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THE STATE OF SOUTH CAROLINA
In the Court of
Appeals

APPEAL FROM MARION COUNTY
COURT OF COMMON PLEAS

H. Steven DeBerry, IV, Circuit Court Judge

Case No. 2023-CP-33-00472

Angela D. Young, as Personal Representative for the Estate of Chellie Nixon, Appellant,

v.

Carolyn Johnson, as Personal Representative for the Estate of Samuel L. Davis, Respondent.

RECORD ON APPEAL

Volume 2 of 3

Danny V. Butler, Esq.
4420 Oleander Drive, Ste 203
Myrtle Beach, SC 29577
(843) 808-9224
Attorney for Appellant

J. Rene Josey, Esq.
Jeffrey L. Payne, Esq.
1831 West Evans Street, Fourth Floor
Florence, SC 29502-5478
(843) 662-9008
Attorneys for Respondent

CERTIFICATE OF APPELLANT

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

July 26, 2024

Danny V. Butler, Esq.
4420 Oleander Drive, Ste 203
Myrtle Beach, SC 29577
(843) 808-9224
Attorney for Appellant

INDEX

ORDERS: TAB #

Probate Court Order dated March 23, 2023……1
Probate Court Order dated July 17, 2023…….……..…….2
Probate Court Order dated August 9, 2023……..……..3
Circuit Court Order dated February 8, 2024……..…….4

PLEADINGS:

Complaint filed November 16, 2021…….……...5
Answer dated December 2, 2021…….…….6
Notice of Intent to Appeal to Circuit Court filed August 22, 2023……...……..7
Notice of Appeal from Circuit Court filed March 15, 2024……..……..8

TESTIMONY:

Complete Transcript of Hearing held June 1, 2023…….9
Deposition Transcript of Carolyn Johnson taken February 17, 2023, with Exhibits…....10
Deposition Transcript of Ernestine Boston taken February 17, 2023……....11
Deposition Transcript of Payton Warren taken January 28, 2022, with Exhibits.…….....12
Deposition Transcript of Samuel L. Davis taken May 4, 2022, with Exhibits…….….13
Complete Transcript of Hearing held January 29, 2024……..….14

AFFIDAVITS:

Affidavit of Carolyn Johnson dated November 7, 2022, with Exhibits…….……...15
Affidavit of LaTonia Davis dated January 2, 2023, with Exhibits…….……...16
Affidavit of Angela D. Young dated January 6, 2023, with Exhibits……..….17

MOTIONS:

Motion for Summary Judgment dated November 23, 2022……18
Motion for Sanctions for Spoilation of Evidence dated February 21, 2023.....19
Motion to Reconsider Order Granting Summary Judgment dated July 28, 2023……...20

OTHER:

Memorandum in Opposition to Defendant's Motion for Summary Judgment dated February 21, 2023……..……..…….……..…..…….21
Brief of Appellant in Appeal from Marion County Probate Court……22
Death Certification for Chellie Nixon……..……..…….…….…….23
Letter from James C. Cox, Jr. to Robert E. Lee dated December 14, 2020…….……24

DEPOSITION OF ERNESTINE BOSTON

TIME: 11:00a.m.

Date: February 17, 2023

IN RE: CHELLIE NIXON, ANGELA YOUNG PERSONAL REPRESENTATIVE FOR CHELLIE NIXON

VS.

CAROLYN CRANFORD JOHNSON AS PERSONAL REPRESENTATIVE FOR THE ESTATE OF SAMUEL DAVIS

CASE: 2017-ES-33-00099

PLACE: TURNER PADGET 1831 W. EVANS STREET, SUITE 400 FLORENCE, SC 29501

Affordable Court Reporting

4041 J & S Countryside Road

Conway, South Carolina 29527

(843)241-2338

Sandracourt2004@yahoo.com

APPEARANCES

Representing the Plaintiff(s):

DANNY BUTLER,

BUTLER LAW FIRM

4420 Oleander Drive

Myrtle Beach, SC 29577

Representing the Defendant(s):

JEFFREY PAYNE

TURNER PADGET

1831 W. Evans Street, Suite 400

Florence, SC 29501

INDEX

WITNESS	DIRECT	CROSS
Ernestine Boston	Page 5, 65	58

EXHIBITS

NUMBER	DESCRIPTION	PAGE NUMBER
None		

STIPULATIONS

It is stipulated and agreed that this deposition is being taken for the purpose of discovery, for possible use during the trial, and for all other purposes permitted under the applicable rules of procedure.

It is stipulated and agreed that all objections, except as to the form of the question, will be reserved until the time of the trial.

It is stipulated and agreed upon between counsel and the above witness that the reading and signing of the above deposition be, and the same, are hereby waived.

Court Reporter: If you will raise your right hand for me, and if you will scoot up to the table just a little bit, thank you. Do you swear or affirm that the testimony that you give to be the truth, the whole truth, and nothing but the truth.

A. Yes I do.

Q. Okay. If you will speak up for me and put your hand down and state your name for the record.

A. Ernestine Boston.

Court Reporter: Thank you very much.

DIRECT TESTIMONY OF ERNESTINE BOSTON BY ATTORNEY DANNY BUTLER:

Danny Butler: Mrs. Ernestine how are you?

A. I'm doing fine.

Q. It's a pleasure to meet you.

A. Pleasure to meet you too.

Q. My name is Danny Butler. I actually represent the Personal Representative for the Estate of Chellie Nixon. I am basically their attorney. We have this pending lawsuit that involves a funeral home in

Hartsville, alright. The purpose for you coming here today is to have your sworn deposition taken, okay?

A. Okay.

Q. Have you ever had your deposition taken?

A. No I haven't.

Q. Okay. It's a very simple process. There's a lot of issues and claims that have been raised in this lawsuit and so me and Jeff the other attorney were burdened with trying to find the facts.

A. Okay.

Q. That's why you're here because you may know some things that are relevant to the facts or relevant facts that are relevant to the issues in this case, okay. So, basically I'm going to be asking the questions and you simply respond.

A. Okay.

Q. All this is -- all of your responses are under oath and so answer as truthfully as you can.

A. Okay.

Q. If you don't remember something it's okay to say I

don't remember, okay?

A. Okay.

Q. Rather than try and guess at something and if you don't know it's okay to say I don't know, alright, but I would ask that if you do know something that you do state it honestly and in response to my question, is that fair?

A. That's right, yes.

Q. Okay and if I ask anything that may be confusing please let me know. Sometimes I don't know how to speak.

A. Okay.

Q. I have people tell me all the time what did you say, so I'll be happy to rephrase or repeat it for you, okay?

A. Okay.

Q. Is my voice loud enough for you to understand?

A. Yes it is.

Q. Okay. Very good, and is it okay to assume that if you answer my question that you fully understood the

question being asked of you?

A. Yes.

Q. Okay and this isn't a marathon, okay. So, if you ever need at any time to go take a bathroom break to get some water I'll be happy to do that just let me know. You just have to complete your responses to the last question asked.

A. Okay.

Q. Is that okay?

A. Okay.

Q. And if you end up taking a break you can't talk to anyone about this lawsuit during that break, is that okay?

A. I understand.

Q. Alright. I may ask some questions that are yes or no questions. I have a bad habit of saying yep or nodding my head if you don't mind if you can remember please verbalize your responses so if it's a yes or no question say yes or say no because the court reporter is the one that is going to transcribe everything, and

she wants to make sure she has an accurate transcript for this deposition.

A. Okay.

Q. So in light of that I'm just going to go ahead and start the deposition.

A. Okay.

Q. Ernestine what is your full name?

A. Ernestine Bird Boston.

Q. Okay, and when were your born?

A. 1950, March 22nd.

Q. And what is your social security number?

A. XXX-XX-7218.

Q. And what is a current phone number for you?

A. 843-309-9274.

Q. And what is the current address that you reside in?

A. Okay. The address, 911 Robinson Street, Hartville.

Q. And how long have you lived at that address?

A. Since 1987.

Q. Wow, long time. Are you currently married?

A. Yes, I am.

Q. And who's your current spouse?

A. Bob Boston.

Q. How long have you been married to Bob?

A. Since 2009.

Q. Okay, and before Bob were you married to someone else?

A. Sammy Davis.

Q. And do you know the period of time that you were married to Sam Davis?

A. April 3rd, 1976, till 1986.

Q. Okay and how many children do you have?

A. One (1).

Q. And what is the name of your child?

A. LaTonya Davis.

Q. I'm just going to go straight to Sammy first and do you mind if -- should I call -- would you prefer me to refer to him as Sammy or Sam?

A. Sam.

Q. Okay, I'm sorry. I don't know why I keep calling him Sammy. So, is LaTonya yours and Sam's daughter?

A. Yes.

Q. Okay. Did Sam have any children before LaTonya?

A. Yes.

Q. And who were -- and how many did he have before LaTonya?

A. One (1).

Q. And what is his or her name?

A. Olander Wheeler.

Court Reporter: Wheeler or ---

A. Wheeler.

Court Reporter: W.H.E.E. ---

A. L.E.R.

Q. And where does Olander live?

A. Hartsville.

Q. Hartsville, and has he ever been involved with the funeral home?

A. A little bit at first.

Q. Okay. When your marriage with Sam Davis was terminated in 1986, what was the reason why you guys got a divorce?

A. Well, we had to stay separated for a year, because the grounds that he presented it didn't hold because it wasn't true. So, that's why we had to separate for a year.

Q. Oh okay.

A. If he filed a divorce on adultery and there was reason and a there was no proof, so we had to separate for a year.

Q. Got you.

A. In order to get the divorce -- have the divorce.

Q. So, was Sam the one that filed the original petition for divorce on adultery grounds?

A. Uh-huh(affirmative response).

Q. Got you.

Court Reporter: just say yes or no.

A. I'm sorry, yes.

Q. I do that too.

A. I'm sorry.

Q. Was there ultimately a hearing held on that issue?

A. Yes.

Q. Okay and the hearing resulted in no adultery being found?

A. None.

Q. Okay. Did you receive any assets from Sam after the divorce or as a result of the divorce?

A. As a result I received child support, and he provided a home which was not feasible. So, I got rid of that and moved in an apartment.

Q. Oh okay, and what was the home that he provided for you, what address was that home?

A. All I remember is it was on 6th Street.

Q. Okay.

A. I don't remember the address.

Q. In Hartsville?

A. Yes.

Q. And why was -- what was the reason why it wasn't feasible?

A. I could tell -- well we knew that it was -- I would say used, dilapidated house that needed a whole lot of repairs done and me and my father decided that we would

not live there. So, we got rid of that and I moved in a -- me and my daughter moved to an apartment. I stayed with my dad for a while until we found an apartment.

Q. Got you.

A. It was unlivable.

Q. So, you were married with Sam Davis for approximately ten (10) years, and so over those years obviously you have an idea of the character of Sam Davis. So, how would you in general describe Sam Davis's character?

A. Okay. At first when we got married everything was fine, nice but over a period of time I saw a change, and the change really started after he got access to the funeral home. He changed. He was not physically abusive but verbally abusive. It was just ugly. It was an ugly situation and because there were a couple of times I had to leave, and I stayed at my dad's because he had gotten -- that's the one (1) time he had gotten physical. LaTonya was a little girl. So, I

left, and I stayed with my dad for a while and gather somethings to go to the house, but he was just -- can I say mean, can I say that?

Q. Sure. It's really up to you what you say.

A. He was just mean.

Q. Okay.

A. To me -- and so over a period of time it was a lot of infidelity on his part whenever he chose to make the -- you know want to divorce he turned it around on me you know. So, after the divorce that's when I started my life with my child.

Q. Is there any reason why you didn't counterclaim him for adultery against Sam?

A. At that time I was just so stressed out, I was so hurt, and I was so depressed. I had got so depressed that I just didn't want to take it any further. I just wanted to be finished with all of that because it was so bad at that time.

Q. Right.

A. And if I cry, forgive me.

Q. I'm sorry. I don't mean to.

A. It just got so bad. I just couldn't take it and I told my dad I just want to go on with what I had and start a fresh with me and -- me and Tonya.

Q. Okay. Well, during this same period of time was that same treatment exhibited on LaTonya too?

A. Not really.

Q. Okay.

A. It was more of towards me but as far as she was concerned -- I was -- he was just like an absent farther. We were living under the same roof, but he still was -- it was always about the funeral home and running the business and taking care of this and taking care of my families and this and that and the other so me and Tonya just -- I just did what I had to do for her. You know it was always about what he had to do for the funeral home, and it was just like we was estranged.

Q. So you said that initially the marriage was fine everything was good.

A. It started out -- it started out good. Started out good.

Q. Is there anything in particular specific that after that specific event that's what -- when his character changed to what you had described?

A. When he received the ownership of the funeral home, that's when everything changed.

Q. And when you say received ownership what do you mean by that?

A. Well, after Mr. Young passed, after Mr. Young passed and -- and see with all the stuff that I went through it was -- it had been so much stuff that pushed so far back in the back of my head a lot of stuff that I had forgotten but like I said, after Mr. Harold died and he -- when he received the -- when he was running the funeral home he changed on me, he changed on me.

Q. So would it be fair to state when he started running the funeral home as the director that's when things changed?

A. Yes. From the time that Mr. Harold, Mr. Young

passed he didn't have his license at that time. So, he had to have someone else to come in to be licensed.

Q. Right.

A. Because when Mr. Young was alive he was in the process of going back to school to see if he could work on getting his license but then, when Mr. Harold died that had to be put on hold. So, he had to have somebody else to you know stay in the funeral home that -- because they were licensed, and he didn't have it at that time.

Q. So may have been needing to complete an apprenticeship with a licensed funeral director. Now, with regards to the funeral home that was basically his number one (1) priority at least from this point of Harold Youngs death, it was Harold Young yeah Harold Youngs death. Did his treatment also change to other people or was it just limited to you based on your personal observations?

A. Basically to me.

Q. Okay.

A. Basically to me.

Q. Okay, and have you ever met Chellie Nixon?

A. I did remember her as a young lad. Well, young child and during the time that Mr. Harold before he passed Chellie was living with her dad. I remember that and then, of course after her mom died I would see her. She would come back and forth to the funeral home to see Sam or talk to Sam or whatever, but sweetheart, sweet girl.

Q. And was it -- would it be during the period of time that you had -- you were married to Sam?

Court Reporter: Say yes or no, just say yes or no.

A. Yes, I'm sorry.

Q. That's okay. That's alright. So, Chellie would have been a young child at that time?

A. She was young.

Q. Yeah.

A. She was young.

Q. And how -- basically in your observations have you ever seen Sam and Chellie interact?

A. From what I can remember after her dad died she would come by if she wanted to use one of the cars, one of the funeral home cars and of course in his mind it was supposed to be used for business use only. And in her mind I guess she felt like that was her daddy's cars you know so there was a little conflict there with that and there was times that she wanted to borrow the car and he needed it for a funeral. So, he would get upset with her about that you know. So, there was a little conflict, and she was dealing with a whole lot of stuff anyway like after her mom and dad died and she had some other issues from what I've been told so, she was just having a hard time and he was not pleased with it. He was not pleased with it.

Q. So, when you reference having a hard time you didn't personally know that you just heard about it?

A. Heard about it.

Q. I got you. When was the last time you saw Chellie?

A. It's been some years. Probably, let's see after the funeral home and the thing went down I might have seen

her one time when I think her aunt passed -- at the -- and that was -- I don't remember the year, but it has been a long time ago since I've seen her.

Q. Would it have been before or after you were divorced from Sam?

A. I'm trying to think. When did Ms. Carolina die, probably, probably, before, yeah.

Q. And other than seeing Chellie, do you actually have conversations with her?

A. Yes, I remember talking to her.

Q. And have you ever had conversations with her about the funeral home?

A. No.

Q Okay.

A. No.

Q. And what was your opinion about Chellie and her personality or character?

A. To me from what I've -- what I saw, a sweet young lady loved her mom and dad, and dad and mom loved her. Personality wise she was just a nice young lady.

Q. And in regards to this lawsuit, are you familiar with what claims that are being made by different people in this lawsuit?

A. As far -- what you mean as the children are concerned?

Q. Correct.

A. I been told or heard whatever that they are saying that the funeral home really was not gotten in the right -- well, according to ---

Q. Yeah. You don't have to guess or anything if you don't know or it doesn't make sense.

A. It's just hearsay.

Q. Okay. I got you.

A. I can only go by what I've been hearing you know.

Q. With regards to Sam, what is your opinion on his truthfulness or honesty at least with regards to the funeral home?

A. I remember there were times when he -- he was all about money. It was all about his gain, what he gets, and it was never to me because I know how I was raised

and a lot of the things that I kind of -- nothing specific now I don't want to say nothing specific but from what I can remember some of the things he did was not on -- what I would say underhanded on the -- it was all about money. Money and how he could get it and what's the word I want to use there is a term that I've heard, and I don't know if I'm using it right. Flossy, you know what that means. Flossing and showboating or showing off, I've got this, and this is mine and kind of like that.

Q. You mentioned that he -- you described in your words that he did some things that were underhanded, is there anything specific that you can remember that would support that opinion?

A. I don't have any proof of it. It's only from what I remember the things that I can remember.

Q. Right. If you personally witnessed anything, for example that's proof because you saw it.

A. I remember when they were making the family arrangements, stories and if family came by to purchase

caskets or whatever I remember he would up the price in order to pocket some of it, you know what I'm saying?

Q. Got you.

A. I remember that he would write a receipt for a certain thing and over price it and the client would think it's one thing and it really would be something else in order for him to gain personally. I saw that, and I was like that's not right, that's not right.

Q. And you gave one (1) example, were there a number of examples throughout your marriage with Sam where -- would fit that quote unquote underhanded way he delt with the funeral home?

A. It's a lot, I don't remember.

Q. Okay and that's fine if you don't remember. Was there a limit to -- I know you mentioned that to him his primary thing was to make money, to get money. Was there a limit to what he would do to gain this, so he could be flossing and to gain money from a character standpoint based on your personal marriage to him over the ten (10) years?

A. Repeat that again.

Q. Yeah. I apologize. That's a very big question. Would he, based on your personal marriage to him do things that were not legal just to gain money or assets that's based on what you know about him and everything that you've delt with -- with Sam?

A. Not really. I think he was just to boost his ego to make him feel like he was -- he had it and he could spend or buy whatever he wanted whenever he wanted it, because I remember like when we first got married I was a secretary I didn't make a lot of money and he was still working at the funeral home he wasn't making a whole lot at the beginning, but I remember after all this happened he started shopping and buying and buying clothes and jewelry and stuff like that and I was like where is this money coming from. Why are you doing this and it would take all of that just like I don't know if you've heard the phrase before he never -- he didn't come up with it so, now he's -- he wasn't used to certain things so, whenever he got the money he was

just -- he was just -- he felt like he could buy whatever he wanted you know that kind of thing, that kind of person. Nothing specific that I can remember illegal, but I wouldn't put nothing past him, that I just don't remember. I -- like I said I went through so much with him. He treated me so crazy. I just blocked -- I just blocked it out.

Q. You mentioned that he just started spending money.

A. Yeah.

Q. Left and right, was this after Harold's death?

Court Reporter: Say yes or no.

A. Yes.

Q. And did you ever actually ask him Sam, where are you getting this money to buy all this stuff?

A. No.

Q. Never asked him?

A. No. I just say it because a lot of stuff he didn't tell me. Wouldn't tell me. So, I was just too trusting and too naïve I guess, but deep down I knew something wasn't right.

Q. When Harold died Chellie's father and Sam started spending money and his attitude changed, did you have a discussion with him as to who owned the funeral home?

A. No.

Q. No. Did he ever tell you he inherited anything from Harold or his wife that died shortly after?

A. All I remember him saying after Mr. Harold died he said that Mr. Harold didn't have a Will. I remember him telling me that.

Q. Okay and that's the extent of what you know?

A. Yes.

Q. And when he told you that was he angry or what was his -- what was his demeanor when he told you that?

A. I think Harold died without a Will. I think he was more shocked than anything because I think he -- Mr. Harold's death was so sudden, and I guess in the back of his mind I guess he probably figured that it was going to be left some portion of it to him, but Mr. Harold had a wife Ms. Doc was still living and of course Chellie was still in the picture so, he was kind

of at loose ends and just didn't know what to do and couldn't believe he didn't have a Will -- hurt and disappointed I guess.

Q. Okay. So, based on that conversation it sounds like he didn't get anything from the funeral home when Harold died.

Court Reporter: Is that a no?

A. No.

Q. Now, was there a period of time where you worked at the funeral home?

A. Well, when I -- I worked -- so, whenever I would come home if they had a service like in the weekend I would stay and answer the phone or if they had a body on display I would because you see the funeral and the section of the house the portion that we lived in was all in one. So, I would make sure whenever people was coming in and out of the funeral home and at that time they had a little section of the funeral home they had flowers so they would sell wreaths or whatever. So, I would help with the selling of the flowers. So, I did

-- I did.

Q. Okay. Was that a five (5) day a week kind of job that you had at the funeral home?

A. It was like I say basically whenever they had a service or whenever ---

Q. They needed additional help?

A. Yes.

Q. So, you weren't a full-time employee during that time?

A. No, not really.

Q. Okay.

A. I was kind of like part-time and then after a period of time I think this was after Mr. Harold passed sometime whenever they had a service if they needed an extra person to drive, I drove a couple of times you know drove some.

Q. Did you get paid?

A. Not -- just money in my hand.

Q. But you never received like paychecks?

A. No.

Q. Okay. So, you never really had a formal duty, responsibility, if he needed help he would call you and say I need help with the service?

A. Yes and then at one point he wanted me to record kind of like be a bookkeeper. I had to record monies or whenever monies came in like flowers. Whenever people come by the funeral home to pay on their bill or purchase of the flowers I was to record or give people the receipts and I had to record it in a ledger, but I was not qualified, certified, accountant. Anyway, it was just record keeping you know.

Q. And do you know about the period that you were kind of keeping records of the monies coming in?

A. No.

Q. It was just during -- and what would you do with the ledger, did you give it to Sam at the end of the day?

A. It was kept in a desk drawer.

Q. And was there a ledger -- how were ledgers set up there, did they do a daily ledger and it's just all maintained at a particular location, and if you don't

remember it as it was a long time ago so.

A. I do know they used to have a -- they had a certified accountant, somewhere in Florence but it's --

-

Q. I got you that was ---

A. Yeah, right.

Q. Okay and during the time that you were working at the funeral home do you remember a warehouse right behind the funeral home where they kept ---

A. Yeah, there was a building back there.

Q. Okay. Do you have any personal knowledge as to whether or not records were kept in that warehouse?

A. At that time Mr. Harold used to keep files, old files in that warehouse behind that funeral home.

Q. Do you know what type of records were kept in that warehouse, have you ever seen them?

A. Yeah. It was basically what I saw was records of old funeral obituaries, old ledger sheets of old ledgers, sheets out of the ledger.

Q. Actual ledger sheets for the funeral home?

A. Yes.

Q. Okay.

A. In that storage room or that warehouse behind, yeah.

Q. You don't think they kept tax returns in there?

A. I don't remember no tax returns.

Q. Okay, but at the very least financial -- like the ledgers were kept when monies were coming in?

A. Yes.

Q. Okay. Do you know if -- have you ever seen I call them corporate records, things like you know company minutes or company stocks, certificates, have you seen anything like that?

A. No.

Q. Never seen any of that?

A. Never have.

Q. And I'm not just talking about the warehouse. I'm talking about anytime, have you ever seen certificates of stock for the funeral home?

A. No.

Q. Okay. Have you -- do you know Carolyn Johnson she

used to be Carolyn Cranford?

