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Dec 11 2024

SC Court of Appeals

EXHIBIT 8

Affidavit of Attorney George E. Counts

ELECTRONICALLY FILED - 2024 May 17 4:27 PM - HORRY - COMMON PLEAS - CASE#2022CP2607656

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT

DAMIEN O. JOHNSON,

Plaintiff,

v.

MARGARET A. SHIFLET,

Defendant.

CASE NO: 2022-CP-26-07656

AFFIDAVIT OF GEORGE COUNTS

AFFIDAVIT OF GEORGE COUNTS


PERSONALLY APPEARED George E. Counts, Witness in the above-styled action, who, after being first duly sworn upon oath, states the following is true and correct to the best of his personal knowledge, information, and belief:

1. My name is George E. Counts. I am over 18 years of age, and I am competent to make this affidavit.
2. I am licensed to practice law in the State of South Carolina, and I have been practicing for over thirty (30) years.
3. I am a partner at the law firm of Counts & Huger, LLC in Charleston, South Carolina.
4. This affidavit is given in connection with, and is intended for use as evidence in, the above-captioned lawsuit.
5. Anthony Johnson ("Mr. Johnson") was a former client of mine.
6. In or around May of 2006, Mr. Johnson had a stroke. Following his stroke, I was engaged to prepare a power of attorney for Mr. Johnson.

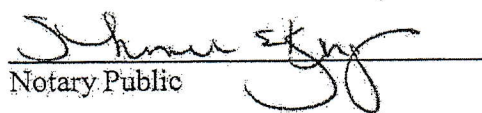
7. Mr. Johnson was still in the hospital when I was asked to prepare a power of attorney for him.
8. As is my custom, I spoke in detail with Mr. Johnson to gauge his mental capacity to ensure he was competent to sign the power of attorney form.
9. I asked Mr. Johnson about his family and his possessions. I asked Mr. Johnson if he understood that a power of attorney permitted the appointed agent to act on his behalf with respect to his financial affairs and property interests. I asked him who he desired to appoint as his agent and why. Mr. Johnson spoke with me coherently, and I felt very comfortable that he understood what he was asking me to do; that he was acting voluntarily and with a sound mind; and that he otherwise had the capacity to execute a power of attorney form.
10. Mr. Johnson expressly requested that his sister, Margaret Shiflet, be appointed as his agent with general power of attorney over Mr. Johnson's affairs.
11. Seeing that Mr. Johnson was of sound mind and understood the power of attorney, I witnessed his execution of a general power of attorney, giving Margaret Shiflet, Mr. Johnson's sister, the authority to act on Mr. Johnson's behalf.
12. Approximately six (6) months later, on or about October 16, 2006, I prepared a quit claim deed, pursuant to which Mr. Johnson conveyed his interest in 1534 Highway 905, Conway, Horry County, South Carolina, to Margaret Shiflet, for her lifetime, and the remainder interest to Anthony Johnson and all of his siblings. The deed was recorded on November 3, 2006, in the Register of Deeds of Horry County in Book 3184 Page 1165 (the "2006 Conveyance").

FURTHER, AFFIANT SAYETH NOT.

This 16 day of May, 2024.


George E. Counts

Sworn to and subscribed before me,
this 16 day of May, 2024.


Notary Public

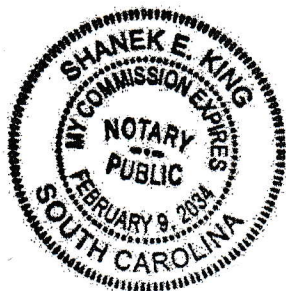


EXHIBIT 7

Power of Attorney dated May 17, 2006

STATE OF SOUTH CAROLINA)
) GENERAL DURABLE POWER OF ATTORNEY
COUNTY OF CHARLESTON)

KNOW ALL MEN BY THESE PRESENTS that I, ANTHONY JOHNSON of 1534 Highway 905, Conway, South Carolina 29526 do hereby make, constitute and appoint MARGARET ECHOLS SHIFLET of 1324 Holman Road, Oakland, California 94610, as my true and lawful Attorney-In-Fact for me and in my name, place and stead, and on my behalf, giving unto the said MARGARET ECHOLS SHIFLET full power to do and perform all and every act that I may legally do through an Attorney-In-Fact, including, but not limited to the following:

1. To request, ask, demand, sue for, recover, collect, receive, and hold and possess all such sums of money, debts, dues, commercial paper, checks, drafts, accounts, deposits, legacies, bequests devises, notes, interests, stock certificates, bonds, dividends, certificates of deposit, annuities, pension and retirement benefits, insurance benefits and proceeds, any and all documents of title, chooses in action, personal and real property, intangible and tangible property and property rights, and demands whatsoever, liquidated or unliquidated, as now are, or shall hereafter become, owned by, or due, owing, payable, or belonging to me or in which I have or may hereafter acquire interest; to have, use, and take all lawful and writs in my name for collection and recovery thereof; and to adjust, sell, compromise, and agree for the same, and to make, execute and deliver for me, on my behalf, and in my name, all endorsements, acquittance, releases, receipts, or other sufficient discharges for the same;
2. To maintain, repair, improve, manage, insure, rent, lease, sell, convey, subject to liens, mortgages, and hypothecate, and in any way or manner deal with all or any part of any real or personal property whatsoever, tangible or intangible, or any interest therein, that I now own or may hereafter acquire, for me, in my behalf, and in my name and under such terms and conditions, and under such covenants, as said Attorneys-In-Fact shall deem proper;
3. To make, receive, sign, endorse, execute, acknowledge, deliver, and possess such applications, contracts, agreements, options, covenants, conveyances, deeds, security agreements, leases, mortgages, assignments, insurance policies, documents of title, bills, bonds, debentures, checks, drafts, bills of exchange, notes, stock certificates, proxies, receipts, withdrawal receipts and deposit instruments relating to accounts or deposits in, or certificates of deposit of, banks, savings and loan or other institutions debts and obligations and such other instruments in writing or whatever kind of nature as may be necessary or proper in the exercise of the rights and powers herein granted.

To request and review all medical records in the care of medical authorities and to exercise her discretion in making medical decisions pertaining to my care with full authority to reject any procedure she deems not to be in my best interest.

I grant to said Attorney-In-Fact full power and authority to do, take and perform all and every act and thing whatsoever requisite, proper, or necessary to be done, in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that said Attorney-In-Fact, or her substitute or substitutes, shall lawfully do or cause to be done by virtue of this Power of Attorney and the rights and powers herein granted.

This instrument is to be construed and interpreted as a General Durable Power of Attorney. The enumeration of specific items, rights, acts, or powers herein is not intended to, nor does it, limit or restrict, and is not to be construed or interpreted as limiting or restricting, the general powers herein granted to the said Attorney-In-Fact.

This Power of Attorney shall not be affected by the physical or mental incompetence of the principal which renders the principal incapable of managing his own estate.

IN TESTIMONY WHEREOF, I have hereunto set my Hand and Seal (or willingly direct another to sign on my behalf) to this General Durable Power of Attorney, which consists of three (3) pages, this 17th day of May, 2006.



ANTHONY JOHNSON

STATE OF SOUTH CAROLINA }
COUNTY OF BERKELEY }

AFFIDAVIT

Date of Transfer of Title
{ Closing Date

G.E.C

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.

2. The property is being transferred BY ANTHONY JOHNSON To Margaret Ann Shiflet, with A Life Estate, and the Remainderment to my Remaining Sisters And Brothers, Jessie Mae Hamilton, Connie Roberts, Chester Johnson, Jr., Ronnie Lee Johnson, Sonya Felecia Bosco a/k/a Sonja Felecia Bosco Anthony Johnson ON October 16, 2006

3. The DEED is (check one of the following)

- (A) ___ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (B) ___ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
 - (C) x EXEMPT from the deed recording fee because (Exemption# 1).
- (Explanation required) Heirs Property

(If exempt, please skip items 4-6, and go to item 7 of this affidavit.)

4. Check one of the following if either item 3(a) or item 3(b) above has been checked.

- (A) ___ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of _____
- (B) ___ The fee is computed on the fair market value of the realty which is \$ _____
- (C) ___ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____

5. Check YES___ or NO___ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES," the amount of the outstanding balance of this lien or encumbrance is \$ _____

6. The DEED Recording Fee is computed as follows:

- (A) _____ the amount listed in item 4 above
- (B) _____ the amount listed in item 5 above (no amount place zero)
- (C) _____ Subtract Line 6(b) from Line 6(a) and place the result.

