it.  
25 That's where you get to the acquired title action.

1 The deed going back to August -- July 30, 2013, where  
2 she gets a half interest. Ms. Clarkin retains a half  
3 interest, right of survivorship.

4 We would request that you void out the '14  
5 deed, you void out the trust '16 deed, and return  
6 clear, clean title as it stood when Mr. Gibson  
7 drafted the deed.

8 THE COURT: Okay. Very good. So let's do  
9 this -- I was going through your Summary Judgment.  
10 Frankly, I think under the theory of money not  
11 received, you're entitled to judgment on the -- is it  
12 \$23,500?

13 MR. KEYS: Yes, Your Honor.

14 THE COURT: \$23,500. That's a sum certain  
15 capable of being reduced. You can either get the  
16 full amount from the last payment, which looked to  
17 have been in December of '14 --

18 MR. KEYS: All of the payments predate when  
19 the conservatorship comes in, which is why we're  
20 asking for interest from the date --

21 THE COURT: Just from the date of January of  
22 '15? All right. I'll give you that. \$23,500 plus  
23 interest, and that's either unjust enrichment or  
24 money that hasn't been received, same difference  
25 really.

1 Under the promissory estoppel, yes. She  
2 should be paying rent. I'll set that rent at an  
3 agreed upon price. Per the initial agreement,  
4 payment was \$500 per month, so I'll award you the  
5 amount of rent from that period. That's going to be  
6 fairly substantial.

7 MR. KEYS: And we're drawing from January of  
8 2015?

9 THE COURT: I think that was January of '15 as  
10 well. I hope you-all have a record of what was paid  
11 and what was not paid? If you don't have it --

12 MR. KEYS: Again, that's why we're just asking  
13 for when the conservatorship comes in. She was  
14 making payments before that, but --

15 THE COURT: Sporadic or whatever, okay. I'll  
16 do that under promissory estoppel. I think you-all  
17 had another theory for that one as well.

18 MR. KEYS: Unjust enrichment and quantum  
19 meruit.

20 THE COURT: Unjust enrichment, yes.

21 MR. KEYS: Different names for similar  
22 vehicles.

23 THE COURT: And then finally the fraudulent  
24 conveyance. I think you-all brought it as fraudulent  
25 conveyance, quiet title --

1 MR. KEYS: Declaratory judgment, and  
2 fraudulent conveyance and just a quiet title to try  
3 and clean things up.

4 THE COURT: I'll grant that relief as well.  
5 She would have the opportunity to come in and  
6 challenge it, but she has not done so. She has the  
7 right to have an attorney, but has not done so. She  
8 has been very easily able to pick up the telephone  
9 and make phone calls. She has not done so.

10 MR. KEYS: The only other --

11 THE COURT: I think there needs to be some  
12 substantial findings in the record about her ability  
13 to appear -- her inability to appear for the hearing.  
14 Okay? Multiple requests for continuance, multiple  
15 attorneys engaged in the matter. The whole shebang,  
16 you just need to set the picture before we get to the  
17 merits of the hearing.

18 MR. KEYS: The only other request is on  
19 declaratory judgment equity, the Court does have the  
20 ability to award attorney's fees as to that cause of  
21 action.

22 THE COURT: I'll leave the record open for you  
23 to submit that. I did see a request for attorney's  
24 fees. I'll have to run that one again and take a  
25 look at it. It's either going to be statute or

1 contract. Clearly, there's no contract here.

2 MR. KEYS: There's case law on declaratory  
3 judgment. It's equitable discretion.

4 THE COURT: All right. Well, I'll allow you  
5 to submit an affidavit and request attorney's fees,  
6 and then cite me to some law for that one as well.  
7 Okay? All right, Mr. Keys, very good.

8 MR. KEYS: Thank you very much, Your Honor.

9 THE COURT: Ms. Evans, anything you want to  
10 add?

11 MS. EVANS: No.

12 THE COURT: I think there was an affidavit in  
13 the record from you; was there not?

14 MR. KEYS: This is one of four lawsuits going  
15 on with this family.

16 THE COURT: You can go back and check the  
17 record, but I would supplement the record with her  
18 affidavit as well. This is the problem she's had.  
19 Whatever. Whatever. Whatever. Just make sure  
20 you're supported because I don't know where this case  
21 is going to go. I saw some misfiled documents in a  
22 successive case. I think it ended in '07.