A. Yes.

Q. Okay. How do you know her?

A. She is Sam's niece.

Q. Okay and how would you describe your relationship with Carylon?

A. Cordial at that time. Whenever I would visit the funeral home, it was always hello, how you doing, just nothing else. I didn't -- I don't want to say I didn't like her, but I -- I can discern people and I can recognize personalities or characteristics and I didn't get a good vibe with her. You know I knew her as a little girl but as an adult when she moved back home and especially when she started working at the funeral home the character or personality that I saw it was not a good vibe at all.

Q. And is that based on something you've seen or heard?

A. Heard ---

Q. Dealing with Carolyn?

A. Heard and I've seen how she interacts with people.

Q. And what do you mean by that?

A. Controlling, bosses, know it all, controlling I would say, yeah.

Q. Okay, and during your marriage with Sam, did Sam have a lot of interactions with Carolyn?

A. Not then, no. Not then. She just came I would say about three (3) to four (4) years ago, that's when she came and started working with him.

Q. But before, that it was limited to no interaction between Carolyn or Sam?

A. That I know of.

Q. Okay. Got you. And based on your interactions with Carolyn did she come off as a truthful or honest person in your opinion?

A. No.

Q. And why would you say that?

A. Because I saw the effect it had on my daughter. I say since she came in working at the funeral home Sam pretty much put her in charge of everything. So, when she came in to take over everything it kind of shifted

Tonya back in the shadows kind of pushed her back and I saw how stressful that was to her because Tonya had been working there for quite a while, several years and knowing the business and knowing what to do and how to go about that and how the funeral home worked. She ran -- pretty much took over and just kind of caused a wedge between Tonya and her father.

Q. Okay.

A. It was like Tonya couldn't do anything right, Tonya wasn't good enough to do this, Tonya don't know how to do this, and she was so stressed out. Tonya would come by my house every day stressed out because of -- she couldn't even talk to Sam anymore she couldn't even ---

Q. What do you mean by that?

A. Like one (1) on one (1) like a parent to a child. She couldn't because I remember one time she saw some things that weren't right, and she went and confided in him. He went back and told Carolyn exactly what Tonya said and he turned it all the way around. Then, Carolyn confronted Tonya and was like why did you say

all the things about me and that conversations were supposed to be just between Tonya and Sam.

Q. Okay.

A. Like I said, it just like he has -- he took any and everything that Carolyn said and the relation with Tonya and her dad had it -- was just out the window. So, I saw it was taking a toll on LaTonya because she was -- she got sick one time she ended up in the hospital one time, stress because it got -- got so -- he had got so rude and nasty to her, and it was always steamed around Carolyn. It was already -- because Carolyn said you did this, and Carolyn said you didn't know how to do that. Carolyn said you messed up this and she said Ma, I've been doing this all along why all of a sudden I don't know how to do my job. He believed everything that she said, that's why I say control. She took total control over that funeral home, and he let her. Tonya and her nephews -- his nephews have been running the funeral home because Sam had some health issues and they have been running the funeral home, but

she caused a wedge between anything that -- or anybody that got close to him because there was a time I would go by the funeral home just ever so often to take Tonya some lunch or go by and see her if I had to tell her something or something. I wasn't just running by there all the time and then one day he made a comment about I was keeping Tonya from doing her work. Tonya said Ma, Carolyn told him that and she said I've been doing this -- it's nothing like I've been doing this all along, so I stopped going there because I didn't want to cause no problems with her on her job. She say, Ma you know I know my job, and I do my job well and I just said I don't want to cause no problems, so I stay out of the way but anybody that came close to him she always caused wedge with him and his family members.

Q. Okay, and you saw all this?

A. Yes.

Q. Through your interactions with Sam and Carolyn and Tonya, okay.

Court Reporter: Just answer yes or no.

A. Yes. That's a habit. I'm so sorry.

Q. Do you have any personal knowledge about the truthfulness of Carolyn, and I mean personally saw something anything that happened which you questioned her veracity, truthfulness?

A. Let me think. I've heard so much stuff, but I'm just ---

Q. Yeah, don't go by what you've heard.

A. No, no.

Q. Just by what you personally saw or heard directly from Carolyn.

A. Right.

Q. And if you don't remember that's perfectly fine.

A. I can't point my finger on anything. I know something back there, but I just can't put my finger on it.

Q. So, basically your interaction with her you know something was wrong about Carolyn, do you know Shirley Brewer?

A. What's the name again?

Q. Shirley Brewer.

A. Not personally.

Q. Okay.

A. Not personally, not personally. I've only known the -- heard the name and I saw her one (1) time.

Q. Okay, and an obvious question but after your divorce from Sam, did you leave the funeral home, meaning you didn't provide any more services after that?

A. No.

Q. Okay. Where did you move to after your divorce?

A. When I first -- I stayed with my father for a while until I got an apartment down not too far from where I work. It was Palmetto Apartment right there in Hartsville.

Q. Okay. During the limited period of time, you were at the funeral home, do you know if there was any sort of policy in place about keeping records of the funeral home?

A. No.

Q. Okay. Do you have any personal knowledge about

where the records were kept, and were there some that were kept in one place and some in other places?

A. No more than in that warehouse.

Q. Okay. The warehouse. Do you know how far back the records in the warehouse went and if you don't know that's perfectly fine.

A. What do you mean like years back?

Q. Yes.

A. Oh no.

Q. Okay.

A. I do remember one time he used to have a file cabinet in his office, Mr. Harold and it was a file cabinet and it had a lot of old funeral programs and I remember seeing some as far back as -- because I ran across a couple of relatives it was like 1960 or something like that but that's it though because I just -- it was a lot of -- I could tell they were old. They had been in there a long time because the paper had started turning kind of yellow-like, but that's it.

Q. Okay. Well, let's talk about -- you know there have

been documents circulated that you've started -- that you were at a particular meeting in 1982 and I know that's over forty (40) years ago.

A. Yes.

Q. So, obviously if you don't remember or don't recall that's a perfectly fine answer.

A. Yeah.

Q. All right, but do you recall a meeting that was held in March of 1982?

A. You know what Mr. Butler when the affidavit -- the thing first came up because Tonya's the one that told me that they wanted me to sign the affidavit and I was like for what and why. So, when it was hand-delivered to me by her.

Q. By who?

A. And I was going to ---

Q. I'm sorry. Clarify for the record who was delivering it to you?

A. It was brought to the house by LaTonya.

Q. Got you.

A. She said Sam told her to bring it to me.

Q. Okay.

A. So, I was going to look over it and check and see if anything needed to be changed or whatever and I was like -- because it had my -- it was a copy of that -- that meeting. When I saw it I -- and it had my signature on it. I had forgot about that. Now, I don't remember the details of it. All I remember is my signature and his was underneath, but the details of it and all the stuff that was in it I don't remember that, and I told him one day I just happened to go by there and I said Sam this stuff has happened so long ago I don't remember this, and he said I know.

Q. He told you he knew.

A. And I was like then, why you setting me up, putting me in the midst of it because I was the little ex-wife but when I thought about it and I told Tonya I said of all the people that was in the midst and all of the people that were involved or supported or whatever you want to put it, at that time they had all passed on and

I'm the only one alive. So, she's using me. This and that I don't remember.

Q. Okay.

A. I don't remember that.

Q. You don't remember that meeting?

A. I don't remember that.

Q. That meeting could not -- it could of even not been held.

A. That's right.

Q. You have no idea?

A. Right.

Q. Okay, but you did sign a document?

A. Yeah.

Q. Sworn document that said you did attend the meeting.

A. I was so out -- done with everything and wanted to help my child out because they were giving her such a hard time.

Q. So, you signed the affidavit to help LaTonya out?

A. Because she figured -- she said Ma, please sign it. She said if I don't they going to give me a hard time

and I said well, Tonya this ain't got nothing to do with you, and said that I do or have to do or anything they always give me a hard time, and after I did it I kept telling my husband and Tonya I don't remember this. I shouldn't of. I shouldn't of.

Q. So, you signed that document on the threat that they were going to continue ---

A. Yeah.

Q. To mess with LaTonya if you ---

A. Yeah.

Q. You don't sign it?

A. Yeah.

Q. Okay.

A. I'm telling you she was going through so much because Of those two (2).

Q. Had you not been threatened, and LaTonya would have continued to ---

Mr. Payne: Can I object to the form.

Q. You can object all you like.

Mr. Payne: You weren't threatened were you?

A. Not directly.

Mr. Payne: You didn't get threatened.

A. But I'm saying I did what I did for her.

Mr. Payne: For her. Okay. Anyway, go ahead. I'm sorry.

A. Because ---

Mr. Payne: You were saying she got threatened?

Mr. Butler: Yeah and that's what I was asking her.

Mr. Payne: I object to the form, and she has not testified that she was threatened by anyone.

Mr. Butler: I did not say you were threatened. I said you did it because your daughter was threatened that if you didn't sign it ---

Mr. Payne: That's not what you just said.

Mr. Butler: She would continue to be I don't know harassed or what not, correct?

A. Harassed, correct.

Q. And had you not known that, and you were just presented an affidavit without knowing anyone dealing with LaTonya would you have signed that affidavit?

Court Reporter: Answer yes or no.

A. Say it again?

Q. That's okay. Would you have signed the affidavit had you known that LaTonya was not affected by any of this?

A. I didn't remember it.

Q. Okay.

A. I didn't remember.

Q. And to clarify on you don't remember it, you're talking about not just specifically details of the affidavit, but even if there was a meeting at all, is that accurate?

A. Right.

Q. So, there may not have been a meeting held at all that you attended that's reflected in the affidavit?

A. Right.

Q. You just don't remember.

A. Right.

Q. Okay and again you signed the affidavit because you were doing it for LaTonya Davis your daughter?

A. Yes.

Q. Okay. Now, you said after Harold died Sam started spending a lot of money?

A. Yes.

Q. On stuff he never spent money on before?

A. Yes.

Q. Before Harold died, did Sam have a savings account where he had a lot of money he was saving up?

A. No.

Q. Okay. Sixty-five (65,000.00) thousand dollars is a lot of money would you agree?

A. Yes, it is.

Q. Okay, and in your affidavit, you said you personally were told by Chellie that you -- that she told you that she got sixty-five (65,000.00) thousand dollars for her sixty-five (65) shares, do you remember that?

A. I don't.

Q. Okay. You don't, but that's in the affidavit.

A. Okay.

Q. But you don't remember that so, it might not have

happened at all?

A. Right.

Q. Did Sam have the ability to get sixty-five (65,000.00) thousand dollars to pay Chellie for her sixty-five (65) shares at that time?

A. Personally himself, he didn't have that kind of money.

Q. Okay. Did he ever -- are you aware of any loans that Sam may have gotten to pay for the sixty-five (65,000.00) thousand?

A. No, no.

Q. No. As in you don't remember it, or no, as in he wouldn't have gotten a loan?

A. Because at that time I know that there were some people that he was associating with that supported him or you know he could have gotten it from them, but I -- I know he didn't have any money like that. I mean like I said he had been working at the funeral home for a long time, but not to have that kind of money and we hadn't been married in a long time, he didn't have that

kind of money.

Q. That's such a lot of money you would have remembered if Chellie had told you, that I got paid sixty-five (65,000.00) thousand dollars and you don't remember ever Chellie telling you that?

A. No.

Q. Did anyone ever tell you who typed out the affidavit?

A. The one that ---

Q. The one that you signed.

A. Harold.

Q. And for purposes of the record I'm going to go ahead and -- I admitted it early so, I don't know which exhibit it is.

Court Reporter: It is ---

Mr. Butler: Four (4) maybe.

Court Reporter: Here it is.

Q. I'm going to hand you -- Mrs. Ernestine, that's the affidavit we have been referring to in my question and your answers to my questions. Is that the affidavit

that you recall being handed to you by LaTonya with the request to sign it?

A. Right.

Q. Okay, and in your testimony again you don't remember any of the details that are reflected in this affidavit?

A. No.

Q. You see look on the second page of this affidavit, you see your signature up there, is that your signature?

A. Yes.

Q. And is that your current signature now?

A. Yes.

Q. If you don't mind I'm going to hand you a pen. Can you sign your name right below, yep. Thank you. Let the record reflect that the deponent provided her signature on plaintiff's exhibit four (4) under her previous signature. Now, if you take a look at the bottom left of that second page of exhibit four (4), you see Carolyn Johnson's signature.

Court Reporter: Answer yes or no.

A. Yes.

Q. Let me ask you this, Ernestine, when you signed this document was Carolyn there with you?

A. Yes she was.

Q. Okay and where was it held?

A. In her office at the funeral home.

Q. Okay. So, you were instructed to go to Carolyn ---

A. Yes.

Q. Johnson's office to sign this, okay. Did you tell Carolyn at that time that you don't remember any of this stuff in the affidavit?

A. No. I didn't tell her.

Q. Okay. So, they just presented the document to you, and you signed it, and she notarized it right there?

A. She didn't notarize it in my presence.

Q. But she was there present whenever ---

A. Right.

Q. You signed it?

A. Right.

Q. Okay. Mrs. Boston, I'm going to hand you what's been marked as plaintiff's exhibit number three (3) and it's titled minutes of a special meeting of the directors, and you had referenced earlier in the deposition that they presented you with some sort of document and it looked like it had your signature on it, does that look like the document you were referring to in your response?

A. Yes.

Q. Okay. If you take a look at the second page at the bottom you saw that your signature was there?

A. Yes.

Q. Right, is that your signature?

A. Yes.

Q. And if you compare are you -- your signature on here there's certain differences in the signature, do you write your B's for example differently on certain signatures?

A. Sometimes.

Q. Oh you do?

A. Yeah.

Q. Okay. Just take a few minutes -- just take a look at that. I mean does that look like your signature?

Mr. Payne: She's already testified that's her signature Dan.

Mr. Butler: Calm down.

Q. Please take a look at that and ---

Mr. Payne: I object to the question.

Q. Take a few moments -- you can object if you like but she can answer ---

Mr. Payne: She's already answered.

Mr. Butler: She can look again.

Q. Is that your signature there Ernestine that you provided back in 1982?

A. That looks like it. It looks like it.

Q. And do you believe you signed that signature on March 19th, 1982?

A. I can say it looks like my signature, but I don't remember signing it.

Q. Yeah. You can definitely say that.

A. Yeah.

Q. Do you remember the date being there the March 19, 1982, when you signed the second page to plaintiff's exhibit number three (3)?

A. I don't remember.

Q. Okay. If you take a look at the first page it says here a number of things that happened at this meeting. First of all, Sam was elected chairman of the meeting and you were elected secretary, do you remember a meeting where Sam was elected as a chairman, and you were elected as secretary?

A. No.

Q. Okay, and then you're the secretary and it says here the secretary then presented and read a waiver of notice of the meeting, do you remember reading a waiver of notice of a meeting?

A. No.

Q. Okay. Then, it says here the chairman Sam, stated the meeting was called for the purpose of and you see where it's a different font?

A. Yes.

Q. Chellie W. Matthews transferring her full interest in Young and Young Funeral Home a total of sixty-five (65) shares to Samuel L. Davis for sixty-five ($65,000.00) thousand dollars.

A. It sure is.

Q. Do you remember the chairman Sam saying that at the meeting that this was the purpose of Chellie's transferring her sixty-five (65) shares for sixty-five ($65,000.00) thousand?

A. No.

Q. Okay. Below it says Ms. Mack, Chellie had lost or misplaced her stock certificate, do you remember a meeting where she said that she had lost her stock certificate?

A. No.

Q. Okay, and it says here stock certificate number three (3) was issued to Sam Davis for sixty-five (65) shares, do you remember a stock certificate being issued to Sam for sixty-five (65) shares?

A. No, I do not.

Q. Okay. This all happened at the meeting based on these minutes and it states that you were there physically, but you don't remember any of this happening?

A. I surely don't.

Q. Okay. Is it possible this meeting never happened?

A. It's possible.

Q. Okay, but you can't remember if you ever attended the meeting when all these things were said?

A. No.

Q. Okay. Do you remember a meeting when you were elected as secretary?

A. No.

Q. Did you ever consider yourself a secretary of Young and Young Funeral Home?

A. No. No.

Q. Okay. Have you ever kept records for March 19, 1982, as secretary of Young and Young Funeral Home? Have you ever been asked to keep ---

Court Reporter: Answer the questions.

Q. Just say no.

A. No.

Q. Have you ever been asked by anyone including Sam to take records or keep records of Young and Young Funeral Home after March 19th, 1982?

A. No.

Q. Okay. Did you keep any records of Young and Young Funeral Home after March 19th, 1982?

A. No.

Q. Okay. I don't have much more questions Mrs. Boston and I appreciate your corporation and candor. My last question is this, do you have any further -- anything further to add that would relate to this lawsuit or the funeral home and the issues we discussed?

A. There was something I had in my mind, and I can't remember what it was.

Q. I appreciate your time and you answering my questions and Mr. Jeff is going to have some questions.

A. Okay, thank you.

Q. Thank you.

CROSS EXAMINATIOIN OF ERNESTINE BOSTON BY ATTORNEY JEFFREY PAYNE:

Mr. Jeff: Hey Mrs. Boston, I'm Jeff Payne. I represent Sam Davis and then his estate when he's passed on. I have just a few questions for you. Thank you for coming in today. When you and Sam were married in that time frame I think you said it was -- it ended in 1986?

A. Yes.

Q. During that time Sam was the sole owner of the Funeral Home at some point during that time wasn't he?

Mr. Butler: Object to form.

A. During that time.

Q. Okay, and that was a yes?

A. Yes.

Q. He was a hundred (100%) owner of it?

A. In that time frame of my marriage to him?

Q. Right and he and Chellie was no longer involved with it anymore. He had -- she no longer has an ownership

interest in the funeral home anymore during ya'lls marriage right?

A. No, not that I know of.

Q. Well and that's what -- back to my first question, Sam was a hundred (100%) percent owner of the business at some point during your marriage?

Mr. Butler: Object to form.

Q. Right?

A. During the marriage?

Q. And Chellie had an interest but at some point she no longer had an interest during ya'lls marriage, is that right?

Mr. Butler: Object to form.

Q. If he's a hundred (100%) owner she's no longer an owner, right?

Mr. Butler: Object to form.

A. Right.

Q. Okay, and the Saleeby Law Firm handled Sam's affairs is that the law firm he used?

A. Right, right.

Q. And you have been down there for some purposes other than during the term of your marriage, correct?

A. That's what I was saying with that meeting or whatever I don't remember that.

Q. But just -- you've been down there for some other purposes before to see Mr. Saleeby or Mr. Cox with him?

A. No. I had no reason to.

Q. You don't remember that?

A. No.

Q. But they handled his affairs.

A. Yes.

Q. The Saleeby Law Firm did, right?

Mr. Butler: Object to form.

Mr. Jeff: Say yes.

Court Reporter: Say yes or no.

A. Yes. Yes.

Q. Okay, and as far as Chellie Mack goes, did Sam during ya'lls marriage help her with going to nursing school and doing some things for her?

A. Not that I know of.

Q. Okay, but later on in life are you aware that he was helping her?

A. No.

Q. Okay, and some of the issues that you referred to she had some drug problems is that what you heard?

A. Now, I didn't say drugs.

Mr. Butler: Object to the form.

Q. Okay. What were the issues?

A. I just -- she had some issues and her vulnerability and all this stuff that she's delt with as far as mom and dad dying so close together and stuff, that was a hard time for her.

Q. Right.

A. But hearsay of what was going on with her, to me it was only hearsay.

Q. And that hearsay you heard from Sam?

A. Yes. Yes. Yes.

Q. And what did he say she had going on, what were the issues that she had going on?

A. Mom and Dad, but basically ---

Q. No drugs?

A. No.

Q. Alcohol or any kind of addiction?

A. No and I'm thinking it was her vulnerability and at that time she had done left her husband so she was living with Mr. Young. So, she was dealing with the separation with her marriage. So, she had a lot you know all that she was dealing with as well.

Q. Did she work at the funeral home, did Chellie Mack ever work at the funeral home?

A. Not really during my time.

Q. While ya'll were married she wasn't working there?

A. No. No.

Q. He just would get mad when she tried to borrow a car now and then?

A. He did. He got so mad with her one time it was fighting to me because he got just that angry with her.

Q. Were you aware that Chellie had deeded her -- some of the real estate to the Young and Young Funeral Home that she owned?

A. No.

Q. Okay. Did you know that she at one point after her father's death owned one (1) of the buildings and that she deeded it to Young and Young Funeral Home Inc. in 1980.

A. No.

Q. Sam never told you any of that?

A. No.

Q. Okay.

A. There were a lot of things he didn't tell me.

Q. He didn't tell you, okay.

A. No.

Q. Did Sam bank at the Bank of Hartsville?

A. I beg your pardon.

Q. What bank did Sam bank at?

A. It was the Bank of Hartsville at that time.

Q. And you said he had some -- some contact that he could have gotten money from to have paid Chellie, was one of those contacts Bank of Hartsville?

A. I don't know about the bank. I'm talking about

personal, like people.

Q. But he had a relationship with the Bank of Hartsville?

A. Yes.

Q. Did he ever borrow money from them?

A. I don't remember.

Q. You don't remember if ya'll ever borrowed money together.

A. I don't remember. I really don't.

Q. Okay.

A. It's been so long, forty (40) years that's a long time.

Q. I know, but the exhibit what is the minutes, exhibit number two (2)?

Court Reporter: Three (3).

Q. Three (3). Exhibit three (3), that does look like your signature on the page two (2) of exhibit three (3)?

A. I think so.

Q. And I've got the original too if it looks better.

That looks like your signature?

A. It looks like it.

Q. You saying you don't remember signing it but ---

A. I would say it looks like it, but I don't remember signing it.

Q. There you go, okay. All right. That's all I've got.

RE-DIRECT OF MS. BOSTON BY ATTORNEY DANNY BUTLER:

Mr. Butler: Just one (1) follow-up. Mr. Payne was leading down this road to have you state under oath that Sam owned it while you were married to him, the funeral home. Is that based on Sam telling you he owned the funeral home or what is the basis for you saying that? Were there any other independent records, people, documents that support that Sam owned the funeral home during your marriage? Let me rephrase that, it's confusing I'm sorry. Other than what Sam told you ---

A. Right.

Q. Did you see anything else that supported the fact

that Sam owned the funeral home?

A. No.

Q. So, it's all solely on what he told you?

A. Right.

Q. Verbally?

A. Right.

Q. You have never seen anything in writing that he owned the funeral home?

A. No.

Q. Okay. That's all I have.

Court Reporter: Okay. Does your client want to waive the signing and reading?

Mr. Jeff: We will.

Court Reporter: You will, okay. You have the right to read the transcript and sign it, it is what you stated. You can't make any changes to the document. You can make corrections like spelling corrections if I missed spelled something. So, do you want to waive that right and you basically are agreeing that I produced the correct transcript of what you said here today, or

would you like the right to read it and sign off on it?

Mr. Butler: There is very limited situation where you can change your answer because you didn't understand it.

A. Right.

Mr. Butler: But you can waive that. You can just say you know what I think I answered it properly and I'm just going to sign it and accept it, so you have the right to have to have the right to go through it and change anything that you think was not done properly or you didn't respond to properly.

A. I understood everything, I don't have to.

Court Reporter: You don't have to read it, okay. All right. That's it.

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

I, Sandra Allen, Professional Verbatim Reporter and Notary Public for the State of South Carolina, certify that Sandra Allen, a Notary Public for the State of South Carolina did have the deposition of Ernestine Boston on February 17, at 11:00 a.m. in Florence, South Carolina; at the Turner Padget Law Office. That the witness was duly sworn to tell the truth, the whole truth, and nothing but the truth; that the foregoing pages constitute a true and accurate transcript of the testimony given at that time and place.

I further certify that I am not of counsel or kin to any of the parties to this cause of action, nor am I interested in any manner in its outcome.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 9th day of March 2023.