7. As required by Code Section '12-24-70, I state that I am a responsible person who was connected with the transaction as: _____

8. Check if Property other than Real Property is being transferred on this Deed.

- (A) _____ Mobile Home
- (B) _____ Other

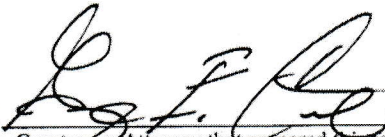
9. ___ DEED OF DISTRIBUTION - ATTORNEY'S AFFIDAVIT: Estate of _____ deceased CASE NUMBER _____. Personally appeared before me the undersigned attorney who, being duly sworn, certified that (s)he is licensed to practice law in the State of South Carolina: that (s)he has prepared the Deed of Distribution for the Personal Rep. In the Estate of _____ deceased and that the grantee(s) therein are correct and confirm to the estate file for the above named decedent.

10. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Sworn this 16th Day of Oct. 2006

Patrice Williams
Notary Public for South Carolina

My Commission Expires: _____, 20____
My Commission Expires July 24th 2013

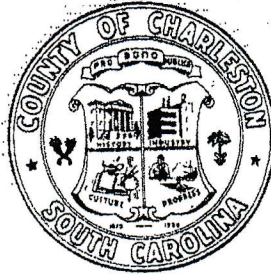
Signed 
Grantor, Grantee, or Attorney that prepared this form
GEORGE E. COUNTS, ESQUIRE
Print or Type Name Here

1168

BK R 583PG649

RECORDER'S PAGE

NOTE: This page **MUST** remain with the original document



FILED

May 17, 2006

12:25:06 PM

BK R 583PG646

Charlie Lybrand, Register
Charleston County, SC

Filed By:

Curry, Counts & Huger PA
Attorneys at Law
27 Gamecock Ave.
Charleston SC 29407

Handwritten signature

DESCRIPTION AMOUNT

DESCRIPTION	AMOUNT
P/ATTY	\$ 15.00
Postage	
TOTAL	\$ 15.00

DRAWER:

2	B - ecg
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DO NOT STAMP BELOW THIS LINE

ELECTRONICALLY FILED - 2024 May 17 4:07 PM - HERRY - COMMON PLAS - CASE#20222CP2607656

EXHIBIT 9

**Conveyance Deed dated October 16, 2006 and
Recorded November 3, 2006**

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910008

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

FILED
HORRY COUNTY, S.C.

2006 NOV -3 PM 3:58

TITLE NOT EXAMINED

BALLERY V. SKIPPER
REGISTRAR OF DEEDS
TITLE TO REAL ESTATE

KNOW ALL MEN MY THESE PRESENTS THAT

EXEMPT

I, ANTHONY JOHNSON

in the State aforesaid for and in consideration of the sum of Ten Dollars (\$10.00) Love and Affection for my Sister, MARGARET ANN SHIFLET, with a Life Estate, and the remainderment to my remaining Sisters and Brothers, JESSIE MAE HAMILTON, CONNIE ROBERTS, CHESTER JOHNSON, JR., RONNIE LEE JOHNSON, SONYA FELECIA BOSCO a/k/a SONJA FELECIA BOSCO and ANTHONY JOHNSON to me in hand paid at and before the sealing of these presents by MARGARET ANN SHIFLET, with a Life Estate, and the remainderment to my remaining Sisters and Brothers, JESSIE MAE HAMILTON, CONNIE ROBERTS, CHESTER JOHNSON, JR., RONNIE LEE JOHNSON, SONYA FELECIA BOSCO a/k/a SONJA FELECIA BOSCO, and ANTHONY JOHNSON in the State aforesaid the County of Horry, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said MARGARET ANN SHIFLET, with a Life Estate, and the remainderment to my remaining Sisters and Brothers, JESSIE MAE HAMILTON, CONNIE ROBERTS, CHESTER JOHNSON, JR., RONNIE LEE JOHNSON, SONYA FELECIA BOSCO a/k/a SONJA FELECIA BOSCO ANTHONY JOHNSON and their heirs and assigns forever:

ALL MY RIGHT, TITLE AND INTEREST IN AND TO:

✓ ALL that singular all that certain piece, parcel or lot of land, situate, lying and being in Conway Township, Horry County, South Carolina, containing thirty-eight hundredths (0.38) of an acre, as shown upon a plat prepared by S.D. Cox Surveyors, Inc., dated July 16, 1978. A copy of said map is recorded in Deed Book 620 at Page 324, Office of the RMC for Horry County and is by reference incorporated herein as forming a part of this description.