23 MR. KEYS: Yes. A Motion to Reconsider in a  
24 sister case which is currently on appeal. It got  
25 filed in this one and accepted in this one, and then

1 the next morning I realized it was the wrong one.

2 THE COURT: Well, when you have a lot of cases  
3 going on it's easy to do. Very good. I'm going to  
4 get into my next hearing. Okay?

5 MR. KEYS: Thank you, Your Honor.

6 THE COURT: Are you Patricia Clarkin Smith?

7 MS. SMITH: I'm Patricia.

8 THE COURT: Ms. Clarkin Smith, I have just  
9 concluded that hearing. We only had it for half an  
10 hour. I granted them the relief that they requested.  
11 Mr. --

12 MS. SMITH: Sir?

13 THE COURT: I'm talking right now.

14 MS. SMITH: Yes, sir.

15 THE COURT: I've asked Mr. Keys to draft an  
16 order. I'll make sure he runs that order by you as  
17 well.

18 MS. SMITH: I've been here. I've been going  
19 around. What are you saying?

20 THE COURT: Well, I'm going to move into my  
21 next hearing, so I'll let you-all talk outside.  
22 Okay?

23 MR. KEYS: I'll send it to you. I'll send you  
24 an e-mail.

25 MS. SMITH: I appreciate it.

1 THE COURT: I think we're about ready to  
2 start. Thank you, Mr. Keys.

3 (The proceedings were concluded at 11:43 a.m.)  
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1 State of South Carolina)  
2 County of Charleston ) C E R T I F I C A T E  
3

4 I, Christine A. Smith, Court Reporter and  
5 Notary Public for the State of South Carolina at  
6 Large, do hereby certify that the foregoing  
7 transcript is a true, accurate, and complete record.

8 I further certify that I am neither related to  
9 nor counsel for any party to the cause pending or  
10 interested in the events thereof.

11 Witness my hand, I have hereunto affixed my  
12 official seal this 20th day of October, 2021 at  
13 Charleston, Charleston County, South Carolina.  
14  
15  
16  
17

18 Christine A. Smith  
19 Notary Public  
20 My Commission Expires  
21 May 12, 2021  
22  
23  
24  
25

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

FAMILY SERVICES, INC

vs.

PATRICIA CLARKIN SMITH et al

Plaintiff,

Defendant.