_____

Sandra Allen, Notary Public

My Commission expires July 1, 2023

State of South Carolina

County of Marion

In Probate Court

In Re: Chellie Nixon

Angela D. Young, as Personal Representative for the Estate of Chellie Nixon,
Plaintiff,

V.

2017-ES-33-00099

Samuel L. Davis,
Defendant.

Deposition of: Payton Warren, C.P.A.

Location: 1831 W. Evans Street
Florence, South Carolina

Date: Friday, January 28, 2022

Time: 11:14 a.m. - 11:59 a.m.

Court Reporter: Michael Johnson

The deposition is taken pursuant to notice and/or agreement, in the above-entitled cause pending in the above-named court and pursuant to the South Carolina Rules of Civil Procedure.

Q & A Court Reporting Services
Post Office Box 4563 (29502)
273 West Evans St. (29501)
Florence, South Carolina
telephone: (843) 673-9845
e-mail: Info@qacourtreportingonline.com
visit: Www.qacourtreportingonline.com

APPEARANCES

For the Plaintiff:
Butler Law
4420 Oleander Drive
Suite 202
Myrtle Beach, South Carolina 29577
By: Danny V. Butler, Esq.
dbutler@butlerlaw.net

For the Defendant:
Turner Padget Law Firm
1831 W. Evans Street
Suite 400
Florence, South Carolina 29501
By: Jeffrey L. Payne, Esq.
jpayne@turnerpadget.com

Also Present: Angela D. Young

INDEX

Examination by Mr. Payne 3
Examination by Mr. Butler 12

EXHIBITS

Pg/ln	Ex.	Description
10/4	1	Schedule Gs, 2013-2018

** uh-huh = affirmative
huh-uh = negative

STIPULATIONS

It is stipulated between Counsel that this deposition is being taken pursuant to the South Carolina Rules of Civil Procedure; and that all objections, except as to the form of the question, are reserved until the time of trial.

It is also stipulated between Counsel for the respective parties and the deponent that the deponent will waive the right to read and sign this transcript.

Thereupon,

Payton Warren, C.P.A.,

being first duly sworn by the Court Reporter, as hereinafter certified, testified as follows:

EXAMINATION

By MR. PAYNE

Q Mr. Warren, I'm Jeff Payne. I'm here today on behalf of Young and Young Funeral Home comma Inc., which is a funeral home over in Hartsville, South Carolina. We've subpoenaed you here today to testify in a case that's been brought -- actually I'm here on behalf of Samuel Davis, I believe. I don't --

MR. PAYNE: Is Young a party? I don't have the pleadings in front of me.

MR. BUTLER: Sammy Davis is the only defendant.

By MR. PAYNE

Q Okay. So I represent Sam Davis as well. I'm going to ask you a few questions here today. If you don't understand my question, I would just ask that you ask me to rephrase it. This isn't going to take very long, but if you do need to take a break, just let us know and we'll give you a break. Tell me, what is your home address?

A 659 North Beaverdam Drive in Florence.

Q And give us your full name, too, if you would.

A Payton Wilford Warren.

Q All right. And give me your educational background.

A High school. Four years of college and a master's degree.

Q Where did you go to college?

A South Carolina.

Q All right. And where'd you get your master's?

A South Carolina.

Q And what did you study at South Carolina?

A Accounting.

Q All right. And what did you get your master's in?

A Accounting.

Q And when did you graduate from South Carolina undergraduate?

A '71.

Q And then your master's?

A '72.

Q Okay. Did you serve in the military?

A Yes.

Q Which branch?

A Air Force.

Q Vietnam? Did you get to Vietnam?

A No.

Q When you graduated and got your master's did you become an accountant?

A Yes.

Q All right. And so are you a C.P.A.?

A Yes.

Q And when did you get your C.P.A. designation?

A '76 or '77.

Q Okay. And you've been in private accounting ever since 1972 or three?

A Public accounting.

Q Public.

A Private is when you work for a company.

Q Oh, it is. Okay. I was thinking that when you worked for the government or something. You've been an accountant since you graduated from University of South Carolina?

A Right.

Q Okay. It's my understanding that you had prepared the tax returns for Young and Young Funeral Home, Inc. for up until when?

A 2018.

Q All right. Did you prepare the tax return, federal and state tax returns for Young and Young in 1983?

A No.

Q Who did?

A Probably Chastine at Johnson and West.

Q Did --

A It was a firm I worked for.

Q You worked handling it as an employee of that firm?

A I was one of the ones who would have been working on it.

Q Okay.

A When you work for somebody else you generally have quality control, so you've got a lot of people working on it.

Q Okay. But in 1983, the company you worked for was preparing the tax returns?

A Right.

Q Okay. And you were one of the accountants that was working on preparing the returns?

A Right. But I was let go in '83 so I don't know whether I helped on that year or not.

Q Okay. Well, let's say '84. After you got let go, did you prepare the return then for Young and Young?

A As far as Jordan Warren and Company, the company I worked for after I was let go.

Q Okay. And you were one of the accountants handling the Young and Young tax return or tax returns in 1984?

A Right. Probably.

Q And who was the person you had contact with over the years to handle the returns for Young and Young?

A Sam Davis.

Q Okay. Is there anybody else in his office that would help you when you were preparing the returns?

A Sometimes I'd get information for whoever doing some book work on it which may be -- Windell was one of the people that was working there.

Q What's her name?

A It's a him.

Q Yeah.

A Windell.

Q Okay.

A He was probably designated to give some information.

Q But Sam would normally...

A He would coordinate it. We'd go through Sam on it.

Q But Sam Davis would sign the actual return for Young and Young?

A Right.

Q Young and Young Funeral Home, Inc.?

A Right.

Q Okay. And when I say Young and Young -- let's just do that, Young and Young is going to be Young and Young Funeral Home, Inc. --

A Okay.

Q -- in this situation. You have brought in some documents today. Part of the tax returns for Young and Young and one of those is Schedule G that you've brought in here today. What is Schedule G on the federal tax return?

A This is an information form about ownership.

Q Okay. And --

A Since 2001 they've been concerned about, you know, whether you're a citizen or where you live, so they got more information.

Q All right. So you brought in here today what you -- and is this as far back as you go is 2013, let me ask you that, of your records?

A Well, I might have some on an older computer somewhere but basically the paperwork and records have been thrown away.

Q Okay. But you had -- the 2013

through 2018 returns that were filed, you still had those on your computer system?

A Right.

(Exhibit number 1 marked for identification.)

By MR. PAYNE

Q Okay. Let me show you what we have marked as Exhibit 1. And Exhibit 1 are the Schedule Gs that were attached to the 2013 through 2018 tax returns. Is that correct?

A That's correct.

Q And who is listed as the one hundred percent shareholder of Young and Young on each of the Schedule Gs from 2013 to 2018?

A Samuel L. Davis.

Q And what percentage does it show him as owning in Young and Young?

A A hundred.

Q And the entire time that you dealt with Young and Young, let's just say from '83 forward, have you ever known anybody other than Sam to be the sole shareholder or a shareholder of Young and Young?

A No.

Q Have you ever heard of a Chellie

Young?

A No.

Q Or Chellie Mack?

A No.

Q And have you ever heard of any interests that she might have in Young and Young Funeral Home?

A No.

Q Have you ever seen any documents that said she was an owner of or a shareholder of Young and Young Funeral Home?

A No.

Q And as far as you're concerned or can remember, on any tax return that you prepared it was always listing Samuel Davis as the one hundred percent shareholder?

A That's right.

Q Give me one second, y'all. Sorry. Mr. Warren, I'd asked you about whether you had heard the name of Chellie Young or Chellie Mack. Have you ever heard of the name Chellie Nixon?

A No.

Q And have you ever heard of a Chellie Nixon having an ownership interest in Young and Young?

A No.

Q Now, just so we're clear here, on Exhibit 1 those were the Schedule Gs that were attached to the 2013 through 2018 tax returns that were filed with the I.R.S. Is that right?

A Right.

MR. PAYNE: Okay. That's all I have. You got any questions or...

MR. BUTLER: I do.

MR. PAYNE: Okay.

E X A M I N A T I O N

By MR. BUTLER

Q Mr. Warren, my name is Danny Butler. I represent Angie Young. She is the personal representative for the Estate of Chellie Nixon. Nice to meet you this morning.

A Nice to meet you.

Q So I just wanted to start off with a couple -- before we get in to the documents regarding this morning, I just want to ask you some questions first about this deposition. Have you spoken with any individual at Turner Padget relating to this deposition that you're having this morning before today?

A Yes.

Q Okay. Who were the individuals you spoke with at Turner Padget about this deposition?

A Jeff Payne.

Q Were there any other individuals you spoke with at Turner Padget relating to this deposition?

A His appointment secretary.

Q And do you know what her name is?

A I think it's Kelly. Isn't it? Talked with her over the phone.

Q In addition to Jeff and Kelly, were there any other individuals at Turner Padget that you spoke relating to this deposition today?

A Well, there -- somebody called. Another secretary, I forgot her name.

Q Okay. In addition to the two secretaries and Jeff, were there any other individuals you spoke with at Turner Padget relating to this morning's deposition?

A No.

Q Okay. Well, let's start off with Mr. Payne. When was the last conversation you had with him about this deposition this morning

prior to today?

A Yesterday.

Q Okay. And what time did you have a conversation with Mr. Payne?

A I don't remember. It was probably the middle of the day.

Q Okay. Who was it that contacted the person? Did he contact you or did you contact Mr. Payne?

A My bookkeeper called to find out exactly where the deposition was going to be held and I spoke with him later.

Q Okay. Was this a second telephone call subsequent to your bookkeeper's phone call to the law office?

A Well, there had been calls trying to arrange an appropriate time that was convenient --

Q Okay.

A -- to y'all and me.

Q And, specifically, what did you speak with Mr. Payne about with respect to this morning's deposition?

A He just asked me if I had some copies of old tax returns.

Q Were there any other topics that you guys discussed other than Mr. Payne requesting copies of old tax returns?

A Well, generally the stuff he asked previously about, what my connection was over the years.

Q And connection you mean --

A For preparing the returns that far back, did I prepare them? And did I still have some of the older ones from the '70's and '80's -- early '80's primarily.

Q Okay. Were you the one who searched your file for old tax documents for the funeral home or did you have someone else assist you in searching for those documents?

A No, I'm pretty much one man. I take care of all of that stuff, so...

Q Gotcha. Other than requesting copies of old tax returns and discussion about your connections with the preparation of the returns regarding the topics you talked about with Mr. Payne...

A He briefly mentioned the nature of the deposition, what the topic would be.

Q And do you recall exactly what

specific topics he had told you were going to be discussed at this deposition?

A No.

Q How did he describe the nature of this action to you during that telephone conversation?

A Well, just somebody was contesting ownership.

Q And did he tell you the name of the person who was contesting ownership of the shares in the funeral home?

A He just said the mother of some -- somebody's mother. I forgot who.

Q Okay.

A The representative, I guess, that was you.

Q And you don't recall the name of Chellie Nixon or...

A No.

Q Okay. In addition to the nature of the action, the requests for copies of documents and your connections with the preparation of these documents, did you talk about any other topics with Mr. Payne relating to this deposition prior to today?

A No.
Q Do you recall how many conversations you've had with Mr. Payne relating to this deposition prior to today?
A Two, I think.
Q Now, but you had just testified to about what you discussed with Mr. Payne, was that just during one telephone conversation?
A I don't recall. Might have come up the first time he called -- we talked.
Q Okay. Do you recall the last time or at the least the second time you had a telephone conversation with Mr. Payne? You had referenced in your testimony you spoke with him yesterday.
A Uh-huh.
Q Do you know how long before that you spoke with Mr. Payne about this deposition?
A Probably it was in December.
Q And do you recall specifics of that conversation that you had with Mr. Payne in December?
A Same sort of details that he wanted -- wanted to know if I had any.
Q Okay. All right, let's talk to the

secretary Kelly. Do you recall what conversation you had with Kelly about this deposition prior to today?

A Just about the time.

Q Okay.

A Arranging a convenient time when you could meet.

Q Okay. With regards to the other secretary you spoke with, do you remember or recall what you discussed with that secretary about relating to this deposition?

A The same. The same. The same. Same thing.

Q Did you have any conversations with Mr. Samuel Davis prior to today's deposition relating to the topics that you just testified to in this deposition?

A No.

Q Okay. When was the last time you had spoken with Mr. Samuel Davis?

A Probably about the time he fired me about two years ago.

Q Okay. We'll get to that. So what year was it that you were fired by Mr. Davis?

A Beginning of '20 I believe it was.

Q And what was the reason that you were told that you were getting fired for in 2020 by Mr. Davis?

A Well, I had had some cancers and got behind on my work. Got behind on a lot of work and some people are patient and some people -- well, you know, it's my fault, I just was late getting some stuff out so.

Q What kind of --

A He was afraid of getting out on his own returns.

Q Gotcha. I was about to ask you what was specifically was it the work that you got behind on?

A The tax return among other things.

Q Was it specifically for the 2019 tax returns?

A Well, the 2018. I just filed that. I got two or three years behind on my work.

Q Okay.

A Lost a lot of people.

Q Have you spoken with any employee with Young and Young Funeral Home prior to today's deposition relating to this deposition?

A No.

Q Okay. Have you ever been a party to lawsuit whether it be a plaintiff or a defendant?

A Well, do hearings count? I guess, the -- part of the discovery, I guess, I don't remember when but I'm sure I've been involved in a couple of them.

Q And you may be referring to -- have you ever been a witness to a particular civil lawsuit?

A I don't recall.

Q Okay. The one that you just --

A Like I said I'm probably -- I probably have but I don't remember the details.

Q Okay. Is it because it was a long time ago?

A Yeah.

Q Okay. Do you remember if you were an interested party, meaning you had something at stake in that lawsuit, or were you just a witness in that lawsuit?

A I was a witness. I remember now. It was back when I was working for one of the firms I worked for in the '70's.

Q Okay.

A They had a lawsuit against the city. And I was a witness in that one.

Q Okay. Other than that one case relating to your prior employer, any other lawsuits that you can think of that you were involved in either as a party or as a witness?

A I can't remember if there was. There may have been one or two others.

Q Okay. Are you -- correct me if I'm wrong, so I'm just going off on what you testified to. Is it true you'd indicated in your testimony that you've been preparing tax returns for Young and Young since basically 1972?

A Well, I don't know. I don't remember those early years.

Q Okay.

A '72 was when I started.

Q Okay.

A I was with Ernst and Ernst and like I say they had staff that do tax returns. Sometimes you do the same one the next year. Sometimes you don't. Sometimes you do a piece of it.

Q Yeah. I gotcha. Do you have

personal knowledge about the history of Young and Young Funeral Home, how it was first started and the transition of ownership over the years?

A Well, all I remember is Harold Young, I believe, was the one that started it.

Q You say --

A Original owner or whatever.

Q Okay. We're talking about --

A He established the business and I think Sam worked with him as a --

Q Okay.

A -- apprentice, sort of, and then eventually took over.

Q And how do you know that? What are you basing that testimony on?

A Just my memory of some of the background information that was obtained.

Q Okay. And the background information that was obtained, is that information that was provided to you by Sam Davis?

A That would have been information that Ernst and Ernst and the firm's that I worked for gathered together.

Q Gotcha.

A When I started doing them, I just had confidence in their foundation and went forward and just asked if there were any changes.

Q Okay. Based on that knowledge, you stated that Harold Young was the one that was an original proprietor for this funeral home?

A That's what I understood, yes.

Q Okay.

A When I got involved over the years.

Q And do you recall when he passed away in 1978?

A No.

Q Do you recall if he was married at that time to a Dorothy J. Young?

A No.

Q You don't?

A I didn't do his personal stuff, so...

Q Gotcha. Gotcha. But with regards to the Young and Young Funeral Home he was the owner of the funeral home at that time, to your --

A That's what the returns I subsequently inherited indicated, so I didn't

question a national accounting firm on background foundation, so...

Q Do you know what year you quote inherited the tax returns for the funeral home?

A Well, I started doing them on my own in around '83 or '84 -- well, I shouldn't say that, '90. Because I was in partnership with another firm, Rob Jordan.

Q Uh-huh.

A From '84 to '90, then I started on my own. And have done them since '90.

Q Okay. And in 1990 who owned the funeral home?

A As far as I know Sam owned it. That's what I reported on the tax returns.

Q But you don't have that document today?

A No. They've been --

Q Do you recall --

A I usually throw them away over seven years.

Q Sure. Do you recall if that's what you reported on the 1990 Schedule G?

A I'm sure it would have been, because as far as I know he's always been the hundred

percent owner.

Q Always been?

A As far as when I've done the returns, yeah.

Q Oh. What is your take on what happened to the funeral home ownership after the death of Harold L. Young, which you testified to was the original proprietor and owner?

A Well, I don't know.

Q You don't know? No one's ever provided you information as to how those shares were transferred from Harold L. Young to Samuel L. Davis?

A No. Well, I didn't know whether he owned them or not. I'm just telling you what I heard.

Q Gotcha.

A And I didn't sign the tax returns when I was working for those other firms, so...

Q I was going to eventually get to that. The basis for Schedule G that you filed and brought today...

A Uh-huh.

Q Just for the record and, please, correct me if I'm wrong. What you're saying

here is in 2013, 2014, 2015, 2016, 2017 and 2018, Schedule Gs that you brought in this morning from which you testified to was based solely on information provided to you by Samuel L. Davis and or that bookkeeper that you referred to for the funeral home, correct?

A Well, it's based on prior knowledge. You know, I done the returns as I said since 1990. Myself.

Q But is it fair to state that Samuel Davis also provided you the information from 1990 to --

A Yeah. He would have told me if there were any changes. You know, you ask if there's any changes from the prior year for certain information.

Q Right. So as a practice in your field are you required to look in to, hey, do you have any evidence to corroborate that you're the sole owner of funeral home or do you just rely on their statements to you without looking further in to that statement?

A Rely on their statements.

Q Okay. Do you recall if you, in fact, looked in to the basis of his statement

that he was the sole owner of the funeral home at any time that he informed you that he was the sole owner?

A No. I'm not doing an audit. I just accept --

Q I gotcha.

A -- what the client says.

Q So whatever he tells you is what you just report. He signs off on it. And that's what's submitted to the I.R.S.?

A Right.

Q Okay. And you have no independent knowledge as to whether or not --

A Unless something --

Q -- that statement is in fact true?

A Right.

Q Okay. Gotcha. And it was Samuel Davis that provided you that information from 1990 through 2018 tax returns?

A Right. He's primary contact.

Q He was the one who signed off on the statements as well or the tax returns as well?

A Right.

Q Do you have any knowledge -- and, again, I apologize if it's pertaining to

something you've testified to -- about Samuel Davis inheriting his share or shares in the funeral home?

A No.

Q Okay. Do you have any knowledge about Sam Davis purchasing shares in the funeral home at any time before 2018?

A No.

Q Okay. Have you seen any documents to corroborate that Samuel L. Davis is a sole owner of the funeral home?

A No.

Q As of today, has Mr. Davis ever informed you of how he acquired one hundred percent share in Young and Young Funeral Home?

A I don't recall.

Q Okay. Are you aware or do you have any personal knowledge about any net profits being distributed to any owners of the funeral home between 2013 and 2018?

A Profits being distributed?

Q Correct, to the owners. You prepared the tax returns, so it reflected distribution to the owners for those years.

A Well, I'm sure there's probably some

dividends that were given and --

Q And those would be consistent with the Schedule G as to the percentages that were distributed out from the net profits?

A Right.

Q Okay. And since we didn't bring anything before 2013, we don't have any written verification who owns those before 2013 other than your testimony today, correct?

A Right.

Q Okay. Do you recall any portion of distributions from the funeral home being paid to a Chellie Nixon for the years 1980, 1981 or 1982?

A No.

Q Okay. In other words, no, you don't know or no, no profits were made?

A I don't remember it. I don't remember it.

Q Okay. Don't remember it. That's fair. I can't even remember what I ate for breakfast, so -- so during the periods of time you prepared these tax returns for the funeral home, what was your particular role in it? Because you said there were a number of people

working on these tax returns, so with respect to you, what was your role in preparing these tax returns for the funeral home?

A What time period?

Q Let's start off with, based on the documents you provided, 2013.

A I'm the only guy that prepares returns in my firm.

Q Okay. So from 2013 to 2018 that you provided this morning, you were the person who solely prepared it?

A Right. Right.

Q And those are based solely on what you were informed on Mr. Davis, correct?

A Well, it's a combination when we do the bookkeeping or the date of processing, so we see documents, bank statements, check stubs, that sort of thing.

Q What is the name of the company that did the bookkeeping for the funeral home or is it an official company?

A Well, we do the bookkeeping and then we do the tax returns after we do the bookkeeping.

Q Okay.

A Or did.
Q Is it under a particular company name?
A And then they do some of the bookkeeping themselves as far as balancing accounts receivable and that sort of things.
Q Gotcha. Let me go back. So what is the name of the company that is contracted to provide the bookkeeping services for Young and Young Funeral Home --
A There is no contract. It's me, Payton W. Warren. Right.
Q Gotcha.
A That's part of the services.
Q I'm going to clarify. I didn't know if you did it under a company or --
A Part of the services we do, yeah.
Q Okay. You referenced that they do their own kind of bookkeeping on certain stuff and you did certain bookkeeping. What was it that you did for the funeral home in regards to bookkeeping?
A Primarily the general ledger bookkeeping.
Q And what kind of items would fall

under the general ledger bookkeeping?

A You have accounts set up in categories of expense and income.And bank reconciliations, that sort of thing.

Q And who would provide you the information about the expenses or the income with respect to the operations?

A Well, Latonya, his daughter and the last couple of years I did it and Carolyn was involved in that.

Q And Carolyn. Do you know her last name?

A Johnson, I believe.

Q And what was her position with the funeral home?

A She was --

Q An employee?

A Employee, I guess. She helps with a lot of details, primarily in the bookkeeping area.

Q So just kind of walk me through the steps. So the funeral home gets a bill for a particular product or service. Does those bills get paid out of the funeral home and then they provide you with evidence of payment and you put

it into your ledger? Is that how, in general, it works?

A Right. You send the check stubs over and they're categorized based on what kind of expense it is, whether it's utility bill or like you said, merchandise for funeral arrangements.

Q Gotcha. And who was the individual that you would report to if you had any questions, if you had issues with any of the information given to you?

A I would usually have asked Carolyn or Latonya for more information.

Q Gotcha.

A Or Sam, if need be.

Q How often did you correspond or speak with Sam relating to any of the accounting with respect to the funeral home?

A Mostly on an annual basis.

Q Okay.

A When we were ready to do the tax return.

Q To your knowledge, you don't have any records before 2013, is that what you were saying this morning?

A Well, I said there may be some --
Q Okay.
A -- on the computer. I'm going to check some of those old computers, you know, they use DOS and stuff like that. You run in to problems with passwords and all of that. Like you said, it's hard for me to remember some things that happened yesterday now at my age.
Q I hear you, man. What kind of programs did you even use to do the bookkeeping for the funeral home? Do you use QuickBooks?
A No.
Q Do you know the name of the program?
A It's an Intuit product called Easy Professional Accounting.
Q Is that the same program that was used in-house at the funeral home location?
A No.
Q Do you know what program they used to provide their expenses and accounting?
A Well, they were going to use, if they're still using what I suggested, it would be QuickBooks.
Q Okay.
A To handle their accounts receivable

and their trust funds.

Q And when information was given to you from the funeral home, would it be in QuickBooks format and you would have to adjust it for your program?

A I would use information from -- yes, from that system.

Q Okay.

A To put into the general ledger that I was keeping.

Q I still have some general questions. It shouldn't take too much longer. And I'm not, you know, obviously I'm not a C.P.A., so I don't know how that profession works. But as a C.P.A. is there any proper protocol to sort of memorialize things like Mr. Davis telling you he's one hundred percent owner? Do you follow up on that, send me something for our records to corroborate it?