BOUNDED now or formerly as follows: On the north by S.C. Highway No. 905; on the East by Tossie Johnson; on the South by George Johnson, Jr., and on the West by Sammy Johnson and James Johnson.

✓ BEING the same premises conveyed to Anthony Johnson by deed of Margie W. Johnson a/k/a Margie Johnson, Margaret Ann Shiflet, Jessie Mae Hamilton, Connie Roberts, Chester Johnson, Jr., Jeremiah Johnson, a/k/a Jermiah Johnson, Ronnie Lee Johnson and Sonya Felecia Bosco a/k/a Sonja Felecia Bosco by deed dated May 27, 2000; recorded May 31,

DEED
3184 1165

3184-1165

2000 in Deed Book 2266 at Page 0182 in the RMC Office for Horry County.

HORRY COUNTY ASSESSOR
TMS#: 124-00-05-053 11-6-06
Map Blk Parcel

✓ Grantee's Address: 1534 Hwy. 905 Conway, SC 29526

TOGETHER, with all and singular, Rights, Members, Hereditament, and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the said **MARGARET ANN SHIFLET**, with a **Life Estate**, and the remainderment to my remaining Sisters and Brothers, **JESSIE MAE HAMILTON, CONNIE ROBERTS, CHESTER JOHNSON, JR., RONNIE LEE JOHNSON, SONYA FELECIA BOSCO a/k/a SONJA FELECIA BOSCO ANTHONY JOHNSON** their heirs and assigns forever.

AND I do hereby bind myself and my Heirs and Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said and their heirs and Assigns, against me and my Heirs, and all other persons lawfully claiming or to claim the same or any part thereof.

WITNESS my Hand and Seal, this 16 day of October in the year of our Lord Two Thousand Six and the Two Hundred and Thirtieth year of the Sovereignty and Independence of the United States of America.

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF**

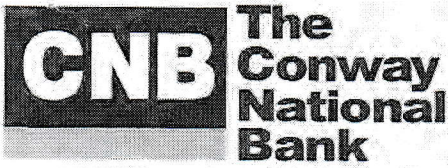
Wynessa Mitchell
WITNESS

Anthony Johnson
ANTHONY JOHNSON

Patrice Willis
WITNESS

EXHIBIT 10

Mortgage Payoff Letter



PAYOFF

originally 30,000 \$

January 22, 2024

Customer: Anthony Johnson

Loan: 3405177

Property: 1534 HWY 905, Conway SC 29526

Please accept this letter as a confirmation of payoff for the above customer per your request. This loan was paid to a \$0.00 balance on 10/12/2006

Payoff \$0.00 Per Diem \$0.00

If you should need any further information, please feel free to contact me via email or phone.

Sincerely,

Hannah Morgan

Loan Administration Clerk

Direct: 843-488-8202

Fax: 843-381-0152

Email: hannah.morgan@conwaynationalbank.com

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EXHIBIT 11

Affidavit of Margaret Shiflet

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT

DAMIEN O. JOHNSON,

Plaintiff,

v.

MARGARET A. SHIFLET,

Defendant.