IN THE COURT OF COMMON PLEAS  
NINTJ JUDICIAL CIRCUIT

CASE NO.: 2017-CP-10-5427-~~CP~~ -

**MOTION AND ORDER INFORMATION  
FORM AND COVERSHEET**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |                                                                                                                                                                                              |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Plaintiff's Attorney:</b><br>_____, Bar No. ____<br>Address: _____<br>Phone: _____ Fax _____<br>E-mail: _____ Other: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  | <b>Defendant's Attorney:</b><br>ALAN D. TOPOREK, Bar No. 5608<br>Address: _____<br>POB 399 CHAS., SC 29402<br>Phone: 843-723-7491 Fax 843-577-4179<br>E-mail: Alan@uricchio.com Other: _____ |  |
| <input checked="" type="checkbox"/> <b>MOTION HEARING REQUESTED</b> (attach written motion and complete <b>SECTIONS I and III</b> )<br><input type="checkbox"/> <b>FORM MOTION, NO HEARING REQUESTED</b> (complete <b>SECTIONS II and III</b> )<br><input type="checkbox"/> <b>PROPOSED ORDER/CONSENT ORDER</b> (complete <b>SECTIONS II and III</b> )                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                                                                                                                                                                                              |  |
| <b>SECTION I: Hearing Information</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |                                                                                                                                                                                              |  |
| Nature of Motion: To be Relieved As counsel<br>Estimated Time Needed: 15 mins Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                                                                                                                                                                              |  |
| <b>SECTION II: Motion/Order Type</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |                                                                                                                                                                                              |  |
| <input type="checkbox"/> Written motion attached<br><input type="checkbox"/> Form Motion/Order<br>I hereby move for relief or action by the court as set forth in the attached proposed order.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |                                                                                                                                                                                              |  |
| Signature of Attorney for <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  | Date submitted<br>4/4/2018                                                                                                                                                                   |  |
| <b>SECTION III: Motion Fee</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |                                                                                                                                                                                              |  |
| <input checked="" type="checkbox"/> <b>PAID – AMOUNT: \$</b> _____<br><input type="checkbox"/> <b>EXEMPT:</b> (check reason)<br><input type="checkbox"/> Rule to Show Cause in Child or Spousal Support<br><input type="checkbox"/> Domestic Abuse or Abuse and Neglect<br><input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party<br><input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief<br><input type="checkbox"/> Motion for Stay in Bankruptcy<br><input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)<br><input type="checkbox"/> Proposed order submitted at request of the court; or,<br>reduced to writing from motion made in open court per judge's instructions<br>Name of Court Reporter: _____<br><input type="checkbox"/> Other: _____ |  |                                                                                                                                                                                              |  |
| <b>JUDGE'S SECTION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                                                                                                                                                                                              |  |
| <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order.<br><input type="checkbox"/> Other: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | JUDGE CODE _____<br>Date: _____                                                                                                                                                              |  |
| <b>CLERK'S VERIFICATION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                                                                                                                                                              |  |
| Collected by: _____ Date Filed: _____<br><input type="checkbox"/> <b>MOTION FEE COLLECTED: \$</b> _____<br><input type="checkbox"/> <b>CONTESTED – AMOUNT DUE: \$</b> _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                                                                                                                                                              |  |

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Family Services, Inc, Conservator for  
Muriel W. Clarkin,

Plaintiff,

versus

Patricia Clarkin Smith and Wells Fargo  
N.A,

Defendant.

) IN AND FOR THE COURT OF COMMON PLEAS  
) THE NINTH JUDICIAL CIRCUIT  
) CASE NO.: 2017-CP-10-5427

) **MOTION TO BE RELIEVED AS COUNSEL**

FILED  
2019 APR -4 PM 4:54  
JULIE J. ARMSTRONG  
CLERK OF COURT

**TO: THE ABOVE NAMED DEFENDANT, PATRICIA CLARKIN SMITH:**

**YOU WILL PLEASE TAKE NOTICE** that counsel for the Defendant, Patricia Clarkin Smith, will move before this Court, ten days after filing or soon thereafter as counsel can be heard, for an Order relieving him as counsel for the Defendant, Patricia Clarkin Smith. Specifically, counsel and the Defendant, Patricia Clarkin Smith, have come to a disagreement on how the case should be handled. Counsel for the Defendant negotiated a settlement for Defendant Smith that Defendant Smith had agreed to. Defendant Smith signed documents acknowledging that Agreement. In counsel's belief, the Agreement is in the Defendant Smith's best interest. Defendant Smith now states that she will not go forward with the Settlement and has insisted on going to trial. Counsel is concerned for the health and welfare of Defendant Smith and believes that it would be deleterious for her to go to trial. Counsel advised the Defendant that he wished to be relieved as counsel. The Defendant agreed and stated that she would sign a Consent Order. Counsel provided the proposed Consent Order to the Defendant. ( Attached) Despite repeated promises, the Defendant has failed and refuses to provide the counsel

with the requested consent to a proposed Order. Therefore, Counsel respectfully asks this Court to relieve him as counsel for the Defendant, Patricia Clarkin Smith.

**I SO MOVE!**

URICCHIO, HOWE, KRELL, JACOBSON,  
TOPOREK, THEOS & KEITH, P.A.

  
\_\_\_\_\_  
Alan D. Toporek  
17 ½ Broad Street – Post Office Box 399  
Charleston, South Carolina 29402  
Tel: (843) 723-7491; Fax: (843) 577-4179  
~~Attorneys for Plaintiff~~

This 4 day of April, 2019  
Charleston, South Carolina

STATE OF SOUTH CAROLINA  
COUNTY OF Charleston

IN THE COURT OF COMMON PLEAS  
JUDICIAL CIRCUIT

CASE NO.: 2017-CP-10-5427

Family Services, Inc., Conservator  
for Gabriel W. Clarkin Plaintiff,  
vs.  
Patricia Clarkin Smith  
Defendant.

**MOTION AND ORDER INFORMATION  
FORM AND COVERSHEET**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |                                                                                                                                                                                                                                    |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Plaintiff's Attorney: <u>David Conor Keys</u><br>Bar No. _____<br>Address: <u>PO Box 14225 Charleston, SC 29422</u><br>Phone: <u>843 906 3998</u> Fax: _____<br>E-mail: _____ Other: <u>conoredconorkeys@comcast.net</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  | Defendant's Attorney: <u>(Karen DeJong - Disqualified)</u><br>Bar No. _____<br>Address: <u>602 Atlantic St. Pro Se</u><br>Phone: <u>843 345 0158</u> Fax: <u>843 452 1237</u><br>E-mail: _____ Other: <u>patricia@nbct2001.com</u> |  |
| <input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)<br><input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)<br><input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |                                                                                                                                                                                                                                    |  |
| SECTION I: Hearing Information<br>Nature of Motion: <u>Continuance - Due to Surgery</u> <u>Motion to Enforce Settlement</u><br>Estimated Time Needed: <u>NA</u> Court Reporter Needed: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <u>Jan 30, 2020 Judge Cole</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |                                                                                                                                                                                                                                    |  |
| SECTION II: Motion/Order Type<br><input checked="" type="checkbox"/> Written motion attached<br><input type="checkbox"/> Form Motion/Order<br>I hereby move for relief or action by the court as set forth in the attached proposed order.<br><u>Patricia Clarkin Smith</u> <u>January 27, 2020</u><br>Signature of Attorney for <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant Date submitted                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |                                                                                                                                                                                                                                    |  |
| SECTION III: Motion Fee<br><input type="checkbox"/> PAID - AMOUNT: \$ _____<br><input type="checkbox"/> EXEMPT: (check reason)<br><input type="checkbox"/> Rule to Show Cause in Child or Spousal Support<br><input type="checkbox"/> Domestic Abuse or Abuse and Neglect<br><input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party<br><input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief<br><input type="checkbox"/> Motion for Stay in Bankruptcy<br><input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)<br><input type="checkbox"/> Proposed order submitted at request of the court; or,<br>reduced to writing from motion made in open court per judge's instructions<br>Name of Court Reporter: _____<br><input type="checkbox"/> Other: _____ |  |                                                                                                                                                                                                                                    |  |
| JUDGE'S SECTION<br><input type="checkbox"/> Motion Fee to be paid upon filing of the attached order.<br><input type="checkbox"/> Other: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  | JUDGE CODE _____<br>Date: _____                                                                                                                                                                                                    |  |
| CLERK'S VERIFICATION<br>Collected by: _____ Date Filed: _____<br><input type="checkbox"/> MOTION FEE COLLECTED: \$ _____<br><input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |                                                                                                                                                                                                                                    |  |

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )  
 )

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT  
CASE NO.: 2017-CP-10-5427

Family Services, Inc., Conservator )  
for Muriel W Clarkin )  
Plaintiff )  
versus )  
Patricia Clarkin Smith )  
Defendant )

**NOTICE OF MOTION AND -  
MOTION FOR CONTINUANCE**

Judge Cole  
cc Judge Young

*Judge McCoy*

I, Patricia Clarkin Smith, am scheduled for surgery on January 30, 2020.

I respectfully request the Charleston County Court of Common Please allow a continuance of the Motion Hearing regarding the Motion to Enforce Settlement Agreement, which was filed by Plaintiff's Attorney, David Conor Keys, on July 10, 2019 and is presently scheduled before Judge Cole on January 30, 2020 at 2:30 pm.

I notified Attorney Keys via email and phone message on January 26, 2020.

For this medical reason, Patricia Clarkin Smith, Defendant, hereby respectfully requests this Court grant a continuance in this matter.

*Patricia Clarkin Smith*

Patricia Clarkin Smith

602 Atlantic St.  
Mount Pleasant, SC 29464  
(843) 345-0158, (843) 452-7237  
Defendant Pro Se

Charleston, South Carolina  
January 26, 2020

FILED  
2020 JAN 27 PM 4:26  
JULIE J. ARMSTRONG  
CLERK OF COURT  
BY

ROA-000576

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )  
 )

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT

CASE NO.: 2017-CP-10-5427

Family Services, Inc., Conservator )  
for Muriel W Clarkin )  
Plaintiff )  
vs )  
Patricia Clarkin Smith )  
Defendant )

MOTION AND ORDER INFORMATION

FORM AND COVERSHEET

|                                                                                                                                                                                  |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Plaintiff's Attorney:<br>David Conor Keys, Esq., Bar No. _____<br>Address:<br>PO Box 14225, Charleston, SC<br>29422 Phone: 906-3998 Fax _____<br>E-mail: conor@dconorkeyslaw.com |  | Defendant's Attorney: Disqualified November 3, 2019<br>Pro Se/Defendant:<br>Patricia Clarkin Smith<br>Address:<br>602 Atlantic St, Mount Pleasant, SC 29464<br>Phone: 8433450158, 8434527237 Fax: none<br>E-mail: patricia@nbct2001.com                                                                                                                                                                                                                                                                                           |  |
| Nature of Motion: <u>CONTINUANCE</u><br>Estimated Time Needed: _____                                                                                                             |  | <b>SECTION I: Hearing Information</b><br>Court Reporter Needed: NO                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |
| MOTION FOR<br>CONTINUANCE<br>Written Motion attached                                                                                                                             |  | <b>SECTION II: Motion/Order Type</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |
| Signature of Pro Se/Defendant _____                                                                                                                                              |  | Date submitted: February 18, 2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |
| PAID — AMOUNT: \$ <u>25.00</u><br>EXEMPT: _____<br>reason) _____                                                                                                                 |  | <b>SECTION III: Motion Fee</b><br>Rule to Show Cause in Child or Spousal Support (check<br>Domestic Abuse or Abuse and Neglect<br>Indigent Status State Agency v. Indigent Party Sexually<br>Violent Predator Act Post-Conviction Relief Motion for Stay in<br>Bankruptcy<br>Motion for Publication Motion for Execution (Rule 69, SCRCP)<br>Proposed order submitted at request of the court; or,<br>reduced to writing from motion made in open court per judge's instructions Name<br>of Court Reporter: _____<br>Other: _____ |  |
| <b>JUDGE'S SECTION</b><br>Motion Fee to be paid upon filing of the attached<br>order.<br>Other: _____                                                                            |  | JUDGE CODE _____<br>Date: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| <b>CLERK'S VERIFICATION</b><br>Collected by: _____ Date Filed: _____<br>MOTION FEE COLLECTED: \$ _____<br>CONTESTED — AMOUNT DUE: \$ _____                                       |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )  
 )

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT  
CASE NO.: 2017-CP-10-5427

Family Services, Inc., Conservator )  
for Muriel W Clarkin )  
Plaintiff )  
versus )  
 )  
Patricia Clarkin Smith )  
Defendant )

**NOTICE OF MOTION AND -  
MOTION FOR CONTINUANCE**

Judge McCoy  
cc Judge Buckner  
Judge Scarborough

FILED  
2020 FEB 18 AM 9:53  
JULIE J. ARISTON  
CLERK OF COURT

February 16, 2020

Dear Judge McCoy, Judge Buckner, and Judge Scarborough,

The Motion to Enforce Settlement Agreement Hearing is scheduled for February 25, 2020 at 9:30 am before Judge Buckner, and the case has been referred to Mikell R. Scarborough, Master-In-Equity for Charleston County.

Attorney Keys told me today he is requesting a continuance. I have been on medical leave since my surgery on January 30, 2020. A 2<sup>nd</sup> surgery is scheduled for February 18, 2020, so I also need a continuance. Signed doctor letter is attached.

I respectfully request the Court not reschedule the Motions Hearing or schedule the Hearing before Judge Scarborough at least until I am medically released from the doctor; however, my goal is to explain why truly need case number 2017-CP-10-5426 to be resolved first.

I would like the Court to know I didn't want a Jury Trial.

Attorney Keys filed his Complaint six (6) months after I revoked the Settlement Agreement and six (6) weeks after Attorney Toporek was relieved as my counsel May 23, 2019. Then my Successor Attorney DeJong was disqualified in October, 2019.

I have had substantial attorney fees as Respondent to my Mother's Probate Court case. Given Family Services said they had obtained the Pay Off statement for my approve home loan, I was definitely not expecting case number 2017-CP-10-5427 to be filed against me, thus more attorney fees. In addition, the Lis Pendens prevents me from being able to obtain a home mortgage.

I need an attorney. Representing myself is scary because I am a teacher, not an attorney. I can evidence I have experienced five (5) years of completely unexpected financial drain, thus I presently don't have the \$5,000 to \$10,000 Retainer Fee for a 3<sup>rd</sup> Attorney.

My teacher retirement salary is attached. I have diligently sought legal assistance. I don't qualify for Legal Aid services in SC.

About 30% of my net pay, approximately \$30,000 to date, has and still is used to assist with payment of my Mother's HELOC and required hazard Insurance.

A family member defaulted on the \$138,000 loan from Mother in 2008 to buy a house after she sold the house in 2017. Please reference case number 2017-CP-10-5426. The Complaint seeks to recover payment of the HELOC balance. Right before the trial date in April 2019, Attorney Keys filed a motion to add the Defendant's mother to the Complaint. The motion was granted, and the case is not scheduled for trial until after May 14, 2020.

It's confusing that Plaintiff would intentionally delay 2017-CP-10-5426 for well over another year, yet take the position of urgency with my case, which I must defend, so the family home isn't sold that is meant to protect my disabled brother who suffered a TBI in an accident.

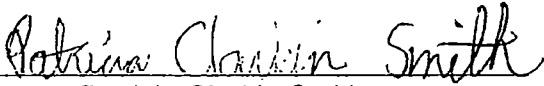
Conservator Family Services spent all of my parents' \$600,000 savings in five (5) years! Mother is possibly soon to experience her worst fear, a nursing home instead of home family care that had been our value for generations.

I beg of the Court to wait until the case filed on Mother's behalf to recover that HELOC loan is over. Attorney Keys hypothetically said today Plaintiff would consider a cash settlement, which I will be able to obtain when the HELOC is repaid. Of course, I want to help my Mother have the life my parents' sacrificed and saved for; Mother is priceless!

Your Honors, please consider delaying the Hearing until the other case is resolved. I need to mortgage my home to provide for Mother and to obtain my legal counsel.

Thank you for reading this lengthy letter.

Respectfully,

  
Patricia Clarkin Smith  
Defendant

602 Atlantic St.  
Mount Pleasant, SC 29464  
(843) 345-0158, (843) 452-7237  
Defendant Pro Se

Charleston, South Carolina  
February 17, 2020

Attachments:

Dr. Baird – Work Note  
SC Teacher Retirement Salary Statement

**CERTIFICATE OF COMPLIANCE FOR APPELLANT'S  
RECORD ON APPEAL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Mikell R. Scarborough, Master in Equity

Case No. 2021-000793

FAMILY SERVICES, INC., AS  
CONSERVATOR FOR MURIEL W.  
CLARKIN, RESPONDENT,

Appellant(s),

v.

PATRICIA CLARKIN SMITH AND  
WELLS FARGO BANK, NA.,  
DEFENDANTS, OF WHOM  
PATRICIA CLARKIN SMITH IS  
THE APPELLANT,

Respondent (s).

**CERTIFICATE OF COMPLIANCE**

I certify Appellant's Record on Appeal complies with Rules 209, 210, and 267 of the  
South Carolina Appellate Court Rules.

Respectfully submitted this      1      day of      July      , 2024 .

DICKSON DAVIS LAW FIRM, LLC

/s/ Deborah D. Davis, Esq.

Deborah D. Davis, Esq.  
SC Bar No.: 102942  
620 Rutherford Street  
Greenville, SC 29609  
(833) 729-3426 t  
(864) 752-1424 f  
d.davis@dicksondavislaw.com  
www.dicksondavislaw.com

ATTORNEY FOR APPELLANT

The Law Office David Conor Keys, LLC  
D. Conor Keys, Esq.  
P.O. Box 14225  
Charleston, SC 29422  
(843) 906-3998

ATTORNEY FOR RESPONDENT

**PROOF OF SERVICE OF APPELLANT'S MOTION TO REINSTATE  
APPEAL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Mikell R. Scarborough, Master in Equity

Case No. 2017-CP-10-5427

**RECEIVED**

JUL 03 2024

SC Court of Appeals

FAMILY SERVICES, INC., AS  
CONSERVATOR FOR MURIEL W.  
CLARKIN,

Respondent(s),

v.

PATRICIA CLARKIN SMITH AND  
WELLS FARGO BANK, NA.,  
DEFENDANTS, OF WHOM  
PATRICIA CLARKIN SMITH IS  
THE APPELLANT,

Appellant(s).

**PROOF OF SERVICE**

I certify that I have served the Appellant's Motion to Reinstate Appeal on Respondents **FAMILY SERVICES, INC., AS CONSERVATOR FOR MURIEL W. CLARKIN V. PATRICIA CLARKIN SMITH AND WELLS FARGO BANK, NA.** by depositing a copy of it in the United States Mail, postage prepaid, in addition via AIS email to opposing counsel on July 1, 2024, addressed to the attorney(s) of record, to the following addresses:

Family Services, Inc.  
c/o D. Conor Keys, Esq.  
The Law Office David Conor Keys, LLC  
Charleston, SC 29609  
Attorney for Respondent(s)

Respectfully submitted this 1 day of July, 2024.

DICKSON DAVIS LAW FIRM, LLC

/s/ Deborah D. Davis, Esq.

Deborah D. Davis, Esq.

SC Bar No.: 102942

620 Rutherford Street

Greenville, SC 29609

(833) 729-3426 t

(864) 752-1424 f

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ATTORNEY FOR APPELLANT(S)

**Patricia Clarkin Smith v. Family Services, Inc. (Case No. 2021-000793) re: Petition for Reinstatement and Rehearing**

Deborah Davis <d.davis@dicksondavislaw.com>

Tue 7/2/2024 11:55 PM

To: conor@dconorkeyslaw.com <conor@dconorkeyslaw.com>

Cc: Christy Owens <legalassistant@dicksondavislaw.com>

Bcc: Smith, Patricia Clarkin <contact+d980ae66-668b-473a-a8c5-b175db0cf653@mailsync.practicepanther.com>

📎 3 attachments (14 MB)

2024\_07\_01\_cover\_letter\_court\_appeals.pdf; 2024\_07\_01\_Motion\_reinstate\_appeal\_ex.pdf; 2024\_07\_01\_Mot\_reinstate\_app\_SOP.pdf;

Conor,

Please see the attached documents that will be e-filed with the appellate court. Thanks.

Best Regards,



Deborah D. Davis, Esq.

Attorney at Law

Dickson Davis Law Firm, LLC

620 Rutherford Street

Greenville, SC 29609

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7/2/24, 11:55 PM

Mail - Deborah Davis - Outlook

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**Patricia Clarkin Smith v. Family Services, Inc. (Case No. 2021-000793) re: Petition for Reinstatement and Rehearing**

Deborah Davis <d.davis@dicksondavislaw.com>

Tue 7/2/2024 11:58 PM

To: Court Of Appeals Filings <ctappfilings@sccourts.org>

Cc: conor@dconorkeysllaw.com <conor@dconorkeysllaw.com>; Christy Owens <legalassistant@dicksondavislaw.com>

Bcc: Smith, Patricia Clarkin <contact+d980ae66-668b-473a-a8c5-b175db0cf653@mailsync.practicepanther.com>

 4 attachments (15 MB)

2024\_07\_01\_cover\_letter\_court\_appeals.pdf; 2024\_07\_01\_Motion\_reinstate\_appeal\_ex.pdf; 2024\_07\_01\_Mot\_reinstate\_app\_SOP.pdf; 2024\_07\_01\_POS\_email.pdf;

To the Clerk of Court:

Please see the attached petition for reinstatement and hearing. Thanks.

Best Regards,



Deborah D. Davis, Esq.

Attorney at Law

Dickson Davis Law Firm, LLC

620 Rutherford Street

Greenville, SC 29609

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DICKSON DAVIS LAW FIRM

**NOTICE OF APPELLANT'S PETITION TO REINSTATE APPEAL  
AND FOR A REHEARING**

**RECEIVED**

July 1, 2024

JUL 03 2024

SC Court of Appeals

Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
P.O. Box 11629  
Columbia, SC 29211

**VIA EMAIL CTAPPFILINGS@SCCOURTS.ORG**

**Re** : *Family Services, Inc., as Conservator for Muriel W. Clarkin v. Patricia Clarkin  
Smith and Wells Fargo Bank, NA., Defendants, Of whom Patricia Clarkin Smith is  
the Appellant*

**Case No.** : 2017-CP-10-05427

**Appellate Case No.** : 2021-000793

**File Id.** : 2023-06-002-PSC-002

Dear Clerk of Court:

Please see the enclosed Petition to Reinstate the Appeal and for Rehearing for Appellant in response to the Court's order to dismiss the appeal on June 20, 2024.

The \$50.00 filing fee is being mailed or delivered as well.

Since 2020, I have undergone chronic, severe health complications from COVID, the COVID shot, and the COVID booster shot since 2020 that include, but are not limited to, the following: grade one congestive heart failure, severe asthma, a severely compromised immune system, chronic upper respiratory illnesses, severe fatigue accompanied by disorientation (cognitive impact, or described as "brain fog" or confusion), and so forth. With a pending diagnosis for COVID long haul, the relapses are significant and differ. I have had to adjust my practice and reduce my caseload accordingly around these relapses as well as changing areas of practice better suited to my health concerns.

Appellant is requesting from the Court: (1) add 4 additional documents to the end of the index and record on appeal; (2) approval of the proposed index and bates stamped documents to add to the record of appeal (items 6, 9, 11, 16); (3) strike the following items on Respondent's Designation of Matter including items 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, and 30; and, (4) confirm that no issues exist with the record on appeal pertaining to the following items on Respondent's Designation of Matter including items 1, 2, 3, 4, 5, 7, 8, 10, 12, 13, 14, 15, 17, 18, and 23.

I ask the Court for the Court's mercy not to penalize my client because of my health conditions and submissions affecting my work product during this most recent relapse. With the Court's time and judicial efficiency, I ask the Court to allow me to correct the items identified separate from the explanations.

Please let me know what further you require from me at this time. Thank you for assistance with this matter.

DICKSON DAVIS LAW FIRM, LLC ■ 620 RUTHERFORD STREET ■ GREENVILLE, SOUTH CAROLINA ■ 29609  
833.729.3426 TEL ■ 864.752.1424 FAX ■ WWW.DICKSONDAVISLAW.COM ■ INFO@DICKSONDAVISLAW.COM

Respectfully submitted this        1        day of        Julu        , 2024        .

s/ Deborah D. Davis

Deborah D. Davis, Esq.

SC Bar No.: 102942

ATTORNEY FOR APPELLANT

cc: The Law Office David Conor Keys, LLC

D. Conor Keys, Esq.

P.O. Box 14225

Charleston, SC 29422

(843) 906-3998

ATTORNEYS FOR THE RESPONDENTS

/ddd