A Well, when I was going from predecessor firms, I had confidence in. No, I didn't memorialize that.

Q So you just took him at his word and just trusted that you were --

A And the predecessor firm's words.

Q Gotcha. And that was Ernst and Young you said?

A Ernst and Ernst.

Q Ernst and Ernst.

A They're part of the final four actual firms and the biggest firm down was Chastine Johnson and West at that time.

Q Do you recall the years that Ernst and Ernst was assisting with or preparing the tax returns for the funeral home?

A Probably later, only two or three years, '72 through '74 probably, maybe '75.

Q Okay. And who was the company who took over after Ernst and Ernst Accounting?

A Yochum, Oxner and Company.

Q How do you spell that?

A Y-O-C-H-U-M, O-X-N-E-R.

Q And do they have a local office here in Florence?

A No, they disbanded or became, I think Birch Oxner.

Q Do you know what years they prepared tax returns for Young and Young?

A Probably '75 or six through '78, maybe.

Q And after that firm, who took over for preparing tax returns for Young and Young?
A Chastine Johnson and West.
Q And for what period of time did they prepare the tax returns for the funeral home?
A Probably from that set date that I told you Yochum Oxner '77, '78 to '83 or four.
Q And basing your testimony, you've taken over the tax returns since 1984?
A That's plus or minus a year. I don't remember off -- which year.
Q Gotcha.
A Definitely.
Q Do you know who the funeral home hired to prepare the tax returns after they let you go?
A That would be Jordan Warren and Company. When they let me go, I tried to get as many clients as I could. So he was one of them.
Q And to your knowledge, are they still doing the accounting and preparing tax returns for the funeral home now?
A No. Well, I don't know who's doing it now.
Q Okay. Gotcha.

A I don't know who he got.

Q In 2018, there was a certificate of dissolution, that administrative dissolution of Young and Young Funeral Home. Do you have any personal knowledge about that?

A Yes.

Q Can you tell me what you know about that?

A Well, like I say, I got behind on work and if you don't submit tax returns on time, the state administratively dissolves you. So he had to file them -- prepare and file them and get them in and pay extra fees.

Q Gotcha.

A To get reinstated.

Q Is it your testimony the reason why it was dissolved was because Young and Young Funeral Home, through you --

A They were late on the returns. That's another thing that Sam didn't like.

MR. BUTLER: Okay. That may be it, but let me -- if you have a minute, I'm just going to speak to my client real quick.

THE DEPONENT: All right.

MR. BUTLER: Is that okay, Jeff?

MR. PAYNE: Sure. Yeah.

(WHEREUPON, A BREAK WAS TAKEN FROM THE PROCEEDINGS.)

MR. BUTLER: Mr. Warren, I -- I certainly appreciate it. That's all the questions that I have.

THE DEPONENT: Okay.

MR. PAYNE: I don't have any further. Thank you.

THE DEPONENT: All right.

(Deponent excused.)

(Whereupon, at 11:59 a.m., the taking of the foregoing deposition was concluded.)

CERTIFICATE OF REPORTER

State of South Carolina

County of Florence

I, Michael Johnson, Court Reporter and Notary Public for the State of South Carolina, do hereby certify that the deponent in the foregoing deposition was, by me, first duly sworn to testify to the truth, the whole truth and nothing but the truth; that said deposition transcript contains a true record of the deposition of said deponent.

I further certify that I am neither attorney nor Counsel for, nor related to or employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this the 17th day of February, 2022.

_____

Michael Johnson

MY COMMISSION EXPIRES:
July 21st, 2031

A

a.m 1:14,14 39:12
above-entitled 1:18
above-named 1:19
accept 27:5
accountant 5:20 6:10
accountants 7:13,23
accounting 5:3,6 6:3,4 24:1 33:17 34:15,20 36:14 37:21
accounts 31:6 32:2 34:25
acquired 28:14
action 16:5,21 40:16,17
actual 8:22 36:6
addition 13:12 13:18 16:20
address 4:11
adjust 35:4
administrative 38:3
administrativ... 38:11
affirmative 2:21
afraid 19:10
age 34:8
ago 18:22 20:16
agreement 1:18
Air 5:16
and/or 1:18
Angela 1:5 2:12
Angie 12:14
annual 33:19
anybody 8:5 10:21
apologize 27:25
appointment 13:8
appreciate 39:5
apprentice 22:12
appropriate 14:17
area 32:20
arrange 14:17
arrangements 33:7
Arranging 18:6
asked 11:19 14:24 15:4 23:3 33:12
assist 15:14
assisting 36:9
ate 29:21
attached 10:9 12:4
attorney 40:14
audit 27:4
aware 28:17

B

B 2:18
back 9:19 15:9 20:23 31:7
background 4:18 22:17,18 24:2
balancing 31:5
bank 30:17 32:3
based 23:5 26:3 26:7 30:5,13 33:4
basically 9:23 21:13
basing 22:15 37:8
basis 25:21 26:25 33:19
Beach 2:4
Beaverdam 4:12
Beginning 18:25
behalf 3:18,22
believe 3:23 18:25 22:5 32:13
biggest 36:6
bill 32:22 33:5
bills 32:23
Birch 36:21
book 8:9
bookkeeper 14:10 26:5
bookkeeper's 14:14
bookkeeping 30:16,20,22,24 31:5,9,19,20 31:22,24 32:1 32:19 34:10
Box 1:22
branch 5:15
break 4:9,10 39:2
breakfast 29:22
briefly 15:23
bring 29:6
brought 3:22 9:8,10,18 25:22 26:2
business 22:9
Butler 2:2,4,15 4:1 12:9,12,13 38:21,25 39:4

C

C 2:1
C.P.A 1:11 3:12 5:22,24 35:13 35:14
call 14:14,14
called 13:16 14:10 17:10 34:14
calls 14:16
cancers 19:4
care 15:17
Carolina 1:1,12 1:20,23 2:4,9 3:4,20 4:22,25 5:2,8 6:11 40:2 40:6,19
Carolyn 32:9,11 33:12
case 3:21 21:3
categories 32:3
categorized 33:4
cause 1:18
certain 26:16 31:19,20
certainly 39:5
certificate 38:2 40:1
certified 3:14
certify 40:7,13
changes 23:4 26:14,15
Chastine 6:22 36:7 37:3
check 30:17 33:3 34:4
Chellie 1:4,6 10:25 11:3,20 11:20,21,23 12:15 16:18 29:13
citizen 9:16
city 21:1
civil 1:20 3:4 20:9
clarify 31:15
clear 12:2
client 27:7 38:23
clients 37:19
college 4:19,21
combination 30:15
come 17:9
comma 3:19
COMMISSION 40:22
company 6:7 7:9 7:20,21 30:19 30:21 31:2,8 31:16 36:13,15 37:18
computer 9:23 10:2 34:3
computers 34:4
concerned 9:15 11:13
concluded 39:14
confidence 23:2 35:21
connected 40:15
connection 15:5 15:7
connections 15:20 16:22
consistent 29:2
contact 8:2 14:8 14:8 27:20
contacted 14:7
contains 40:11
contesting 16:7 16:10
contract 31:11
contracted 31:8
control 7:7
convenient 14:18 18:6
conversation 13:24 14:4 16:6 17:8,13 17:21 18:2
conversations 17:2 18:14
coordinate 8:20
copies 14:25 15:3,19 16:21
correct 10:10,11 21:9 25:25 26:6 28:22 29:9 30:14
correspond 33:16
corroborate 26:19 28:10 35:19
Counsel 3:2,7 40:14
count 20:4
County 1:2 40:3
couple 12:19 20:7 32:9
court 1:1,15,19 1:22 3:13 40:5

D

D 1:5 2:12,14
Danny 2:4 12:13
date 1:13 30:16 37:6
daughter 32:8
Davis 1:8 3:23 4:1,4 8:4,22 10:15 11:15 18:15,20,24 19:3 22:21

25:13 26:5,11 27:18 28:2,6 28:10,13 30:14 35:16
day 14:6 40:19
dbutler@butl... 2:5
dealt 10:19
death 25:7
December 17:19 17:22
defendant 1:8 2:7 4:2 20:3
Definitely 37:13
degree 4:20
deponent 3:8,9 38:24 39:7,10 39:11 40:7,12
deposition 1:11 1:17 3:3 12:21 12:23 13:3,7 13:14,21,25 14:11,23 15:24 16:2,25 17:4 17:18 18:3,11 18:15,17 19:24 19:24 39:14 40:8,10,12
describe 16:4
Description 2:19
designated 8:17
designation 5:25
details 17:23 20:14 32:19
disbanded 36:20
discovery 20:5
discussed 15:2 16:2 17:7 18:10
discussion 15:19
dissolution 38:3 38:3
dissolved 38:17
dissolves 38:11
distributed 28:19,21 29:4
distribution 28:24
distributions 29:12
dividends 29:1
document 24:16
documents 9:8 11:9 12:19 15:13,15 16:21 16:23 28:9 30:6,17
doing 8:9 23:1 24:5 27:4 37:21,23
Dorothy 23:15
DOS 34:5
Drive 2:3 4:12
duly 3:13 40:8

E

E 2:1,1,14,18 3:15 12:11
e-mail 1:24
early 15:11 21:16
Easy 34:14
educational 4:18
either 21:6
employed 40:15
employee 7:2 19:22 32:17,18
employer 21:4
entire 10:19
Ernst 21:20,20 22:23,23 36:1 36:3,3,4,4,8,9 36:14,14
Esq 2:4,9
established 22:9
Estate 1:5 12:15
Evans 1:12,23 2:8
eventually 22:13 25:20
evidence 26:19 32:25
Ex 2:19
exactly 14:11 15:25
Examination 2:15,15
excused 39:11
Exhibit 10:4,8,8 12:3
expense 32:3 33:5
expenses 32:6 34:20
EXPIRES 40:22
extra 38:13

F

fact 26:25 27:15
fair 26:10 29:21
fall 31:25
far 7:20 9:19 11:13 15:8 24:14,25 25:3 31:5
fault 19:7
February 40:19
federal 6:18 9:11
fees 38:13
field 26:18
file 15:13 38:12 38:12
filed 10:1 12:5 19:18 25:21
final 36:5
financially 40:16
find 14:10
fired 18:21,24 19:2
firm 2:7 6:25 7:2 24:1,8 30:8 36:6 37:1
firm's 22:23 35:25
firms 20:24 25:19 35:21 36:6
first 3:13 12:21 17:10 22:2 40:8
Florence 1:12 1:23 2:9 4:13 36:19 40:3,18
follow 35:17
follows 3:14
Force 5:16
foregoing 39:13 40:8
forgot 13:17 16:13
form 3:5 9:12
format 35:4
forward 10:21 23:3
foundation 23:2 24:2
four 4:19 36:5 37:7
Friday 1:13
front 3:25
full 4:14
funds 35:1
funeral 3:18,19 6:15 8:25 9:4 11:7,11 15:13 16:11 19:23 22:2 23:7,21 23:22 24:4,13 25:6 26:6,20 27:1 28:3,6,11 28:15,19 29:12 29:23 30:3,20 31:10,21 32:15 32:22,24 33:6 33:18 34:11,17 35:3 36:10 37:5,14,22 38:4,18
further 26:22 39:9 40:13

G

G 9:10,11 24:23 25:21 29:3
gathered 22:24
general 31:23 32:1 33:1 35:9 35:11
generally 7:7 15:4
getting 19:2,8 19:10
give 4:10,14,17 8:17 11:18
given 29:1 33:11 35:2
go 4:21 7:15,18 7:21 8:20 9:20 31:7 37:16,18
going 4:5,8 9:4 14:11 16:1 21:10 25:20 31:15 34:3,21 35:20 38:23
gotcha 15:18 19:12 21:25 22:25 23:20,20 25:17 27:6,17 31:7,13 33:8 33:14 36:1 37:12,25 38:14
government 6:9
graduate 5:7
graduated 5:19 6:11
Gs 2:19 10:9,14 12:3 26:2
guess 16:15 20:4 20:5 32:18
guy 30:7
guys 15:2

H

H 2:18
hand 40:18
handle 8:2 34:25
handling 7:1,23
happened 25:6 34:8
hard 34:7
Harold 22:4 23:6 25:7,12
Hartsville 3:20
hear 34:9
heard 10:25 11:5,20,21,23 25:16
hearings 20:4
held 14:12
help 8:6

helped 7:16
helps 32:18
hereinafter 3:14
hey 26:18
High 4:19
hired 37:15
history 22:1
home 3:19,19 4:11 6:15 8:25 9:4 11:7,11 15:14 16:11 19:23 22:2 23:7,21,22 24:4,13 25:6 26:6,20 27:1 28:3,7,11,15 28:20 29:12,24 30:3,20 31:10 31:21 32:15,22 32:24 33:18 34:11,17 35:3 36:10 37:5,14 37:22 38:4,18
huh-uh 2:22
hundred 10:12 10:18 11:16 24:25 28:14 35:17

I

I.R.S 12:5 27:10
identification 10:5
in-house 34:17
income 32:6
income.And 32:3
independent 27:12
indicated 21:11 23:25
individual 12:22 33:8
individuals 13:1 13:5,13,20
Info@qacourt... 1:24
information 8:8 8:18 9:12,17 22:17,19,20,22 25:11 26:4,11 26:16 27:18 32:6 33:11,13 35:2,6
informed 27:2 28:14 30:14
inherited 23:25 24:4
inheriting 28:2
interest 11:24
interested 20:19 40:16
interests 11:6
Intuit 34:14
involved 20:6 21:6 23:10 32:10
issues 33:10
items 31:25

J

J 23:15
January 1:13
Jeff 3:17 13:4,12 13:19 38:25
Jeffrey 2:9
Johnson 1:15 6:22 32:13 36:7 37:3 40:5 40:21
Jordan 7:20 24:8 37:17
jpayne@turn... 2:10
July 40:22

K

keeping 35:10
Kelly 13:10,12 18:1,2
kind 19:9 31:19 31:25 32:21 33:4 34:9
know 4:9 7:16 9:16 13:9 17:17,24 19:7 21:15 22:14 24:3,14,25 25:9,10,14 26:8,14 29:17 31:15 32:11 34:4,13,19 35:13,14 36:22 37:14,23 38:1 38:7
knowledge 22:1 23:5 26:7 27:13,24 28:5 28:18 33:23 37:20 38:5
known 10:21

L

L 1:8 2:9 3:1 10:15 25:7,12 25:13 26:5 28:10
late 19:7 38:19
Latonya 32:8 33:13
law 2:2,7 14:15
lawsuit 20:2,10 20:20,21 21:1
lawsuits 21:5
ledger 31:23 32:1 33:1 35:9
let's 7:17 9:3 10:20 13:23 17:25 30:5
listed 10:12
listing 11:15
live 9:17
local 36:18
location 1:12 34:17
long 4:8 17:17 20:15
longer 35:12
look 26:18
looked 26:25
looking 26:21
Lost 19:21
lot 7:8 19:5,21 32:19

M

M 3:15 12:11
Mack 11:3,20
man 15:16 34:9
Marion 1:2
marked 10:5,8
married 23:14
master's 4:20,24 5:5,10,20
mean 15:7
meaning 20:19
meet 12:16,17 18:7
memorialize 35:16,22
memory 22:16
mentioned 15:23
merchandise 33:6
Michael 1:15 40:5,21
middle 14:6
military 5:13
minus 37:10
minute 38:22
morning 12:16 12:20,24 13:25 26:3 30:10 33:25
morning's 13:21 14:23
mother 16:12,13
Myrtle 2:4

N

N 2:1,14 3:1,15 3:15 12:11,11
name 4:14 8:12 11:20,21 12:13 13:9,17 16:9 16:17 30:19 31:3,8 32:12 34:13
national 24:1
nature 15:23 16:4,20
need 4:9 33:15
negative 2:22
neither 40:13
net 28:18 29:4
Nice 12:16,17
Nixon 1:4,6 11:21,24 12:15 16:18 29:13
normally 8:19
North 4:12
Notary 40:6
notice 1:17
number 10:4 29:25

O

O 3:1,15 12:11
O-X-N-E-R 36:17
objections 3:5
obtained 22:17 22:19
obviously 35:13
office 1:22 8:6 14:15 36:18
official 30:21
Oh 6:8 25:5
okay 4:4 5:12 6:2,8,13 7:5,9 7:12,17,22 8:5 8:16 9:2,6,14 9:25 10:7 12:7 12:10 13:1,18 13:23 14:3,7 14:13,19 15:12 16:14,20 17:11 17:25 18:5,8 18:19,23 19:20 20:1,12,15,18 20:25 21:3,9 21:17,19 22:8 22:11,18 23:5 23:9 24:12 26:24 27:12,17 28:5,9,17 29:6 29:11,16,20 30:9,25 31:18 33:20 34:2,24 35:8 36:13 37:25 38:21,25 39:7
old 14:25 15:3 15:13,19 34:4
older 9:22 15:10
Oleander 2:3

one's 25:10
ones 7:3 15:10
operations 32:7
original 22:7 23:7 25:8
owned 24:12,14 25:15
owner 11:10 22:7 23:22 25:1,8 26:20 27:1,3 28:11 35:17
owners 28:19,22 28:24
ownership 9:13 11:24 16:8,10 22:3 25:6
owning 10:17
owns 29:8
Oxner 36:15,21 37:7

P

P 2:1,1 3:1
Padget 2:7 12:22 13:2,6 13:13,20
paid 29:12 32:24
paperwork 9:23
part 9:8 20:5 31:14,17 36:5
particular 20:9 29:24 31:2 32:23
parties 3:8 40:15
partnership 24:7
party 3:24 20:1 20:19 21:6
passed 23:11
passwords 34:6
patient 19:6
pay 38:13
payment 32:25
Payne 2:9,15 3:16,17,24 4:3 10:6 12:7,10 13:4,24 14:4,9 14:22 15:2,22 16:24 17:3,7 17:13,18,21 39:1,8
Payton 1:11 3:12 4:16 31:12
pending 1:19
people 7:8 8:10 19:6,6,21 29:25
percent 10:13 11:16 25:1 28:15 35:17
percentage 10:16
percentages 29:3
period 30:4 37:4
periods 29:22
person 8:1 14:8 16:10 30:10
personal 1:5 12:14 22:1 23:18 28:18 38:5
pertaining 27:25
Pg/ln 2:19
phone 13:11 14:14
piece 21:23
plaintiff 1:6 2:2 20:2
pleadings 3:25
please 25:24
plus 37:10
portion 29:11
position 32:14
Post 1:22
practice 26:17
predecessor 35:21,25
preparation 15:20 16:22
prepare 6:17 7:18 15:9 37:5 37:15 38:12
prepared 6:14 11:15 28:23 29:23 30:11 36:22
prepares 30:7
preparing 7:10 7:13 8:7 15:8 21:12 30:2 36:9 37:2,21
Present 2:12
pretty 15:16
previously 15:5
primarily 15:11 31:23 32:19
primary 27:20
prior 14:1 16:25 17:4 18:3,15 19:23 21:4 26:7,15
private 6:2,6
probably 6:22 7:25 8:17 14:5 17:19 18:21 20:13,14 28:25 36:11,12,24 37:6
Probate 1:1
problems 34:6
Procedure 1:20 3:4
PROCEEDIN... 39:3
processing 30:16
product 32:23 34:14
profession 35:14
Professional 34:15
profits 28:18,21 29:4,17
program 34:13 34:16,19 35:5
programs 34:10
proper 35:15
proprietor 23:7 25:8
protocol 35:15
provide 31:9 32:5,25 34:20
provided 22:20 25:11 26:4,11 27:18 30:6,10
Public 6:4,5 40:6
purchasing 28:6
pursuant 1:17 1:19 3:3
put 32:25 35:9

Q

quality 7:7
question 3:6 4:6 24:1
questions 4:5 12:8,21 33:10 35:11 39:6
quick 38:23
QuickBooks 34:11,23 35:4
quote 24:3

R

R 2:1
read 3:9
ready 33:21
real 38:23
reason 19:1 38:16
recall 15:25 16:17 17:2,9 17:11,20 18:1 18:10 20:11 23:11,14 24:19 24:22 26:24 28:16 29:11 36:8
receivable 31:6 34:25
reconciliations 32:4
record 25:24 40:11
records 9:21,24 33:24 35:18
referenced 17:14 31:18
referred 26:6
referring 20:8
reflected 28:23
regarding 12:20 15:21
regards 18:8 23:20 31:21
reinstated 38:15
related 40:14
relating 12:23 13:6,14,21 16:24 17:3 18:11,16 19:24 21:4 33:17
rely 26:21,23
remember 11:14 14:5 18:9 20:6 20:14,18,22 21:7,16 22:4 29:18,19,20,21 34:7 37:11
rephrase 4:7
report 27:9 33:9
reported 24:15 24:23
Reporter 1:15 3:13 40:1,5
Reporting 1:22
represent 4:4 12:14
representative 1:5 12:15 16:15
requesting 15:2 15:18
requests 16:21
required 26:18
reserved 3:6
respect 14:22 30:1 32:7 33:18
respective 3:8
return 6:18 7:18 7:24 8:23 9:11 11:14 19:15 33:22
returns 6:14,18 7:10,14,24 8:3 8:7 9:9 10:1,10 12:4 14:25 15:3,8,19,21

19:11,17 21:13 21:21 23:24 24:4,15 25:4 25:18 26:8 27:19,22 28:23 29:23 30:1,3,8 30:23 36:10,23 37:2,5,9,15,22 38:10,19
right 3:9 4:17,23 5:4,22 6:12,17 7:11,15,25 8:24 9:1,18 10:3 11:17 12:5,6 17:25 26:17 27:11,16 27:20,23 29:5 29:10 30:12,12 31:12 33:3 38:24 39:10
Rob 24:8
role 29:24 30:2
Rules 1:20 3:4
run 34:5

S

S 2:1,18 3:1,1
Sam 4:4 8:4,19 8:21,22 10:22 22:10,20 24:14 28:6 33:15,17 38:20
Sammy 4:1
Samuel 1:8 3:22 10:15 11:15 18:15,20 25:12 26:4,10 27:17 28:1,10
saying 25:25 33:25
says 27:7
Schedule 2:19 9:10,11 10:9 10:14 12:3 24:23 25:21 26:2 29:3
school 4:19
searched 15:12
searching 15:15
second 11:18 14:13 17:12
secretaries 13:19
secretary 13:8 13:17 18:1,9 18:10
see 30:17
seen 11:9 28:9
send 33:3 35:18
serve 5:12
service 32:23
services 1:22 31:9,14,17
set 32:2 37:6
seven 24:20
share 28:2,15
shareholder 10:13,22,22 11:10,16
shares 16:11 25:11 28:2,6
show 10:7,16
sign 3:9 8:22 25:18
signed 27:21
signs 27:9
situation 9:7
six 36:24
sole 10:22 26:20 27:1,3 28:10
solely 26:4 30:11 30:13
somebody 7:6 13:16 16:7
somebody's 16:13
Sorry 11:18
sort 17:23 22:12 30:18 31:6 32:4 35:15
South 1:1,12,20 1:23 2:4,9 3:3 3:20 4:22,25 5:1,7 6:11 40:2 40:6,18
speak 14:22 33:17 38:23
specific 16:1
specifically 14:21 19:13,16
specifics 17:20
spell 36:16
spoke 13:2,6,14 13:20 14:12 17:14,18 18:9
spoken 12:22 18:20 19:22
St 1:23
staff 21:21
stake 20:20
start 12:18 13:23 30:5
started 21:18 22:2,5 23:1 24:5,10
state 1:1 6:18 26:10 38:11 40:2,6
stated 23:6
statement 26:22 26:25 27:15
statements 26:21,23 27:22 30:17
steps 32:22
stipulated 3:2,7
Street 1:12 2:8
stubs 30:17 33:3
study 5:1
stuff 15:4,17 19:8 23:18 31:19 34:5
submit 38:10
submitted 27:10
subpoenaed 3:20
subsequent 14:14
subsequently 23:25
suggested 34:22
Suite 2:3,8
sure 20:6 24:22 24:24 28:25 39:1
sworn 3:13 40:9
system 10:2 35:7

T

T 2:18 3:1,1,15 12:11
take 4:8,9 15:16 25:5 35:12
taken 1:17 3:3 37:9 39:2
talk 16:23 17:25
talked 13:11 15:21 17:10
talking 22:8
tax 6:14,17,18 7:10,23,24 9:9 9:11 10:10 11:14 12:4 14:25 15:3,13 15:19 19:15,16 21:12,21 24:4 24:15 25:18 27:19,22 28:23 29:23 30:1,2 30:23 33:21 36:10,23 37:2 37:5,9,15,21 38:10
telephone 1:24 14:13 16:5 17:8,13
tell 4:10 16:9 38:7
telling 25:15 35:16
tells 27:8
testified 3:14 17:6 18:16 21:11 25:7 26:3 28:1
testify 3:21 40:9
testimony 17:14 21:12 22:15 29:9 37:8 38:16
Thank 39:9
thing 18:13 30:18 32:4 38:20
things 19:15 31:6 34:8 35:16
think 13:10 17:5 21:5 22:10 36:21
thinking 6:8
three 6:3 19:19 36:11
throw 24:20
thrown 9:24
time 1:14 3:6 10:19 14:3,17 17:10,11,12 18:4,6,19,21 20:16 23:15,22 27:2 28:7 29:22 30:4 36:7 37:4 38:11
today 3:18,21 4:6 9:8,10,19 12:24 13:15 14:1 16:25 17:4 18:3 24:17 25:22 28:13 29:9
today's 18:15 19:24
told 16:1 19:2 26:13 37:7
topic 15:24
topics 15:1,21 16:1,24 18:16
transcript 3:10 40:11
transferred 25:12
transition 22:3
trial 3:6
tried 37:18
true 21:11 27:15 40:11
trust 35:1
trusted 35:24
truth 40:9,9,10
trying 14:16
Turner 2:7 12:22 13:2,6 13:13,20
two 13:18 17:5 18:22 19:19

21:8 36:11

U

U 3:1
uh-huh 2:21 17:16 24:9 25:23
undergraduate 5:8
understand 4:6
understanding 6:13
understood 23:8
University 6:11
use 34:5,10,11 34:21 35:6
usually 24:20 33:12
utility 33:5

V

V 1:7 2:4
verification 29:8
Vietnam 5:17,17
visit 1:25

W

W 1:12 2:8 31:12
waive 3:9
walk 32:21
want 12:20
wanted 12:18 17:24,24
Warren 1:11 3:12,17 4:16 7:20 11:19 12:13 31:12 37:17 39:4
we'll 4:10 18:23
we're 12:2 22:8
We've 3:20
went 23:2
West 1:23 6:23 36:7 37:3
where'd 4:23
Wilford 4:16
Windell 8:10,15
witness 20:9,21 20:22 21:2,6 40:18
word 35:23
words 29:16 35:25
work 6:6 7:6 8:9 19:5,5,13,19 38:10
worked 6:9,25 7:1,10,21 20:24 22:10,24
working 7:4,8 7:13 8:11 20:23 25:19 30:1
works 33:2 35:14
written 29:7
wrong 21:10 25:25
Www.qacourt... 1:25

X

X 2:14,18 3:15 12:11

Y

y'all 11:18 14:20
Y-O-C-H-U-M 36:17
yeah 8:14 20:17 21:25 25:4 26:13 31:17 39:1
year 7:16 18:24 21:22 24:3 26:15 37:10,11
years 4:19 8:2 15:6 18:22 19:19 21:16 22:3 23:10 24:21 28:24 29:13 32:9 36:8,12,22
yesterday 14:2 17:15 34:8
Yochum 36:15 37:7
Young 1:5 2:12 3:18,18,24 6:14,15,18,19 7:19,19,23,23 8:3,3,23,23,25 8:25 9:2,3,3,3 9:4,4,9,9 10:13 10:13,17,17,20 10:20,23,23 11:1,6,6,11,11 11:20,24,25 12:14 19:23,23 21:13,13 22:1 22:2,5 23:6,15 23:21,21 25:7 25:12 28:15,15 31:9,10 36:2 36:23,23 37:2 37:2 38:4,4,17 38:17

Z

0

1

1 2:19 10:4,8,8 12:3
10/4 2:19
11:14 1:14
11:59 1:14 39:12
12 2:15
17th 40:19
1831 1:12 2:8
1972 6:3 21:14
1978 23:12
1980 29:13
1981 29:13
1982 29:14
1983 6:19 7:9
1984 7:24 37:9
1990 24:12,23 26:9,12 27:19

2

20 18:25
2001 9:15
2013 9:20,25 10:9,14 12:4 26:1 28:20 29:7,8 30:6,9 33:24
2013-2018 2:19
2014 26:1
2015 26:1
2016 26:1
2017 26:1
2017-ES-33-0... 1:7
2018 6:16 10:1 10:10,14 12:4 19:18 26:2 27:19 28:7,20 30:9 38:2
2019 19:16
202 2:3
2020 19:3
2022 1:13 40:19
2031 40:22
21st 40:22
273 1:23
28 1:13
29501 1:23 2:9
29502 1:22
29577 2:4

3

3 2:15

4

400 2:8
4420 2:3
4563 1:22

5

6

659 4:12
673-9845 1:24

7

70's 15:10 20:24
71 5:9
72 5:11 21:18 36:12
74 36:12
75 36:12,24
76 6:1
77 6:1 37:7
78 36:24 37:7

8

80's 15:11,11
83 7:15 10:20 24:6 37:7
84 7:17 24:6,10
843 1:24

9

90 24:7,10,11

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2013

SCHEDULE G (Form 1120) (Rev. December 2011)
Department of the Treasury
Internal Revenue Service

Information on Certain Persons Owning the Corporation's Voting Stock

▶ Attach to Form 1120.
▶ See instructions on page 2.

OMB No. 1545-0123

Name

YOUNG & YOUNG FUNERAL HOME, INC.

Employer identification number (EIN)

Part I **Certain Entities Owning the Corporation's Voting Stock.** (Form 1120, Schedule K, Question 4a). Complete columns (i) through (v) below for any foreign or domestic corporation, partnership (including any entity treated as a partnership), trust, or tax-exempt organization that owns directly 20% or more, or owns, directly or indirectly, 50% or more of the total voting power of all classes of the corporation's stock entitled to vote (see instructions).

(i) Name of Entity	(ii) Employer Identification Number (if any)	(iii) Type of Entity	(iv) Country of Organization	(v) Percentage Owned in Voting Stock

Part II **Certain Individuals and Estates Owning the Corporation's Voting Stock.** (Form 1120, Schedule K, Question 4b). Complete columns (i) through (iv) below for any individual or estate that owns directly 20% or more, or owns, directly or indirectly, 50% or more of the total voting power of all classes of the corporation's stock entitled to vote (see instructions).

(i) Name of Individual or Estate	(ii) Identifying Number (if any)	(iii) Country of Citizenship (see instructions)	(iv) Percentage Owned in Voting Stock
SAMUEL L. DAVIS	[redacted]	USA	100.000

Paperwork Reduction Act Notice, see the instructions for Form 1120.

Schedule G (Form 1120) (Rev. 12-2011)

EXHIBIT 1

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SCHEDULE G (Form 1120)
(Rev. December 2011)
Department of the Treasury
Internal Revenue Service

Information on Certain Persons Owning the Corporation's Voting Stock

▶ Attach to Form 1120.
▶ See instructions on page 2.

2014

OMB No. 1545-0123

Name

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Employer identification number (EIN)

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SAMUEL L. DAVIS		USA	100.000

STATE OF SOUTH CAROLINA)	IN THE PROBATE COURT
)	
COUNTY OF MARION)	CASE NO: 2017-ES-33-00099
IN RE: Chellie Nixon,)	
DECEASED,)	
)	
Angela D. Young, as)	
Personal Representative)	
for the Estate of)	
Chellie Nixon,)	
PLAINTIFF,)	
)	
-vs-)	
)	
Samuel L. Davis,)	
DEFENDANT.)	

COPY

THE DEPOSITION OF SAMUEL L. DAVIS

WEDNESDAY, MAY 4TH, 2022
10:09 A.M. ~ 11:25 A.M.

APPEARANCES:

FOR THE PLAINTIFF:	Danny V. Butler, Esquire BUTLER LAW 4420 Oleander Drive, Ste 203 Myrtle Beach, SC 29577
FOR THE DEFENDANT:	Jeffrey L. Payne, Esquire TURNER PADGET GRAHAM & LANEY 1831 W.Evans Street, Ste 400 Florence, SC 29501
ALSO PRESENT:	Angela D. Young
COURT REPORTER:	Cara-Leigh V. Richardson

ON THE RECORD
P.O. BOX 934 * CONWAY, SC 29528
CARA-LEIGH@ONTHERECORD.BIZ
843.602.8051

INDEX

EXAMINATION OF WITNESS: PAGE

SAMUEL L. DAVIS

Examination by Mr. Butler 04
Examination by Mr. Payne 64
Certificate of Court Reporter 69

EXHIBITS

PLAINTIFF'S:

1. Last Will and Testament of Harold Young ... 20
2. Petition for Letters of Administration and Order for Citation to Issue 21
3. Warrant of Appraisement 24
4. Affidavit of Sam Davis 38
5. Motion Seeking Order and Rule to Show Cause 55
6. Letter dated December 14, 2020 from James Cox, Jr., to Robert Lee, Esquire 57

DEFENDANT'S:

1. Articles of Incorporation of Young and Young Funeral Home, Inc. 65

STIPULATIONS

The deposition of SAMUEL L. DAVIS, taken on behalf of the Plaintiff on Wednesday, the 4th day of May, 2022, at the offices of Turner Padget Graham & Laney located at 1831 West Evans Street in Florence, South Carolina.

The deposition will be taken before Cara-Leigh V. Richardson, Notary Public and Court Reporter in and for the State of South Carolina.

It is stipulated and agreed that this deposition is being taken pursuant to Notice and the pursuant to Rule 30 of the South Carolina Rules of Civil Procedure.

It is stipulated and agreed between counsel and the above witness that the reading and signing of the above deposition be, and the same are hereby WAIVED.

Whereupon,

SAMUEL L. DAVIS, having been duly sworn and cautioned to speak the truth, the whole truth, and nothing but the truth, was deposed as follows:

EXAMINATION

BY MR. BUTLER:

Q: Mr. Davis, how are you?

A: I'm doing fine, and you?

Q: I'm doing well, thank you. My name is Danny Butler. I'm an attorney out of Myrtle Beach, South Carolina. I represent Angela Young, who is the Personal Representative for the Estate of Chellie Nixon in this matter.

We're doing your deposition today. Basically, I'm going to ask you some questions under oath and you're going to provide your answers. There are just a couple ground rules to start off with.

Now that the deposition has started, you cannot speak with anyone, including your attorney, about anything relating to this lawsuit.

A: Yes.

Q: You understand that. Okay, good. Number

two, if I ask you a question that you don't understand, please let me know so that I can rephrase it.

A: Okay.

Q: Okay. And if you answer a question, if you don't mind, if you can answer it verbally, so that the court reporter can write down your response.

A: Okay.

Q: Is that okay? She can't really take a head nod or a head shake. Sometimes I get caught doing that as well.

In addition, if you need a break for any reason, bathroom, get a drink, let me know as well, I'll be happy to accommodate.

A: Yes, okay.

Q: Okay, good. And finally, your testimony is under oath.

A: Yes.

Q: So, any and all answers you provide must be the truth and nothing but the truth.

A: Yes.

Q: You understand that?

A: I do.

Q: Okay, good. All right, so we're just going

to start off with general background information first, okay?
A: Okay.
Q: So, can you please state your full name for the record?
A: Samuel L. Davis.
Q: Okay. And what is your date of birth?
A: 2/17/53.
Q: And what is your Social Security number?
A: XXX-XX-7368.
Q: And where do you currently reside, what's your address?
A: 900 East Old Camden Road, Hartsville, South Carolina.
Q: And how long have you lived at that location?
A: Ever since '91, August of '91.
Q: Okay. And where did you live before 1991?
A: At the funeral home.
Q: Okay. And are you married?
A: I was; I'm divorced now.
Q: Okay. When did you get a divorce?
A: '89 I think, I'm not sure.
Q: Okay. And do you have any kids?
A: Two, not by my ex-wife, one by my wife.
Q: Okay. And what are their names?

A: The oldest one is Olander Wheeler; he was born in '79.
Q: What was his first name?
A: Olander, O-L-A-N-D-E-R.
Q: Okay.
A: Wheeler, W-H.
Q: Okay. And what is the name of your other child?
A: LaTonia Davis.
Q: Where does Olander currently live?
A: Hartsville, South Carolina.
Q: Is he employed with the funeral home?
A: No.
Q: Okay. What about LaTonia, where does she live?
A: Hartsville, South Carolina.
Q: Same question, does she work at the funeral home?
A: Yes.
Q: Okay. And what does she do at the funeral home?
A: Secretary.
Q: And how long has she been secretary at the funeral home?
A: Ever since she got out of school, I don't

remember when she got out.
Q: Has she always been a secretary from the start ---
A: Yes.
Q: --- until today?
A: Yeah.
Q: And when you say getting out school, getting out of high school?
A: No, college.
Q: Oh, okay. What college did she go to?
A: She changed; I don't remember.
Q: Okay. Now, with regards to you, did you go to high school in Hartsville?
A: Yes, Hartsville High School.
Q: Okay. What year did you graduate?
A: '72.
Q: Did you go to college or take any college courses after graduation?
A: Yes.
Q: Okay. First question, did you physically attend a college after graduation?
A: Yes.
Q: And where did you go?
A: Florence-Darlington Tech.
Q: What did you study at Florence-Darlington

Tech.
A: I went into the mortuary field.
Q: I'm sorry, can you repeat that?
A: I went in the mortuary field.
Q: Okay. And did you get a degree from Florence-Darlington Tech?
A: No.
Q: Okay. Did you stop school at some point?
A: For a while, in order to operate the funeral home.
Q: Okay. Do you know what year that was?
A: In '81, I think.
Q: And I saw somewhere where you indicated that you've been working at the funeral home since you were 10 years old?
A: Yes.
Q: And you've worked continuously at the funeral home since you were 10?
A: Yes. Yes.
Q: I'm curious, did you get paid when you first started?
A: Yes.
Q: That's good. I wish I had a job and I was when I was 10 years old.
A: Young was a good man. He was just like a

daddy.
Q: Very good. What did he have you do when you first started?
A: Toting flowers, taking out trash, just stuff like that, and them few little dollars felt good.
Q: Very good. Now, at some point, did you get an official position with the funeral home, such as ---
A: Assistant.
Q: Okay. And when you say assistant, you mean assistant funeral director?
A: Yes.
Q: Do you remember the approximate year you became assistant funeral director?
A: He had a heart attack in '76, and I was that before. I think it was 1974 we did that.
Q: Okay. And how long did you serve as assistant funeral director for the funeral home?
A: Until he died.
Q: Okay. So, that would've been 1979?
A: December 22nd, 1979.
Q: Did your position change with the funeral home after Harold's death?

A: No. Chellie become president and I become vice president.
Q: Okay. And we'll get into a little more detail around that time period when we get to it. So, when you became vice president, did you also serve as funeral director for the funeral home?
A: No, I had morticians there working for me.
Q: And who was the boss that everyone reported to?
A: I were.
Q: Okay. And what was Chellie's role as vice president -- I'm sorry, as president?
A: She was president.
Q: Right.
A: She wasn't there.
Q: Okay. When you became assistant funeral director around 1974, do you remember what you were being paid?
A: No.
Q: You don't?
A: Mm-mm.
Q: Did you receive a check on a weekly basis?
A: Yes.
Q: Okay. Did you deposit it into a bank

account?
A: Yes.
Q: Okay. And which bank did you bank with at the time, in 1974?
A: Bank of Hartsville.
Q: Okay. And has that been the only bank account that you've deposited your funds from your work?
A: Yes.
Q: And right now, as of today, are you still employed with the funeral home?
A: Yes.
Q: Okay. And what is your role in the funeral home today?
A: I'm retired.
Q: You're going to retire?
A: No, I am retired.
Q: Well, good for you; I'm jealous.
A: Okay.
Q: Okay. So, you don't do any day-to-day stuff for the funeral home.
A: No, I just run my mouth, be nosey when I'm able. I've been, been having a lot of sickly problems lately.
Q: Okay. I'm sorry to hear that. When did you

retire?
A: About four years ago.
Q: Four years? So, that would've been 2018?
A: I guess, or before. I think.
Q: And when you retired, was there someone who took over the day-to-day operations of the funeral home?
A: I'm still the overseer, say what and don't. I have managers there to operate the place.
Q: Okay. And who is the person directly below you, after you retired in 2018?
A: That was Wendell Davis, he no longer with me.
Q: And what was his position with the funeral home?
A: Assistant, and he was really my business manager at the time, too.
Q: And when did he cease to become employed?
A: No, he not deceased.
Q: Well, ceased, meaning stopped being an employee of the funeral home.
A: He walked out in '18.
Q: And who took over his position?
A: Draper Myers.
Q: How do you spell that?
A: D-R-A-P-E-R.

Q: Myers?
A: Right, M-Y-R-E-S.
Q: And is he the current assistant funeral director?
A: Yes, he's there now, but I also got two more.
Q: And who are the other two directors at the funeral home?
A: James Bell.
Q: Okay.
A: And Tyrone Specks.
Q: Can you spell the last name?
A: S-P-E-C-K-S.
Q: And did they all become assistant director right around the same time when Wendell walked out?
A: Yeah, I hired a new crew.
Q: Okay. Very good. Now, with regards to the funeral home, let's talk a little about the history and what you know about it. Do you know the year that it was first started by Harold?
A: 1947.
Q: 1947?
A: Yes.
Q: Wow, that's the first time I heard that.

A: Seventy-five years this year.
Q: And do you recall, to your personal knowledge, if Harold had set up an actual company at that time, or did he just operate it in his name, doing business as?
A: Young and Young Funeral Home, that's the only thing I ever knew.
Q: And when he set up his business in 1947, did he set it up by himself, so he was a sole owner?
A: Yes, I would assume.
Q: What's that?
A: He was the owner. He had the right to do that.
Q: Sure, yeah.
A: Now, I wasn't here then, okay?
Q: Right.
A: Okay.
Q: Gotcha. I guess, if you were born in 1953, you started working at the funeral home in 1963?
A: No.
Q: No?
A: In 1963, yes, but I become permanent after I got out of school.

Q: Gotcha.
A: The year Kennedy died, I think.
Q: That's an easy year to remember then, I gotcha. So, you became permanent after you left Florence-Darlington Tech, and that was around 1981?
A: No. I went to school then, afterwards.
Q: You went to school after Florence-Darlington Tech?
A: Yeah. Yes, after he died in '78.
Q: And what school did you go to?
A: Florence-Darlington Tech, as I so stated.
Q: Yeah, that's the one I had here. And you said you stopped your courses at Florence-Darlington Tech around 1981?
A: Yes.
Q: So, you can take over and operate the funeral home?
A: Right. We were losing too much business.
Q: Gotcha. All right. So, when Harold died in 1979 ---
A: '78.
Q: I'm sorry, '78, how many employees did he have at that time?
A: One.

Q: One?
A: Yes.
Q: Is that you?
A: That's all.
Q: What about Dorothy? Did Dorothy have anything to do with the operations?
A: She was a manager, the cafeteria manager at the school.
Q: Okay. So, she had her own full-time job.
A: Right.
Q: Okay. So, it was just you and Harold running the funeral home?
A: Yes.
Q: Okay. And at the time of Harold's death, who was keeping up with the records? Was it you or was it Harold keeping them?
A: We both.
Q: Both were?
A: He had a heart attack in 1976, ---
Q: Gotcha.
A: --- so he wasn't there much.
Q: Okay. So, right around 1976, when he had his heart attack, you kind of took over most of the responsibilities?
A: Yes, though he came around, he around there.

He had his mind.
Q: And is there an office at the funeral home, where you kept all these records?
A: At that time, the warehouse.
Q: The warehouse? Is the warehouse part of the building that has the funeral home?
A: It's right behind the funeral home.
Q: As of today, who maintains the records at the funeral home?
A: My niece, Carolyn.
Q: Carolyn? What's her last name?
A: Johnson, and LaTonia Davis.
Q: And how long have they been recordkeepers for the funeral home?
A: Carolyn, since 2018.
Q: And LaTonia since?
A: I don't know when she came there; I don't remember.
Q: Gotcha. Now, let's talk about the death of Harold Young in 1979.
A: '78.
Q: '78, I'm sorry. Do you know if a probate estate was opened for him?
A: Yes.
Q: There was a probate estate opened for him?

A: Yes. They died three weeks apart.
Q: Mm-hmm, yeah. I noticed, we asked for the public records for both Harold Young and Dorothy Young, and we only found records for Dorothy Young.
A: They did it all in one. The law firm handled it.
Q: Okay. But there was only one case number.
A: I know -- I don't know.
Q: Okay.
A: That's for the lawyers.
Q: Yeah, just answer what you know. If you don't know, it's okay to say I don't know. To your recollection, you think that there was in an estate opened for Harold Young?
A: Everything that was in the will go to Dorothy Young. And the law firm at that time, you know, they took over, they did everything.
Q: Okay. And which law firm was that?
A: Saleeby Law Firm in Hartsville. They did all the paperwork for us, for him.
Q: And you said that there was a Will that Harold had?
A: Yes.
Q: And he left everything to Dorothy?

A: You're right.
Q: Okay. So, when he died, he basically transferred all his interest in the funeral home to Dorothy?
A: Right.
Q: Okay. So, Dorothy became the sole owner of the funeral home after Harold died?
A: Well, like I said, they died three weeks apart.
Q: Mm-hmm.
A: There's time consuming in there, you know, with what the lawyer had to do.
Q: Yeah, gotcha. All right. So, let's talk about when Dorothy died.
A: Okay.
Q: She died three weeks later?
A: January 16.
Q: Mm-hmm. And based on the public records, you and Chellie submitted a petition to open her estate and be the Personal Representatives for the Estate of Dorothy Young.
A: I'm quite sure the lawyer handled that, we just signed.
Q: I gotcha, okay.

PLAINTIFF'S EXHIBIT NUMBER 1

MARKED FOR IDENTIFICATION

Q: Just to go back here, I'm going to hand you what's been marked as Plaintiff's Exhibit 1. I'll just give you a minute to look at it. Let me know when you're ready.

A: Okay.

Q: Are you familiar with that document?

A: Yes.

Q: Do you remember seeing that before?

A: Yes.

Q: Is that a copy of the Law Will and Testament for Harold L. Young?

A: Yes.

Q: And if you take a look at item number two, it says, "I hereby will, devise and bequeath unto my wife, Dorothy J. Young, all my property, whether real, personal or mixed and wheresoever found, in fee."

And you indicated earlier in testimony that under his Will, Dorothy got everything.

A: Yeah.

PLAINTIFF'S EXHIBIT NUMBER 2
MARKED FOR IDENTIFICATION

Q: I'm going to hand you what's been marked as

Plaintiff's Exhibit 2. Take a look at it. Do you recognize that document?

A: No, I've never seen it before, but it's something that the lawyer had us to do.

Q: Okay.

A: Okay.

Q: You see that it's titled on the first page, "In the Probate Court, Petition for Letters of Administration in Order for Citation to Issue."

A: Yes.

Q: If you take a look at, sort of in the middle of that page, do you see a space with a bunch of lines and columns?

A: Yes.

Q: And right before that, it says here, "In the year of our Lord, one thousand nine hundred and seventy-nine, possessed of goods in estate remaining to be administered, leaving as her only heirs at law and next of kin, the following:" ---

A: Where are you? Where are you reading that?

Q: I'm sorry.

A: Oh, right here.

Q: You see where it says that.

A: Right.
Q: And it lists Chellie as the only, or the sole heir to the Estate of Dorothy.
A: Mm-hmm.
Q: Is that right?
A: Yes.
Q: So, there isn't anyone else named here to receive anything from Dorothy's estate.
A: No, it was Young and Young Funeral Home at the time.
Q: There was no Young and Young Funeral Home at the time.
A: Yes, there was.
Q: I'm sorry. Repeat what you just said, because I thought you said there was ---
A: I said, it was Young and Young Funeral Home, when we opened up the safe. The corporation didn't come until later.
Q: Okay. All right. So, going back to my question, just to make sure that the record is clear, Exhibit 2 reflects that Chellie Mack is the sole heir to her mother's estate. Would you agree with that?
A: Yes.
Q: In fact, if you look at the last page, your

signature is provided up there. Is that your signature on page three?
A: Yes.
Q: Is that Chellie's signature right below yours?
A: Yes.
Q: And right below that, your signature is actually notarized. So, you're swearing here that everything in this petition is true.
A: Yes.
Q: Okay.

PLAINTIFF'S EXHIBIT NUMBER 3
MARKED FOR IDENTIFICATION

Q: I'll just give you a minute to take a look at that, what's been marked as Plaintiff's Exhibit Number 3. Let me know when you're ready.
A: Okay, I'm ready.
Q: And I know it's been a long time, so I'm sure you don't remember the things you signed over 20 years ago, but does the first page of this document reflect that this is a Warrant of Appraisement?
A: Yes.
Q: Okay. If you look at the bottom of first

page, item one, it says here, "Transfers within three years prior to death," so three years prior to the death of Dorothy Young. It says, "None," right?

A: She died three weeks behind Young.

Q: But, based on this document, she hadn't transferred anything before she died.

A: She wasn't able to.

Q: Okay. And if you take a look at the second page, item two, it lists some items that are part of the personal property of the estate. Do you see that?

A: Yes.

Q: So, on the top, you see, "Cash at hand," and you see, "Cash in banks and depositories," and you see, "Life insurance payable to the estate." Do you see that?

A: Yes.

Q: And it totals 108,857?

A: Yes.

Q: And below that, you've got a number of real estate listed and their values, is that accurate?

A: Yes.

Q: And to your recollection, did this comprise

part of the Estate for Dorothy Young?
A: Yes.
Q: And Chellie Nixon was the sole heir to the estate, correct?
A: Yes.
Q: And if you take a look at item number six, on the next page -- Actually let me take that back. Look on the top of the next page where it says, "Jointly Owned Stocks, Bonds, and Other Property With Right Of Survivorship."
A: Yes.
Q: They reference, "Number of Shares, eight acres, Byrd Nest Farm." What was that?
A: It's a farm out there where his house is, where they used to sell lots. Four people own it together.
Q: Okay. And it doesn't have any other companies listed here where Dorothy owned any stocks at the time?
A: No.
Q: Okay. And if you take a look at item number six, "Transfers Intended To Take Effect At Death," meaning when she died, it automatically goes to somebody, and it has "None," correct?

A: It was her estate.
Q: So, if you take a look at the next page, it basically summarizes some of these items we went over: the cash in the banks, the Bank of Hartsville, and the life insurance payable to the estate. So, that was the cash portion of the inventory, correct?
A: Yes.
Q: Okay. And on the last page, the top of it has your signature, which is notarized, correct?
A: Yes.
Q: And you're certifying that this comprises the estate and their values for the Estate of Dorothy Young?
A: Yes, along with the appraiser.
Q: Okay. Now, how did it come about that you became a Personal Representative for Dorothy's estate?
A: Young always -- People used to call me Sam Young, not Sam Davis.
Q: Okay.
A: Because he would tell people I were his son. He wanted to legally adopt me, but Mama and Daddy wouldn't allow that. I had two homes,

I was blessed, that I lived in.
Q: Okay.
A: And when this time come, Chellie didn't want to do any paperwork at that time, okay? And that's it.
Q: Okay. So, it was Chellie who approached you?
A: Yes, we were working together.
Q: Okay. All right. What happened? I'm just curious; what happened to all that cash and the land that was part of that estate?
A: It went to Chellie.
Q: Okay.
A: You know, she got what she was supposed to get. I wasn't ---
Q: Which is basically everything in these papers?
A: I wasn't part of it, except for 35 percent.
Q: Okay. Let's take a look back at Exhibit 3 -- well, actually, not even Exhibit 3.
I've looked through the public records for the estate. Where was it where you received 35 percent from Dorothy's estate?
A: Harold Young and his coworkers.
Q: I'm confused. It's the Estate of Dorothy

Young? So, how did ---
A: No, no. They were carrying out to do what he wanted to do. And what he said he ---
Q: Okay. Going back, who are you talking about when you say they?
A: All right. He called Senator Saleeby.
Q: Who's he?
A: Young.
Q: Harold Young?
A: Yes.
Q: Called Saleeby?
A: On December, I think it was the 21st; I'm not for sure of that date, but it was in December, just prior to his death. We getting ready to celebrate Christmas, and he told Senator Saleeby what he wanted to do, along with three other leaders in the community, which was his partner. They talked to Chellie, and Chellie agreed to give me the 35 percent under her own freewill.
Q: Mm-hmm. Other than your testimony, where is a document that shows that you got 35 percent?
A: The incorporation, ---
Q: --- from the Youngs?

A: -- Saleeby Law Firm have that in the books.
Q: Right. And they were subpoenaed and they said they, they didn't have any documents to reflect that. So, I'm asking you, was there any agreement, anything in writing that was signed by Harold Young?
A: I don't recall.
Q: You don't recall?
A: I recall him talking about it.
Q: So, all you had is a verbal ---
A: Yes.
Q: --- telephone call?
A: No, no. It wasn't no telephone call.
Q: Okay.
A: They sat there in his office.
Q: So, there was actually -- It wasn't a phone call?
A: It was like a little meeting.
Q: So, it was a meeting now?
A: Right. You know, it was -- They met. And you asked me one question, now you asked me another one that brings me back to the same thing, which you just rephrased it a different way.
Q: Well, no, I just want to make it clear on the

record what you're saying though.
A: Well, on the record ---
Q: Mm-hmm.
A: --- for the 35 percent, they talked about it in his office.
Q: Mm-hmm. So, who was present at that meeting?
A: Harold Young.
Q: Harold Young was present.
A: Walter Young.
Q: Okay. Were you there?
A: Bishop - huh-uh. I was on the side, in another office.
Q: You were in the office there with them?
A: No, I was in another office. I could, I could hear what was going on.
Q: So, you actually have no personal knowledge of what was discussed?
A: I could hear. It's a small funeral home.
Q: So, you were listening to the ---
A: No, I had no choice. They knew I was there. Okay? And he wasn't the type of person to try to do something behind your back.
Q: Uh-huh. Okay, so there was this meeting and you said it was at the funeral home?
A: Yes.

Q: And Harold told -- And Saleeby was there?
A: Saleeby was not there at the time. They the one that talked to Senator Saleeby, with Chellie, and that's how I ended up with the 35 percent, to the best of my knowledge.
Q: Okay. Let's step back here. Who was in the room at the funeral home that you're referring to in this meeting?
A: Again, I say Harold, Harold himself, Walter G. Young, Bishop Hunter, and Theodore Hough. They were all partners.
COURT REPORTER: THEODORE? THE LAST NAME OF THEODORE AGAIN?
MR. DAVIS: REPEAT THAT AGAIN.
COURT REPORTER: THE LAST NAME OF THEODORE?
MR. DAVIS: THEODORE HOUGH.
MR. BUTLER: DID YOU SAY HUCKS?
MR. DAVIS: HOUGH. HOUGH, H-O-U-G-H.
COURT REPORTER: THANK YOU.
MR. BUTLER CONTINUES:
Q: So, Harold Young, Walter, Bishop Hatcher, you said?
A: Hunter.
Q: Hunter, and Theodore Hough, four people?
A: With Young, four.

Q: Okay. And you said this was held at the funeral home on December 21st, 1978, ---
A: Right.
Q: --- shortly before he died?
A: Yes.
Q: And you weren't at the meeting but you overheard everything they said?
A: He, he called, he called Senator Saleeby, and he even told me what, what they was just -- the office is just right across from one another.
Q: Uh-huh.
A: And they were having their little Byrd Nest meeting they had every year where they disbursed money where they sold lots.
Q: Okay. So, how did they -- what was the next step after Harold called Saleeby and allegedly told him to transfer 35 percent to you?
A: He died.
Q: So, nothing was done?
A: He had a heart attack.
Q: So, there was no documents, nothing signed --
-
A: No.

Q: --- before he died?
A: No.
Q: So, it never came to fruition?
A: No.
Q: Okay. If you were going to buy a car and the person selling the car dies before you pay him the money, are you entitled to that car?
A: No.
Q: Okay. So, regardless of what happened, unfortunately, the transaction never moved forward because he died of a heart attack.
A: He died of a massive heart attack.
Q: Okay.
A: Chellie wanted to carry out his wishes.
Q: Okay. Now, the Estate of Dorothy Young includes all the funeral property and assets, correct?
A: Yes.
Q: And according to Exhibit 2, which is the Petition for Letters, Chellie inherited everything from the estate?
A: Yes.
Q: So, when Harold Young died, it went to Dorothy, ---
A: Then to Chellie.

Q: --- and then, when Dorothy died, it went to Chellie?
A: And then she made the decision that she made.
Q: Okay. So, now, it's not Harold giving you -- it's Chellie who gave you the shares after?
A: No, it's Chellie that signed saying she wanted to give me my 35 percent that he wanted me to have.
Q: Okay.
A: What part are we getting messed up on here?
Q: Well, you said first it was Harold that gave you the 35 percent.
A: No, that was in another conversation ---
Q: Right.
A: --- when you asked how did it come about.
Q: Right. So, Harold -- According to your testimony, Harold told Saleeby he wanted to give you 35 percent, but he died before he could do it.
A: Yes.
Q: And then, Chellie, according to your testimony, just said, "You know what? I'll honor his wishes and give you the 35 percent." Is that what your testimony is today?

A: That's what she did.
Q: Okay.
A: She carried out his wishes, just as I'm still carrying out his wishes in the funeral industry.
Q: Shortly after or close to the end of the administration of Dorothy's estate, there was an Articles of Incorporation that was filed?
A: Mm-hmm.
Q: Do you know why?
A: I don't know.
Q: Okay. We'll get to that in a minute. Now, I've asked for documents about the 35 percent, and your attorney has indicated there are no documents to reflect the 35 percent.
MR. PAYNE: I'VE GIVEN YOU THE STOCK BOOK.
MR. BUTLER: NO, I SAID -- THERE'S NOTHING SIGNED BY CHELLIE, IT'S ---
MR. PAYNE: OH, OKAY. I WAS THINKING YOU DIDN'T HAVE THE BOOK.
MR. BUTLER: NO, NO, NO, NO. I'M NOT SAYING THAT.
MR. BUTLER CONTINUES:

Q: Isn't it true there's nothing signed by Chellie, to this day, that reflects she gave you 35 percent interest in the funeral home?
A: She did not sign ---
Q: No, no. Answer my question, and then you can explain. My question is: There isn't any document in existence that reflects Chellie signing over her 35 percent to you that is signed by Chellie?
A: It's in the corporation books.
Q: No.
A: It should be.
Q: I've looked at the books. There isn't anything signed by Chellie. I'm telling you this, but I want to know your personal knowledge.
A: I don't know. I don't know.
Q: You don't know?
A: I mean, I don't know.
Q: So, if the records don't reflect a document signed by Chellie giving you 35 percent ---
A: She said she did it by law, under the lawyer. That's a question for her attorney, not for me.
Q: Oh, I'm just asking what you know.

A: All right.
Q: If you don't know, it's fine to say, "I don't know."
A: I don't - You know, that's it.
Q: Okay.
A: She just carried out his wishes.
Q: Okay.

PLAINTIFF'S EXHIBIT NUMBER 4
MARKED FOR IDENTIFICATION

Q: I'm going to hand you what's marked as Plaintiff's Exhibit 4. I'll let you take a look at that first, and let me know when you're ready.
A: Okay, I'm ready.
Q: Okay. Do you remember this Affidavit that you signed back on December 8th, 2020?
A: Yes.
Q: And then, if you take a look at the first page, third paragraph.
A: Mm-hmm.
Q: If you look at the second sentence, it says, "The Young family left me 35 percent interest in the business."
A: Okay.
Q: And when you referred to the Young family,

who were you referring to?
A: Harold and Dorothy.
Q: Harold and Dorothy?
A: Mm-hmm. Dorothy would've gave it to me with no problem, I know that.
Q: Okay.
A: But Chellie still carried out their wishes. Nothing could not have been done if she would never have signed and did it.
Q: But you're saying here though, that when you referred to the Young family, you were talking about Harold and Dorothy?
A: I'm talking about Harold, yeah, and their estate, because his estate went straight to her in the Will.
Q: Uh-huh.
A: So, it will be up to Dorothy in order to do it, but since they died sequentially, almost the same time, then they bring in Chellie.
Q: Uh-huh.
A: But if they would've got another Will done, then that would've been a horse of a different color.
Q: Yeah, that didn't happen, right?
A: No, that did not happen.

Q: So, Chellie inherited everything?
A: Yes.
Q: You say, "The remaining 65 percent was left to their daughter, Chellie," but that's, that's not what the exhibit reflects. On the Petition, you said that Chellie got a hundred percent of the entire estate of Dorothy.
A: She signed 35 percent over to me, okay?
Q: Well, no, let's clarify the record. I asked you if there was a document that she signed transferring 35 percent to you, and you said you have no idea.
A: You know what, when they went to the lawyer office, what she did down there?
Q: Okay.
A: All I know is I got a -- did get a certificate where I become the owner of 35 percent.
Q: With Chellie's signature on it?
A: Right, when they incorporate the business. Now, when they incorporated, I don't know. I think we did it in '79.
Q: Okay. If there was a document signed by Chellie to that effect, can I get a copy from your attorney?

A: I don't know about it.
Q: Okay. You're saying here under oath that you remember a document signed by Chellie transferring 35 percent to you.
A: I'm talking about the lawyer thing, when they did it, they said ---
Q: Well, no, I'm asking you have you seen, you personally have seen ---
A: No, no, no.
Q: Okay. You've never seen, okay.
A: No, no, no.
Q: That's my question.
A: Okay.
Q: Okay. In your Affidavit, that same paragraph starts, "Chellie was paid 65 percent of the net profits from the business until 1982."
A: Yes.
Q: Okay. Now, who was your CPA at the funeral home at that time?
A: Hamilton, right down the street.
Q: Was there a fellow named Payton?
A: He was the last CPA before I got another one. I terminated him a few years ago.
Q: Yeah. Wasn't he the CPA for the funeral home, for ---

A: Yeah, Jordan Law Firm. He started out with Jordan Law Firm in Darlington. Then, he opened up his own place in Florence, and I follow him because I liked his work.
Q: Okay. If you don't mind, let me complete the question first so that the court record reflects my question and your answer.
So, going back, was Payton a CPA at or around 1980 through 1982 for the funeral home?
A: The best I can remember, yes.
Q: Okay. So, any information that was provided to Payton, your CPA, he testified in his deposition was provided by you?
A: Yes.
Q: Okay. So, any tax returns that would be filed on behalf of the funeral home would be based on information you provided to Payton?
A: That's right.
Q: Okay. One of the documents that comprised part of a tax return is something called a K-1. Do you know what a Schedule K-1 is?
A: No.
Q: Okay. A K-1 is a document that reflects who owns the funeral home, and how much they own

of the funeral home. If you were the one providing information to Payton about the funeral home, you would've told the CPA that Chellie was a 65 percent owner and you were a 35 percent owner, correct?

A: I'm getting crossed up.

MR. PAYNE: I OBJECT TO THE FORM.

A: I'm getting crossed up ---

Q: Okay.

A: --- with, with your question.

Q: Okay, I'll rephrase it. So, going back, you were the one who provided information about who owned the funeral home to Payton, the CPA?

A: Yes.

Q: In 1980, who did you say to the CPA owned the funeral home for tax purposes?

A: Young and Young Funeral Home Estate.

Q: Yeah, and who owned that, who owned that company?

A: Chellie.

Q: You told the CPA that Chellie owned it?

A: No, they -- you know, at that time. Maybe I'm getting crossed up on that question. Okay?

Q: That's okay. Because every year the funeral has to file taxes and you have to provide the information, correct?
A: All that information went to the CPA.
Q: One of the things they have to know is who the shareholders are.
A: I become the full shareholder in '82.
Q: So, beginning in 1982, you told the CPA you were the hundred percent shareholder?
A: Right.
Q: In 1981, what did you tell the CPA as being the shareholders of the funeral home?
A: They know we involved in the estate and did the paperwork according. That's a question you need to ask the CPA.
Q: No, I'm asking you, because you are the one that provided the information so you should have personal knowledge.
A: All I did is send it to him, whatever he needed.
Q: Okay.
A: Now, to go back to back then, I don't know.
Q: Well, in 1981, you weren't the hundred percent owner of the funeral home yet, were you?

A: That when they incorporated? I don't even remember the year we incorporated.
Q: Well, you're sending mixed statements here. In 1981, you were not the 100 percent owner of the funeral home, correct?
A: No.
Q: Okay. So, you would've informed the CPA of that, correct?
A: And I said that.
Q: Okay. So, you would've told him Chellie was the other shareholder for funeral home?
A: They know that.
Q: Okay. Would it surprise you to know that during his deposition, your CPA said he's never heard of a Chellie Nixon or a Chellie Young, ever, during the time that he did taxes for the funeral home?
A: Well, they transferred -- you know, as I told you, Jordan was doing so much, and when Payton came over and opened up his own place in Florence, you know, I found out where he worked, and I came back and changed and, you know, that's it.
Q: Okay. I'm just talking about 1981. I'm not talking about anything afterwards, what he

did, opening his office. I'm not talking about any of that.

I'm talking about 1981. You would've provided the information to Payton with regards to the funeral home, correct?

A: Right.

Q: All right. Now, this is what gets me here in your Affidavit. You say, "In March of 1982, Chellie, while battling with a drug addiction, sought to sell the property and her share of the business with the property, with the property." "With the property," I think that's just an error there.

So, in March of 1982, in your Affidavit, you're saying Chellie wanted to sell all her property and her share of the business?

A: She did. Not want to; she did.

Q: Okay. Did you have a good relationship with Chellie?

A: I tried to stop her. I begged; I pleaded.

Q: Yeah.

A: I got on my knees, and I don't want bring her name through the mud.

Q: No.

A: She'd dead; let her rest in peace.
Q: I understand. So, in March of 1982, Chellie, while battling with a drug addiction -- that's your words -- sought to sell her property and her business, and you accepted it?
A: I couldn't do nothing.
Q: You could say no.
A: Look here, she agreed to what she wanted to do. Okay?
Q: During that time period, she was battling a drug addiction?
A: And then, you know, your, your question to me, you going back and forth. You getting me confused.
Q: I'm going off of exactly what you're stating in your Affidavit.
A: Okay. Well, that's what I have said in the Affidavit.
Q: Okay.
A: Okay.
Q: So, you were okay with buying her share out while she was battling a drug addiction?
A: Rather than for her to sell it to someone else on the street, yes.

Q: Okay.
A: You know, Young worked too hard for that little place, too hard.
Q: Mm-hmm. So, you had all these folks -- If you'll look at the next sentence. "Chellie was advised against this by Mr. Frank Hough, a realtor, and by then attorney, Senator Saleeby."

So, everybody was going to Chellie at that time, based on this Affidavit, saying, "Don't do that. Don't do that."
A: They were going, they were going to her at that particular time, right after Young died. Okay?
Q: But despite everybody saying, "Don't do it," y'all go ahead and do it?
A: What will you have did? Of course, that's not your question; that's not your question.
Q: No, that's a question for you. I want to know why you did it?
A: Again, I didn't want his business, anything that he owned, I didn't want the funeral home name to go down, because he was loyal to the public that we serve, the community that we serve, and, I wanted to keep that

relationship there.

Now, the other property, his home and stuff, it didn't matter to me. I pleaded with her, you couldn't talk to her, and that's it.

Q: Okay. It says here, "Chellie chose, instead, to sell her shares to me at $1,000 per share, totaling $65,000."

Do you know how that figure came about?

A: She wanted money, and that's what she agreed to, and she told me, and I accepted what she said.

Q: Okay. Did you do an appraisal of the funeral home and its operating business?

A: No, I just went to the bank and had, you know, borrowed money for it.

Q: Good. That's leading to my next question. The $65,000, so you went to the bank to get a loan?

A: Bank of Hartsville, which I had no problem getting a loan, never did.

Q: Is that loan still outstanding?

A: No.

Q: When did you pay that off?

A: I don't remember.
Q: Do you know if it was shortly after you took out the loan, or was it about five years?
A: I don't remember. I know I added to the place in '86, and during that time, I reconverted the loan and added more money to it to complete the renovation that I was doing.
Q: So, you're saying you refinanced later ---
A: Right.
Q: --- and rolled it into this new loan?
A: Right.
Q: So, Bank of Hartsville should have all these records of the loan they gave to you for $65,000?
A: I don't know what they have. I'm hoping they will have it and, you know, you'll see.
Q: Okay. And that loan would've been made right around 1982, before you purchased, the $65,000?
A: It was during that time, that week or so.
Q: And did the bank issue an actual bank check payable to Chellie?
A: A certified check payable to Chellie Y. Mack were given to Saleeby. Saleeby, in turn,

gave it to her, and had her to sign. Now what he had her to sign, I don't know.

Q: Now, in your Affidavit, you said the only folks at this meeting was Mr. Saleeby, both myself and Chellie.

A: My wife, ex-wife.

Q: Your ex-wife was there, too?

A: Yes.

Q: How come you didn't mention her in your Affidavit?

A: Maybe I want to forget her completely. All right?

Q: So, who was this other person that you're saying now was at ---

A: Ernestine B. Davis.

Q: Why was she there?

A: She was the vice president or secretary. She was secretary of the estate.

Q: And this is the person that you got a divorce with, correct?

A: Yes.

Q: Are you all still on good terms?

A: Not really, but I'm all right with it.

Q: Where does she live now?

A: Hartsville.

Q: She lives in Hartsville?
A: That's my daughter's mama.
Q: It says here, "Chellie was paid in certified funds and was also paid her last controlling interest payment in March 1982."
Can you explain the last controlling interest payment you referenced in your Affidavit?
A: If we did five funerals, whatever five funerals would total, she would get her 65 and I would get my 35. But, that's a question for the CPA; they handle that.
Q: Okay.
A: And she wanted everything -- she didn't want to have nothing else to do. But finally, she found her turn, and she came back.
Q: So, each of you were being paid on a regular basis based on this controlling interest?
A: That's what she wanted.
Q: That's what Chellie wanted?
A: Right.
Q: So, how was it ---
A: You could not, you could not operate a place of business spending everything that you had. You got to buy supplies and stuff.

Q: I agree. I've got a business. There's a lot of expenses that go into it, I agree.

So, basically, you're talking about the net profits ---

A: Yes.

Q: --- were paid to you and Chellie?

A: After expense were paid, yes.

Q: Okay. And she would get 65 percent of the net profits, and you would be paid 35 percent of the net profits?

A: Thirty-five percent, yes.

Q: Okay. How was it paid? Was it paid every month? Was it paid every quarter?

A: No, just whenever we get some money into the account. Now, if it were left up to her, it'd be every day, if possible, you know, but that can't happen. And to go back there and say what I paid her every month, a week or something, I don't, I don't remember that. My focus was on that funeral home; that's it.

Q: So, did you report that to your CPA, the amounts of monies that you and ---

A: They the one that tell me what to do.

Q: Excuse me?

A: They the one that informed me what amount I

should be paying her.
Q: Of the net profit?
A: Yeah.
Q: Okay, your CPA told you that?
A: Whatever I should give her, she get a profit of whatever came in there on a certain period of time.
Q: So, your CPA told you that if there's net profits ---
A: They the one that -- whatever he said, if the money were there, I write the check, I signed the check.
Q: Okay. And which CPA told you that? Was it Payton?
A: That was Payton, I think, during that time. Nope, it was Hamilton. They had it, when it first become incorporated.
Q: Do you know what Chellie did with her 65,000?
A: No.
Q: Bank of Hartsville, is that still known as Bank of Hartsville?
A: No, it's South.
Q: South State?
A: South State Bank.
Q: Now, do you remember receiving a subpoena

back in 2020 from a Robert E. Lee?
A: Yes.
Q: Okay.

PLAINTIFF'S EXHIBIT NUMBER 5
MARKED FOR IDENTIFICATION

Q: I'm handing you what's been marked as Exhibit 5.
A: Mm-hmm.
Q: Now, this is a document that's titled, Motion Seeking Order and Rule to Show Cause. If you'll take a look, flip through until you see Exhibit A, which is about, I think, the fifth page in. You'll see "Exhibit A" on the top righthand corner.
A: Okay.
Q: Do you recall the subpoena that's marked as Exhibit A on this exhibit?
A: Yeah. I sent it down to Jim Cox at Saleeby Law Firm, and he said that he would take care of it, and that was the end of it for me.
Q: Okay. And if you take a look at the middle of that page of Exhibit A in Exhibit 5, it says, "You are commanded to produce the following documents: All documents which evidence the transfer of ownership of Young

and Young Funeral Home, Inc., from Harold Young to Samuel L. Davis or the current owners of Young and Young Funeral Home, Inc."

A: Where are you reading that?

Q: I'm sorry. Do you see where it says, "You are commanded to produce and permit inspection," and then it has a description?

A: Is that ---

Q: Yeah, sorry.

A: Right here.

Q: Describe the documents that they're asking you to produce.

A: Again, I say Jim Cox say he would handle it, and he told me I owned the funeral home. Nothing could be done.

Q: Okay.

A: The attorney for Saleeby Law Firm.

COURT REPORTER: WHAT WAS MR. COX'S FIRST NAME?

MR. DAVIS: JIM.

COURT REPORTER: JIM. THANK YOU.

MR. BUTLER CONTINUES:

Q: And that was the extent of what you did in regards to that subpoena; you handed it handed over to ---

A: To my attorney.
Q: Okay.
A: And he told me he had taken care of it.
Q: Okay.

PLAINTIFF'S EXHIBIT NUMBER 6
MARKED FOR IDENTIFICATION

Q: In front of you is a document that's marked to Plaintiff's Exhibit 6. It looks like it's a letter that's dated December 14th, 2020. Do you remember ever receiving a copy of this letter or seeing a copy of this letter?
A: No, I don't recall. Now, they probably got it in my file around there, but I don't recall seeing it.
Q: Okay. And you'll notice, this is with regards to the subpoena, and what they produced with this letter, in reference, was three Affidavits, a Secretary of State Certificate of Dissolution, and a balance sheet dated March 31st, 1982.

At the time that they produced this letter, December 14th, 2020, didn't you or didn't the funeral home have the corporate records that you produced later in this particular lawsuit?

A: They kept the books from the beginning.
Q: Uh-huh. Is there a reason why ---
A: Ever since they become incorporated, all paperwork, they kept.
Q: Do you know, do you have personal knowledge as to why those documents weren't produced by Mr. Saleeby and Cox Law Firm at that time?
A: Yes. So, they make sure to keep them at-hand and not me; I was paying them.
Q: So, again, why did they not produce it, because that reflects who owns the funeral home?
A: That's a question for the attorney, not me.
Q: So, you have no personal knowledge about that?
A: No.
MR. BUTLER: I'M GOING TO TAKE A BREAK. DRY THROAT, SORRY.
****OFF THE RECORD****
(On the record.)
MR. BUTLER CONTINUES:
Q: All right, Mr. Davis, we don't have much more to go, and I appreciate you answering my questions.
So, going back to the $65,000 loan,

during that year, 1982, how much money were you making as an employee with the funeral home?
A: I don't remember.
Q: Okay.
A: I can't say. I'm sorry.
Q: All right. Had you, at that time in 1982, saved any money in your bank account?
A: Not like that, no.
Q: Not like that, okay.
A: People weren't making that kind of money.
Q: I gotcha. Now, at that time, do you remember what your credit was in 1982? Did you have good credit?
A: My credit was good.
Q: Your credit was good?
A: Young made sure of that. My credit were good from day one.
Q: You had taken out loans in the past?
A: Yes.
Q: Like an auto loan?
A: You know, car loans.
Q: Car loans, okay. Do you know if that loan that was issued by Bank of Hartsville for 65,000, was it a secured loan, meaning they

had a security on something?
A: The law firm handled that. Whatever they did, they gave me the check, because I needed it right then and there.
Q: Okay. So, you have no personal knowledge about that?
A: Whatever them and the lawyer worked out.
Q: And 65,000, that's a pretty, that's a pretty big loan for 1982, right?
A: Not to me.
Q: Not to you? Okay. Now before ---
A: That's a lot of money.
Q: Absolutely.
A: A lot of money, but ---
Q: Yes, sir.
A: --- $65,000 ain't nothing now.
Q: No. Today, you're exactly right on that. Now, before Chellie died, she was at the hospital, correct?
A: Working at the hospital.
Q: Right. And eventually she got sick and she was at the hospital for a period of time?
A: I went to see her in her last stage.
Q: Mm-hmm.
A: I was told to go see her, and that was it. I

know she had been over to my place and, you know, we talked about things, but that was it.
Q: Okay. Who was the one that told you to go see her at the hospital?
A: Her niece -- her cousin, her cousin.
Q: And who was the cousin?
A: Ernestine Carolina (phonetic). I can't think of her married name, but her maiden name is Carolina (phonetic).
Q: So, you went to visit Chellie at the hospital several times?
A: No, I didn't go several times. I only went one time.
Q: Only went one time.
A: I'm not a hospital freak. I don't like them.
Q: I got you. I don't like hospitals either; they smell weird. So, you visited one time.
A: One time.
Q: And during your visit, did you see other family members of Chellie's there?
A: Her daughter was there, that I was told was her daughter. I think that's her right there.
Q: Okay. And do you recall bringing a set of

papers for Chellie to sign that day that you visited?
A: No.
Q: No?
A: What kind of paper would I have?
Q: I don't know; I'm asking you.
A: No.
Q: No? Okay.
A: What would you be taking sick people a paper for?
Q: I don't know; I'm just asking you. So, what did you do during your visit?
A: No, I just left my card, if I could be any help with anything. You know, they wouldn't have to pay for her being cremated, which I know she wanted to be cremated. Personally, I would like to have had a funeral and then cremate her, you know, to carry her wishes out, but I didn't have no control over that, and that was the end of that.
Q: Okay. So, was it a good meeting that you had with Chellie that one time that you visited her at the hospital?
A: No, she couldn't half talk.
Q: She couldn't what?

A: She couldn't half talk.
Q: Okay. Was it a cordial meeting?
A: No. I would say, you know, she was suffering in pain.
Q: Suffering in pain?
A: And I weren't, I weren't there no time.
Q: Okay. And did you leave this meeting frustrated?
A: It wasn't no meeting, no.
Q: Well, it wasn't a meeting, but you went to go see her?
A: Yes.
Q: Did you leave in a frustrated manner?
A: No, I was hurt, because she up there on her deathbed, okay?
Q: Okay.
A: I do have a heart.
Q: In addition to her daughter, did you notice other witnesses or other people who were there?
A: Wasn't nobody else with her at that time, that I, that I can remember.
Q: Okay. And when you referred to someone being there, you referred to Angela Young?
A: If that's her, yes.

Q: Okay. Your attorney brought a number of pamphlets here. It looks like 1982 accounting and 1983 accounting records. Would you have any personal knowledge about any of this stuff?
A: Yes. We find that, my niece found that, and my daughter.
Q: I mean, do you have personal knowledge about the numbers and the figures ---
A: That's the CPA job. Okay?
Q: Okay. So, if I ask you anything about this ---
A: As I have so stated, that's the CPA job. Everybody got a position.
Q: Okay. And is it okay for us to get a copy of all these from your attorney?
A: Yes.
Q: Okay. Thank you.
MR. BUTLER: ALL RIGHT, I DON'T HAVE ANY OTHER QUESTIONS, MR. DAVIS. I APPRECIATE YOUR COOPERATION, AND THAT'LL BE IT FOR MY QUESTIONS.
MR. DAVIS: OKAY.

EXAMINATION

BY MR. PAYNE:
Q: Just a couple, Mr. Davis. You and Chellie ultimately incorporated the Young and Young Funeral Home; is that right?
A: Yes, sir.

DEFENDANT'S EXHIBIT NUMBER 1
MARKED FOR IDENTIFICATION

Q: I'm going to show you exhibit number, Defendant's Exhibit Number 1, which are called Articles of Incorporation. Let me first ask you, is that -- the copy I have here is not real good, but is that your signature on page two, ---
A: Yes.
Q: --- or at least whatever is showing of it? And is that Chellie's signature?
A: Yes.
Q: I'll have to get a better copy y'all, but on the third page, is that Chellie's signature on page three?
A: Yes.
Q: Okay. It looks like Attorney John Bledsoe helped you with it?
A: For Saleeby Law Firm.
Q: Okay.

A: Now, since then, he have branched out into his own.
Q: Now, up at the top, it looks like this was filed, top left, April 9th, 1979. Is that about when you and Chellie did it?
A: Yes.
Q: And when did Ms. Dorothy Young die?
A: January 16th, 1979, 1:30 a.m. is when they notified me.
Q: That's pretty good. That's what I have written down here. So, you remember that day?
A: I'll never forget it.
Q: So, shortly thereafter, you and Chellie incorporated the business?
A: Yes.
Q: And did Chellie deed over real estate to the business?
A: No real estate, no more than the funeral home.
Q: Well, just the funeral home building and all that, ---
A: Yeah.
Q: --- she deeded to the corporation?
A: Yeah, 65 percent.

Q: Okay. Because she individually owned some of the land and buildings?
A: Yeah.
Q: Okay. But she put it into the corporation?
A: Right.
Q: Okay. And you ---
A: And then March of '82, I get your point, that's when she sold that.
Q: Right. And then, you, in 1979, when y'all incorporated the business, had agreed to continue working with Chellie at this funeral home?
A: Yes.
Q: And she was not doing any work?
A: No, no work whatsoever. Nothing.
Q: Okay. And after you all incorporated in 1979 ---

(REPORTER'S NOTE: MR. DAVIS' CELL PHONE RINGS.)

A: I'm sorry.
Q: That's okay; I thought that was mine.
A: I thought I cut it down.
Q: After y'all incorporated the funeral home in 1979, did she have an active role in the business?
A: No, none.

Q: Okay.

MR. PAYNE: ALL RIGHT. THAT'S ALL I HAVE.

MR. DAVIS: THANK YOU.

MR. BUTLER: NO FOLLOW-UPS.

(This deposition concluded at 11:25 a.m.)

*(*This transcript may contain quoted material. Such material is reproduced as read or quoted by the speaker.)*

STATE OF SOUTH CAROLINA)
) CERTIFICATE
COUNTY OF HORRY)

BE IT KNOWN that Cara-Leigh V. Richardson took the foregoing proceeding and hereby attests:

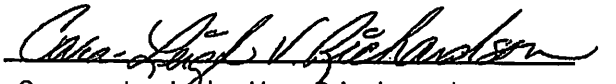
That I was then and there a notary public in and for the State of South Carolina-at-large and that by virtue thereof I was duly authorized to administer an oath;

That the deponent/witness was first duly sworn to testify to the truth, the whole truth, and nothing but the truth, concerning the matter in the controversy aforesaid;

That the foregoing transcript represents a true, accurate, and complete transcription of the testimony so given at the time and place aforesaid to the best of my skill and ability;

That I am neither a relative nor an employee of any of the parties hereto, nor of any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action;

IN WITNESS THEREOF, I have hereunto affixed my signature and title.



Cara-Leigh V. Richardson

DATE: June 14th, 2022
Notary Public in and for
the State of South Carolina
My commission expires: July 10th, 2025

COPY

ON THE RECORD
P.O. BOX 934 * CONWAY, SC 29528
CARA-LEIGH@ONTHERECORD.BIZ
843.602.8051

PLAINTIFF'S EXHIBIT
L-Davis
5-4-22

Last Will and Testament

I, Harold L. Young, of the City of Hartsville, County of Darlington, State of South Carolina, being of a sound mind and disposing memory, do hereby make, publish and declare this instrument to be my Last Will and Testament, hereby revoking all other instruments of a testamentary heretofore by me made:

ITEM I: I direct that prior to any division of any personal property, all my outstanding bona fide debts, if any, be paid out of the first monies coming into the hands of my Executrix hereinafter named.

ITEM II: I hereby will, devise and bequeath unto my wife, Dorothy J. Young, all my property, whether real, personal or mixed and wheresoever found, in fee.

ITEM III: I hereby nominate, constitute and appoint my wife, Dorothy J. Young as Executrix of this my Last Will and Testament and direct that no bond be required of her for the faithful performance of her duties as such.

IN WITNESS whereof I have hereunto set my hand and seal this 24th day of September, 1958.

Harold L. Young (SEAL)
Testator

The foregoing instrument consisting of this one page was on the date hereof, signed, published and declared by the Testator, Harold L. Young, as and for his Last Will and Testament, in the presence of the undersigned, who, at his request and in his presence, and in the presence of each other, have hereunto subscribed our names as witnesses hereto.

James L. McKenzie ADDRESS 113 Hartsville, S. C.

Thomas Kennedy ADDRESS Mrs. J. Bishopville Hartsville, S. C.

Charles C. Kelly ADDRESS Hartsville, S. C.

STATE OF SOUTH CAROLINA,
County of Darlington

Ex Parte Samuel L. Davis and
Chellie Y. Mack
Petitioner.

In Re Estate of:
Dorothy J. Young
Deceased.

IN THE PROBATE COURT
PETITION FOR LETTERS OF ADMINISTRATION
AND ORDER FOR CITATION TO ISSUE

360

To H. Dennis Lloyd, Probate Judge for said county:

The petition of the undersigned respectfully represents:

1. That Dorothy J. Young Age 59 who last dwelt in Hartsville in said County of Darlington State aforesaid, died intestate on the 16th day of January in the year of our Lord one thousand nine hundred and seventy-nine possessed of goods and estate remaining to be administered, leaving
as h er only heirs at law and next of kin, the following:
(Show by subdivision into family group the names of persons taking through any predeceased heir at law.)

Name	Age*	Residence	Relationship to Decedent
Chellie Y. Mack	Adult	Hartsville, S. C.	Daughter

*Enter the exact age at date of decedent's death if then living; if not then living, enter in the age column the word "dead".

2. That the intestate died seized and possessed of a personal estate of about the value of to be furnished later ($) Dollars consisting of the following moneys, goods and chattels:

(a) Cash on hand and in banks $
(b) Moneys due intestate on account of bonds, mortgages and other securities $
(c) Corporate and governmental bonds and stocks $
(d) Open accounts due intestate $
(e) Goods, wares, merchandise, furniture, machinery and equipment used in profession, trade or business $
(f) Household goods $
(g) Farming implements, machinery and equipment $
(h) Farm products $
(i) Mules, horses, cattle, hogs, sheep, etc $
(j) Automobiles, auto trucks, motorcycles, etc $
(k) Jewelry, silver plate, watches and other personal effects $
(l) Life or other insurance made payable to the estate $
(m) Value of all other personal property not listed above $

(OVER)

This form revised by the South Carolina Tax Commission November 1, 1961.
(To be used in all cases where the decedent died after December 31, 1961.)

PLAINTIFF'S EXHIBIT 2-Davis 5-4-22

Page 3

3. That the intestate died seized and possessed of real estate of about the value of _____ ($_____) Dollars, as follows:

DESCRIPTION OF REAL ESTATE AND APPROXIMATE VALUES
(Enter each tract and lot on a separate line).

No. of acres or lots. (State whether acres or lots.)	No. of buildings	Total value of each lot and tract (including buildings.	Decedent's Interest	Exact location. (Show County, Township and School District)
		To be furnished later		

4. That the intestate made transfers and gifts within three (3) years prior to date of death as follows: (If None-So State)

(Include all gifts within three years prior to death and all other transfers, real and personal, either where the consideration may appear to have been inadequate or where the transfer was to a relative or personal friend or to any trustee, firm, association, or corporation in which the decedent was interested, regardless of consideration. Describe the transfer in full; state the approximate value of the property transferred and the amount of the consideration stated or claimed, if any).

To be furnished later

5. Life Insurance, Annuities and/or Endowment Contracts payable to beneficiaries other than the decedent's estate.

Face Value	Contract Number	Name of Company
	To be furnished later	

NOTE:
Item 6 below refers to "joint tenancy with right-of-survivorship". Property held as "tenants-in-common" must be reported under Items 2 & 3 of this return.

6. That the intestate died seized and possessed of personal property standing in joint names of two or more persons and payable to either or the survivor as follows: (Sec. 03-403, S. C. Code of Laws 1952, as amended) (IF NONE-SO STATE)

	FAIR MARKET VALUE AT DATE OF DEATH
A. U. S. Bonds owned jointly with right of survivorship or "payable on death"	$To be furnished later
B. Joint Bank Accounts with right of survivorship	$
C. Joint Accounts in Depositories or other Institutions with right of survivorship	$
D. Joint Stocks and Bonds with right of survivorship	$
E. Joint Miscellaneous property with right of survivorship	$

7. TRANSFERS INTENDED TO TAKE EFFECT AT DEATH (Sec. 65-401 of S. C. Code of Laws 1952, as amended). That the intestate made the following lifetime transfers of property, BOTH REAL AND PERSONAL, reserving unto transferor's self a life estate, income for life or other incidents of ownership that would preclude a fee simple title vesting in the beneficiary until the death of the transferor as follows: (IF NONE-SO STATE)

	FAIR MARKET VALUE AT DATE OF DEATH
A. Real Estate transferred retaining life estate	$To be furnished later
B. Trust created retaining unto self income for life, power to revoke or other incidents of ownership	$
C. Other transfers intended to take effect at death	$

Page 4

388

8. POWERS OF APPOINTMENT (Sec. 65-402 of S. C. Code of Laws 1952, as amended). That the intestate died seized and possessed of a power of appointment over property, both real and personal, whether testamentary or otherwise, with an estimated fair market value of (IF NONE-SO STATE) $ none

9. That your petitioner, who is a resident and citizen of Darlington County, in the State aforesaid, is advised that an administration on said estate is necessary.

WHEREFORE they prays that Letters of Administration on the estate of the within named deceased be granted by this Court to them.

January 16, 19 79

/s/ Samuel L. Davis
Petitioner

/s/ Chellie Y. Mack
Petitioner

STATE OF SOUTH CAROLINA,
County of Darlington

PERSONALLY appeared Samuel L. Davis and Chellie Y. Mack, who being duly sworn says that to the best of their knowledge, information and belief, the statements contained in the foregoing petition are true and complete.

/s/ Samuel L. Davis
/s/ Chellie Y. Mack

Sworn to and subscribed before me this 16th day of January, 19 79.

/s/ Margaret H. Chard
Notary Public for South Carolina

QUALIFICATION OF ADMINISTRATOR

STATE OF SOUTH CAROLINA,
County of Darlington

I DO SOLEMNLY SWEAR or affirm that deceased died without any Will, as far as I know or believe, and that I will well and truly administer all and singular the goods and chattels, rights and credits of the said deceased, and pay all her just debts, as far as the same will extend and the law requite me, and that I will make a true, exact and perfect inventory of all said goods and chattels, rights and credits, and return a just account thereof when required. So help me, God.

Sworn to before me, this 16th day of January, A. D. 19 79

/s/ Samuel L. Davis (L. S.)

/s/ Chellie Y. Mack (L. S.)

Address

/s/ Dennis Rogers
Judge of Probate (L. S.)

Attorney's Name and Address:

FILED
JUDGE OF PROBATE
DARLINGTON COUNTY
JAN 16 2 42 PM '79

Page 5

PLAINTIFF'S EXHIBIT 3-DAVIS 5-4-22

STATE OF SOUTH CAROLINA
COUNTY OF DARLINGTON

IN THE PROBATE COURT

WARRANT OF APPRAISEMENT

By M. DENNIS LLOYD, Probate Judge.

THESE are to authorize and empower you, or any three of you, whose names are hereunder written, to repair to all such parts and places within this County as you shall be directed unto by Samuel L. Davis & Chellie Y. Mack Administrators, Executors, Trustees, of all and singular the goods, rights, and credits of Dorothy J. Young, late of Darlington County, deceased, wheresoever any of the goods, chattels or real estate of the said deceased are or do remain within the said parts and places, and which shall be shown unto you by the said Administrators, Executors, Trustees, and there view and appraise all and every of the said goods, chattels, or real estate, being first sworn on the Holy Evangelists of Almighty God, to make a true and perfect inventory and appraisement thereof, and to cause the same to be returned under your hands, or any three or four of you, to the said M. Dennis Lloyd Probate Judge for Darlington County, South Carolina on or before the 2nd day of March, 19 79.

Dated the 2nd day of February Anno Domini, 19 79, and in the ~~hundredth~~ year of American Independence.

FILED MAR 13 3 08 PM '79 JUDGE OF PROBATE DARLINGTON COUNTY

To Bishop L. Hunter
Walter G. Young
Theodore Hough

any three of them.

M. Dennis Lloyd
Judge of Probate Court
Darlington County, South Carolina

OATH OF APPRAISERS

(This oath to be taken before appraisement is made.)

STATE OF SOUTH CAROLINA
COUNTY OF DARLINGTON

You, Bishop L. Hunter, Walter G. Young, and Theodore Hough

do swear that you will make a just and true appraisement of all and singular the goods, chattels (ready money only excepted) and real estate of Dorothy J. Young deceased, as shall be produced by Samuel L. Davis and Chellie Y. Mack the Administrators, Executors, Trustees, of the estate of the said Dorothy J. Young deceased, and that you will return the same, certified under your hands, unto the Probate Judge of Darlington County within the time prescribed by law.

Sworn to before me this 14th day of March, A. D., 19 79
Notary Public for South Carolina (L. S.)

Bishop L. Hunter
Walter G. Young
Theodore Hough

ITEM 1:

TRANSFERS WITHIN THREE YEARS PRIOR TO DATE OF DEATH

(Sec. 65-104, S. C. Code of Laws 1952, as amended) (If None-So State)

(NOTE: If the fiduciary takes the position that transfers listed below were not made in Contemplation of Death, affidavits sustaining such position must be submitted direct to the Inheritance Tax Division, South Carolina Tax Commission for consideration).

	Description of Property	Transferee	Fair Market Value at Date of Death
1.		NONE	$
2.			
3.			
4.			
5.			

No stock

This form revised by the South Carolina Tax Commission November 1, 1951.
(To be used in all cases where the decedent died after December 31, 1951.)

Page 12

(NOTE: If necessary, attach additional sh[illegible] this return following same ruling as is set up herein.)

INVENTORY AND APPRAISEMENT OF PERSONAL PROPERTY OF THE ESTATE

OF Dorothy J. Young DECEASED

ITEM 2:
The Personal Representative is to complete Item 2, as to "Face Value" and deliver this Inventory to the Appraisers, who shall complete Item 2, as to "Appraised Value"

ARTICLES	FACE VALUE	APPRAISED VALUE
Cash on hand at death		$ 275 00
Cash in banks, depositories, etc. (attach schedule)		40,712 52
Life Insurance payable to estate (attach schedule) (See attachment)		67,869 97
TOTAL:		$108,857 49

INVENTORY AND APPRAISEMENT OF REAL ESTATE OF ESTATE

OF Dorothy J. Young DECEASED

ITEM 3:
The Personal Representative is to insert description of property under Item 3, and the Appraisers are to complete this form in detail.

1 DESCRIPTION (Show County, Township and School District)	ASSESSED VALUE FOR YEAR OF DECEDENT'S DEATH	2 APPRAISED VALUE	3 APPRAISED VALUE OF DECEDENT'S INTEREST	4 CAUTION (Do not write in this space)
1 house and lot - 720 Butler St.		3,000 00		
1 hous and lot - 612 Howard St.		4,000 00		
1 house and lot - 222 Jasper St.		3,500 00		
1 house and lot - 1708 6th St.		3,500 00		
one lot - 1710 6th St.		2,000 00		
one lot - Sixth Street		3,000 00		
Funeral Home and lot - S. 6th St.		30,000 00		
2 acres and house - 151 By Pass		25,000 00		
21 lots - Rt. 6, Harts. S-16-13		7,500 00		
one lot, RRt. 5, Hartsville		500 00		
30 acres, Rt. 3, Hartsville		4,000 00		
TOTAL:		$88,000 00		

ITEM 4:

JOINTLY OWNED PROPERTY WITH RIGHT OF SURVIVORSHIP (If None-So State)

(Sec. 68-463, S. C. Code of Laws 1952, as amended)

A. Jointly Owned United States Government Bonds With Right Of Survivorship

Face Value	Series	Exact Names in Which Standing	Value at Date of Death	Decedent's Contribution
$		None	$	$

B. Jointly Owned Bank Accounts, Building And Loans, And Other Depository Accounts With Right Of Survivorship

Amount	Name and Location of Institution	Exact Names in Which Standing	Decedent's Contribution
$	None		$

Page 13

C. Jointly Owned Stocks, Bonds And Other Property With Right Of Survivorship

No. of Shares	Unit Value	Description or Name of Corporation	Exact Names in Which Standing	Decedent's Contribution
8 acres	$4,000.00	Byrd Nest Farm (Cedar Bend)	Harold L. Young	$

With reference to property listed under Item 4, above, where the survivor can positively establish original ownership to any part thereof in such joint tenancy arrangements, such part as can be identified as having originally belonged to the survivor is not subject to tax. Attested affidavits and other information necessary to establish original ownership, in whole or in part, must be furnished direct to the Inheritance Tax Division, South Carolina Tax Commission.

ITEM 5:

LIFE INSURANCE, ANNUITIES AND/OR ENDOWMENT CONTRACTS PAYABLE TO BENEFICIARIES OTHER THAN THE DECEDENT'S ESTATE.

Face Value	Contract Number	Name of Company

ITEM 6:

TRANSFERS INTENDED TO TAKE EFFECT AT DEATH
(Sec. 65-401, S. C. Code of Laws, 1952, as amended)

A. United States Government Bonds "Payable On Death" (If None-So State)

Face Value	Series	Exact Names in Which Standing	Value at Date of Death
$	None		$

B. Trust Created By Decedent In Which Income For Life Was Retained, Power To Revoke Or Other Incidents Of Ownership Retained Which Would Preclude A Fee Simple Title Passing Until The Death Of The Transferor: (If None-So State)

Description and Location	Fair Market Value at Date of Death
None	$

C. Lifetime Transfers Of Real Property In Which Decedent Retained A Life Estate Or Other Incidents Of Ownership: (If None-So State)

Description and Location	Transferee	Fair Market Value at Date of Death
None		$

D. Other Lifetime Transfers Intended To Take Effect At Death (If None-So State)

Description	Transferee	Fair Market Value at Date of Death
None		$

ITEM 7:

POWER OF APPOINTMENT
(Sec. 65-402, S. C. Code of Laws, 1952, as amended)

A. Property Over Which Decedent Possessed A Power Of Appointment, Both Real And Personal, Whether Testamentary Or Otherwise (If None-So State)

Description	Fair Market Value of Assets Over Which Power of Appointment Held
None	$

NOTE: A copy of the instrument creating Power of Appointment together with an itemized schedule of assets must be furnished direct to the Inheritance Tax Division, South Carolina Tax Commission.

Page 15

Attachment Sheet on Mrs. Young

Cash in Banks .....

Bank of Hartsville	$ 251.80
(See attachment I. on Mr. Young) ..	40,460.77
Total	$40,712.57

Life Insurance payable to estate .....

Citidal Life Ins.	$1,000.00
United Family Life	1,000.00
Life of Georgia Ins.	520.00
Life of Georgia Ins.	1,014.37
Life of Georgia Ins.	2,500.00
Durham Life Ins.	24,245.00
Metropolitan Life Ins.	15,090.60
Metropolitan Life Ins	2,500.00
Equitable Life Ins	17,000.00
Blue Cross Blue Sheild Ins.	3,000.00
Total	$67,869.97

First Carolina National Bank (Shares 340).....	34.00
Bank of Hartsville (Shares 260).....	26.00

ITEM 7:

POWER OF APPOINTMENT
(Sec. 65-402, S. C. Code of Laws, 1952, as amended)

A. Property Over Which Decedent Possessed A Power Of Appointment, Both Real And Personal, Whether Testamentary Or Otherwise (If None-So State)

Description	Fair Market Value of Assets Over Which Power of Appointment Held
None	$

NOTE: A copy of the instrument creating Power of Appointment together with an itemized schedule of assets must be furnished direct to the Inheritance Tax Division, South Carolina Tax Commission.

Page 14

STATE OF SOUTH CAROLINA
COUNTY OF DARLINGTON

OATH OF FIDUCIARY

Personally appeared before me Samuel L. Davis and Challie Y. Mack, Administrators, Executors, Trustees, of the estate of Dorothy J. Young, who being duly sworn says that the annexed Inventory is in all respects just and true; that it contains a true statement of all the real and personal propery of the said deceased, whether the interest of the deceased be absolute or otherwise, which has come to the knowledge of this deponent, together with a list of all property disposed of by decedent within the last three years that may be found or adjudged to have been in contemplation of death.

Sworn to before me this 14th day of March, A. D., 1979.

Notary Public for South Carolina (L. S.)

Samuel L. Davis, Admx C.T.A.

Challie Y. Mack, C.D.A.

CERTIFICATE OF APPRAISERS

(This certificate to be signed after appraisement is made.)

We, whose names are hereunder signed, appraisers, appointed by the Probate Judge of Darlington County, South Carolina, having first taken and subscribed the oath hereinbefore inserted, do certify that we have estimated and appraised the property in the annexed inventory contained, exhibited to us, according to the best of our knowledge and ability.

Dated this ..... day of ....., A. D., 19....

Bishop J. Hunter

Appraisers

Theodore Haynes

File No. 426-2

Box No. ..... Package No. .....

The State of South Carolina
COUNTY OF .....

IN THE PROBATE COURT

In the Matter of the Estate of:

..... Deceased.

WARRANT OF APPRAISEMENT
INVENTORY AND RETURN
OF APPRAISERS

Filed this ..... day of .....
A. D., 19....
..... Probate Judge
..... County, S. C.

Recorded in Inventory and Appraisement
Book ....., at page ....., this
..... day of .....
19....
..... Probate Judge
..... County, S. C.

Page 16



STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

AFFIDAVIT OF SAM DAVIS

PERSONALLY appeared before me Sam Davis, who being duly sworn deposes and says:

I am Sam Davis. I am over the age of eighteen years. I live at 900 East Old Camden Road, Hartsville, South Carolina.

I started working at Young and Young Funeral Home when I was ten (10) years old, which was then owned by Harold L. Young. Though I am not related to Harold Young, I was often referred to as Harold's son and the Young family groomed me to run the funeral home business. As a result, I became a licensed Funeral Director and was considered a great asset to the Young family and business. I lived at the funeral home at the request of the Young family.

Harold L. Young and Dorothy J. Young had one daughter, Chelle Young (Mack). In December of 1978, Harold L. Young died and Dorothy J. Young followed three weeks later. The Young family left me 35% interest in the business. The remaining 65% was left to their daughter, Chelle. I continued to run the business, as Chelle had no interest in running the business herself. Chelle was paid 65% of the net profits from the business until 1982. In March of 1982, Chelle, while battling with a drug addiction, sought to sell the property and her share of the business with the property with the property. Chelle was advised against this by Mr. Frank Hough, a realtor handling her other affairs, and by then attorney, Senator Ed Saleeby. Chelle chose, instead, to sell her shares to me at $1,000.00 per share, totaling $65,000.00. This transaction took place at Mr. Saleeby's office with both myself and Chelle present. Chelle was paid with certified funds and was also paid her last controlling interest payment in March 1982. Since then and up to her death, I assisted Chelle financially, physically, and emotionally. I assisted her in getting a job at Carolina Pines, as well as purchased a vehicle for her to get to and from. I checked on her regularly in the days leading up to her death and maintained a good relationship with her until her death.

***
1979-1982

No mention of Ernestine

Further, since 1982, I have held 100% ownership of the funeral home and business. I have operated according to federal and state guidelines set forth and am in compliance with all tax and labor laws.

Sam Davis

SWORN to before me this
8th day of December, 2020.

Notary Public for South Carolina
My Commission Expires: 04/19/2023

STATE OF SOUTH CAROLINA COUNTY OF MARION IN THE MATTER OF: CHELLIE NIXON (Deceased) Harold Young, II, Personal Representative Of the Estate of Chellie Nixon, Petitioner, v. Samuel L. Davis, Registered Agent for the Young and Young Funeral Home, Inc., Respondent.	IN THE PROBATE COURT TWELFTH JUDICIAL CIRCUIT PROBATE ROLL NO.: 2017-ES-33-99 MOTION SEEKING ORDER AND RULE TO SHOW CAUSE



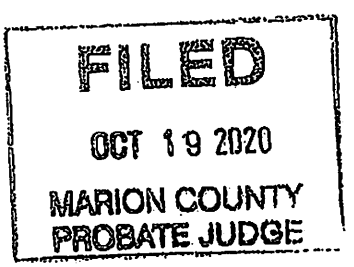
Take notice that Harold L. Young, II, as Personal Representative of the above-named estate has moved and does hereby move for the Court to issue an Order and Rule to Show Cause why the Respondent should be held in contempt of Court for failing and refusing to comply with the Subpoena that was personally served on the Respondent on February 26, 2018.

In support of Petitioner's Motion, the Petitioner's offers for the Court's consideration, the *Counsel for Petitioner's Affidavit in Support of Order and Rule to Show Cause Why Respondent Should be Held in Contempt.*

Respectfully submitted,

ROBERT E. LEE, LLC
Attorney for Harold Young, II, as Personal Representative of the Estate of Chellie Nixon

Robert E. Lee, S.C. Bar No. 63052
P.O. Box 1096
111 Witcover Street
Marion, South Carolina 29571
Tel: (843) 423-1313 / Fax: (843) 423-1397
rel@rellawfirm.com



Marion, South Carolina
October 15, 2020

STATE OF SOUTH CAROLINA COUNTY OF MARION IN THE MATTER OF: CHELLIE NIXON (Deceased) Harold Young, II, Personal Representative Of the Estate of Chellie Nixon, Petitioner, v. Samuel L. Davis, Registered Agent for the Young and Young Funeral Home, Inc., Respondent.	IN THE PROBATE COURT TWELFTH JUDICIAL CIRCUIT PROBATE ROLL NO.: 2017-ES-33-99 ORDER AND RULE TO SHOW CAUSE

TO: THE RESPONDENT ABOVE-NAMED

Based upon the contents of the attached Affidavit, you are hereby ordered to appear before the Presiding Judge of the Probate Court, Twelfth Judicial Circuit at the Marion County Administration Building, located at 2523 E. Highway 76, Marion, South Carolina 29571, on MONDAY, DECEMBER 14TH at 3:00PM to show cause, if you can, why you should not be held in contempt of this Court for failing to comply with the Subpoena dated February 22, 2018, and personally served February 26, 2018, in the above-captioned case, and to show cause, if you can, why you should not be held in contempt of this court and required to pay a reasonable amount of attorney's fees and costs for the bringing of this Order and Rule to Show Cause.

IT IS FURTHER ORDERED that pursuant to Rule 4(c) of the *South Carolina Rules of Civil Procedure*, this Rule to Show Cause may be served by the Sheriff, his deputy, or by any other person not less than eighteen (18) years of age not an attorney in or a party to this action.

AND IT IS SO ORDERED.

T. Carroll Atkinson, III
Marion County Probate Judge

Marion, South Carolina

October 19, 2020.

STATE OF SOUTH CAROLINA COUNTY OF MARION IN THE MATTER OF: CHELLIE NIXON (Deceased) Harold Young, II, Personal Representative of the Estate of Chellie Nixon, Petitioner, v. Samuel L. Davis, Registered Agent for the Young and Young Funeral Home, Inc., Respondent.	IN THE PROBATE COURT TWELFTH JUDICIAL CIRCUIT PROBATE ROLL NO.: 2017-ES-33-99 ***COUNSEL FOR PETITIONER'S AFFIDAVIT IN SUPPORT OF ORDER AND RULE TO SHOW CAUSE WHY RESPONDENT SHOULD BE HELD IN CONTEMPT***

FILED
OCT 19 2020
MARION COUNTY
PROBATE JUDGE

PERSONALLY, APPEARED before me, Robert E. Lee, who after being duly sworn, deposes and states as follows:

1. I am giving this Affidavit based upon personal knowledge, except as to those things based upon information and belief, and as to those, I believe them to be true.

2. I am counsel for Harold Young, II, as Personal Representative of the Estate of Chellie Nixon, the Petitioner in the above-captioned case. I am over 21 years of age and competent to make this Affidavit.

3. I am informed and believe that the Respondent, Samuel L. Davis, Registered Agent for the Young and Young Funeral Home, Inc., is in contempt of the Subpoena that was served on February 26, 2018.

4. Attached hereto and incorporated herein by reference as Exhibit A is a copy of the Subpoena.

7. Respondent was first served with the Subpoena by and through his attorney, James C. Cox, Jr. Attorney Cox forwarded a copy of the deed and advised that he would be forwarding

more information and documents responsive to the subpoena. To date, no further information has been received.

8. Since requests for further information were going unanswered, I attempted to follow up several times with the Respondent, himself. To date, those attempts have been unsuccessful.

11. I request this Court issue its Order and Rule to Show Cause as to why the Respondent should be held in contempt of this Court for failure to comply with this Subpoena.

12. The Petitioner has incurred attorney's fees and costs for the bringing of this Order and Rule to Show Cause and I request this Court grant the Respondent a reasonable amount of attorney's fees and costs for its representation in this contempt proceeding.

13. Because the Respondent has blatantly failed and refused to comply with the Subpoena, the Petitioner requests that this Court find the Respondent in contempt of Court.

FURTHER AFFIANT SAYETH NOT!

Robert E. Lee, SCB # 69052
Counsel for Petitioner, Harold Young, II, as Personal Representative of the Estate of Chellie Nixon

SWORN TO BEFORE ME THIS
15th day of October, 2020.
Tiffany S. McCaskill (L.S.)
Notary Public for South Carolina
My commission expires: 02/21/2022

TIFFANY S. McCASKILL NOTARY PUBLIC SOUTH CAROLINA

STATE OF SOUTH CAROLINA

ISSUED BY THE PROBATE COURT IN THE COUNTY OF MARION

EXHIBIT A

Harold Young, II as Personal Representative of the Estate of Chellie Nixon, Plaintiff

v.

SUBPOENA IN A PROBATE CASE

Samuel L. Davis, Registered Agent for the Young and Young Funeral Home, Inc., Defendant

Case Number: 2017-ES-33-99

Pending in Marion County

TO: Samuel L. Davis:

☐ YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME , AM

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents of objects:

All documents which evidence the transfer of ownership of Young and Young Funeral Home, Inc., from Harold Young to Samuel L. Davis or the current owner(s) of Young and Young Funeral Home, Inc.

PLACE	DATE AND TIME
Robert E. Lee, LLC 111 Witcover Street Post Office Box 1096 Marion, South Carolina 29571	March 29, 2018, 10:00 AM

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME , AM

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

Attorney/Issuing Officer's Signature — Date: February 22, 2018 — Print Name: Robert E. Lee, Esq.

Indicate if Attorney for Plaintiff or Defendant

Attorney's Address and Telephone Number:

SCCA 254 (05/2015)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on pages 2 and 3)

Clerk of Court/Issuing Officer's Signature | Date | Print Name

Pro Se Litigant's Name, Address and Telephone Number :

SCCA 254 (05/2015)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on pages 2 and 3)

PROOF OF SERVICE

SERVED	DATE 2-26-19	FEES AND MILEAGE TO BE TENDERED TO WITNESS UPON DAILY ARRIVAL
	PLACE 900 EAST OLD CAMDEN RD.	☐YES ☐NO AMOUNT $
SERVED ON	Sarah L. Davis	MANNER OF SERVICE Hand Delivered
SERVED BY	M.T. McLeish	TITLE Process Server

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on 2-26-19

M.T. McLeish
SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedures, Parts (c) and (d):

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance; or

(ii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or

(iii) requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena:

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on pages 2 and 3)

(iii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1)(A)A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(6)(B). The court may specify conditions for the discovery.

(2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, the receiving party must take reasonable steps to retrieve the information. The person who produced the information must preserve the information until the claim is resolved.

LAW OFFICE

SALEEBY & COX, P.A.

640 South Fourth Street
Hartsville, South Carolina 29550
SERVING THE PEE DEE SINCE 1949



EDWARD E. SALEEBY (1927-2002)
THAD E. SALEEBY (1927-1973)
EDWARD E. SALEEBY, JR. (1953-2015)
JAMES C. COX, JR.
TERENCE A. QUINN
JACOB L. GODWIN

December 14, 2020

MAILING ADDRESS:
POST OFFICE BOX 519
HARTSVILLE, SC 29551
TELEPHONE: (843) 332-1531
FAX: (843) 383-5800

Robert E. Lee, Esq.
Post Office Box 1096
Marion, South Carolina 29571

Re: Harold Young, II, as Personal Rep. For the Estate of Chellie Nixon vs. Samuel L. Davis, Registered Agent for Young and Young Funeral Home, Inc.

Dear Robert:

First, let me thank you for the courtesies your office has extended to me as we prepare for our meeting.

For your review, I am enclosing the following:

1. Secretary of State's Certificate of Dissolution by Administrative Dissolution of Young and Young Funeral Home, Inc.
2. Young and Young Funeral Home's Balance Sheet dated March 31, 1982. The last month that Chellie received a monthly check from the funeral home in the amount of $5,250.00
3. Affidavit of Frank Hough. Frank was well familiar with Chellie and her involvement with the funeral home.
4. Affidavit of Iva Hodge. Iva knew Chellie and her parents and lived two doors from the funeral home.
5. Affidavit of Sam Davis which outlines his involvement with the funeral home and Chellie.

I look forward to meeting with you and your client on Monday, December 21, 2020.

With kindest personal regards, I am

Sincerely yours,

James C. Cox, Jr.

JCCjr:rks
Enclosures

SECRETARY OF STATE
ARTICLES OF INCORPORATION

OF

Young and Young Funeral Home, Inc.

For Use By The Secretary of State	(File This Form in Duplicate Originals)	This Space For Use By The Secretary of State
File No. D3920 Fee Paid $15.00 R. N. 1548 Date 4-9-73	(Sect. 12-14.3 of 1962 Code)	O. Lo T. Campbell FILED APR - 9 1973 AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

1. The name of the proposed corporation is Young and Young Funeral Home, Inc.

2. The initial registered office of the corporation is 711 South Sixth Street (Street and Number) located in the city of Hartsville, county of Darlington and the State of South Carolina and the name of its initial registered agent at such address is Samuel L. Davis 711 South Sixth Street, Hartsville, S. C. 29550

3. The period of duration of the corporation shall be perpetual (years).

4. The corporation is authorized to issue shares of stock as follows:

Class of shares	Authorized No. of each class	Par Value
A	100	10.00

If shares are divided into two or more classes or if any class of shares is divided into series within a class, the relative rights, preferences, and limitations of the shares of each class, and of each series within a class, are as follows:

5. Total authorized capital stock $1,000.00

6. It is represented that the corporation will not begin business until there has been paid into the corporation the minimum consideration for the issue of shares, which is $1,000.00 of which at least $500.00 is in cash.

7. The number of directors constituting the initial board of directors of the corporation is 2 and the names and addresses of the persons who are to serve as directors until the first annual meeting of shareholders or until their successors be elected and qualify are.

Name	Address
Samuel L. Davis	711 S. Sixth Street Hartsville, S. C. 29550
Chellie Young Mack	711 S. Sixth Street Hartsville, S. C. 29550

DEFENDANT'S EXHIBIT 92 5-4-22 NO. 1-Davis

Name Address

Name Address

8. The general nature of the business for which the corporation is organized is (it is not necessary to set forth in the purposes powers enumerated in Section 2.2) (12—12.2 Supplemental Code 1962)

Funeral Home and Flower Shop

9. Provisions which the incorporators elect to include in the articles of incorporation are as follows:

10. The name and address of each incorporator is.

Name	Street & Box No	City	County	State
Samuel L. Davis	711 S. Sixth Street,	Hartsville,	Darlington,	S. C.
Chellie Young Mack	711 S. Sixth Street,	Hartsville,	Darlington,	S. C.

Date

(Signature of Incorporator)

Samuel L. Davis
(Type or Print Name)

(Signature of Incorporator)

Chellie Young Mack
(Type or Print Name)

(Signature of Incorporator)

STATE OF SOUTH CAROLINA

COUNTY OF DARLINGTON

The undersigned Samuel L. Davis and Chellie Young Mack

do hereby certify that they are the incorporators of Young & Young Funeral Home corporation and are authorized to execute this certification, that each of the undersigned for himself does hereby further certify that he has read the foregoing document, understands the meaning and purport of the statements therein contained and the same are true to the best of his information and belief

(Signature of Incorporator)

(Signature of Incorporator)

(Signature of Incorporator)
(Each Incorporator Must Sign)

CERTIFICATE OF ATTORNEY

I, I, John W. Bledsoe, III, an attorney licensed to practice in the State of South Carolina, certify that the corporation, to whose articles of incorporation this certificate is attached, has complied with the requirements of chapter 1 of the South Carolina Business Corporation Act of 1962, relating to the organization of corporations and that in my opinion the corporation is organized for a lawful purpose

Date

(Signature)

John W. Bledsoe, III
(Type or Print Name)

Address P. O. Box 519

Hartsville, S. C. 29550

SCHEDULE OF FEES

(Payable at time of filing Articles of With Secretary of State)

Fee for filing Articles $ 5.00
In addition to the above, $ 10 for each $1 increase of the aggregate value of shares with which the corporation is authorized to [illegible] more or less than

(Over)
(Reverse)

Date FEB 24 1994

CERTIFIED TO BE A TRUE AND CORRECT COPY AS TAKEN FROM AND COMPARED WITH THE ORIGINAL ON FILE IN THIS OFFICE.

SECRETARY OF STATE OF SOUTH CAROLINA