CASE NO: 2022CP2607656

**AFFIDAVIT OF MARGARET
SHIFLET IN SUPPORT OF
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

PERSONALLY APPEARED before me, the undersigned, Margaret A. Shiflet, who, having been duly sworn, upon oath states the following is true and correct to the best of her personal knowledge, information and belief:

1. My name is Margaret A. Shiflet and I am an adult citizen and resident of Pooler, Chatham County, Georgia. I have personal knowledge of the recitals and statements set forth herein and know them to be true.
2. I am one of eight children born to the late Chester and Margie Johnson. My siblings include:
 - a. Jeremiah Johnson (deceased, 2004)
 - b. Connie D. Robers (deceased)
 - c. Anthony Johnson (deceased August 31, 2021)
 - d. Chester Johnson, Jr.
 - e. Ronnie Lee Johnson (deceased, 2022)
 - f. Jessie M. Hamilton
 - g. Sonja Bosco

3. On August 14, 1978, my mother and father purchased the property that is the subject of this litigation, which is located at 1534 Hwy 905, Conway, Horry County, South Carolina. Both of my parents resided at this property until their deaths. My father passed away on June 7, 1996 and my mother passed away on April 25, 2009.
4. Shortly after my father passed away, title to the Property passed to my mother and to me and my siblings by intestate succession.
5. Approximately three years later, on May 27, 2000, my siblings and my mother agreed to deed the Family Home to my brother, Anthony Johnson ("Anthony"). Despite Anthony being the record property owner of the Family Home, my mother continued to reside at the property with two of my siblings, Jessie Hamilton and Chester Johnson, Jr. until my mother's death in 2009.
6. Damien, the oldest of my brother Anthony's five children, has a long history of criminal activity dating back to at least 1996, which involve various drug related offenses, among others, that ultimately resulted in incarceration to which my brother was aware.
7. On or around February 21, 2006, at the age of 45, my brother Anthony suffered a stroke and was taken to Medical University in Charleston, South Carolina for treatment.
8. Since 1979, I had been residing in California with my two children, but frequently came back to South Carolina to visit my family.
9. Upon being notified of Anthony's hospitalization, I immediately traveled to Charleston, South Carolina from California and stayed in a hotel for approximately six months to assist with Anthony's care and recovery.

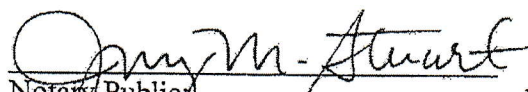
10. After Anthony's stroke, Anthony asked if I would assist him on his behalf with his affairs. I agreed and attorney George Counts of Counts & Huger in Charleston, South Carolina was hired, to prepare a power of attorney for Anthony, which appointed me to act on his behalf.
11. Attorney Counts met with my brother, and satisfied with my brother's competency, on May 17, 2006, witnessed the execution of the general power of attorney to allow me to take care of Anthony's affairs.
12. While still in the hospital, and even after his discharge, Anthony became increasingly concerned about his son Damien's nefarious activities, and in particular, his hostility he was exhibiting towards our siblings, and to our mother, who were all residing in the Family Home.
13. After hearing about Damien's continued behavior and threats towards our family, my brother instructed me to convey his interest in the Family Home to myself and our siblings so that Damien could not squander the property away due his drug activities.
14. As instructed by Anthony, I contacted Attorney Counts and he prepared the transfer deed to the Family Home conveying all of Anthony's interest to myself and our siblings. I then satisfied the mortgage on the property and continued to pay the annual property taxes and the utilities at the Family Home while my mother and siblings were still residing there.
15. When Anthony was discharged in August 2006, he was released into my care and we subsequently both moved in with our sister Sonja and her husband, who resided in Pooler, Chatham County, Georgia.
16. While the stroke left Anthony physically impaired, he was mentally unaffected. He had a sharp memory and went on to live another fifteen (15) years until he passed away on August 31, 2021, at the age of 61.

17. Sometime in 2007, Damien was sentenced for various drug related offenses and was incarcerated in South Carolina until his release in approximately 2016.
18. Prior to Damien's incarceration, he made several comments to me through social media and to my face that I had in effect stolen his father's property from him. He further continued to make comments directed to me while he was incarcerated that he would come for his father's property when he got out of prison.
19. At my brother's funeral, Damien refused to even speak to me.
20. Damien was well aware of the October 16, 2006 Conveyance of the Family Home and the power of attorney executed by Anthony prior to his incarceration in 2007, but he waited to file this action until over a year after his father's death.

FURTHER AFFIANT SAYETH NAUGHT.


Margaret A. Shiflet

Sworn to and subscribed before me
on this 17th day of May, 2024.


Notary Public
My Commission Expires:

