

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Greenville County Trial Court Cases:

2024-CP-23-03236

2024-CP-23-03258

2024-CP-23-03271

2024-CP-23-03329

2024-CP-23-03730

Ex Parte: Paul Hulsey, Esquire (SC Bar No.12865), Cherie Durand, Esquire (SC Bar No.74104), Desa Ballard, Esquire (SC Bar No. 498), Kimberly Thomason, Esquire (SC Bar No. 79179), and Devon Puriefoy, Esquire (SC Bar No. 102097), individually and on behalf of their clients¹

Petitioners.

**PETITION TO THE CHIEF JUSTICE
OF THE SOUTH CAROLINA
SUPREME COURT**

Pursuant to the exclusive authority vested solely within the Chief Justice of the State of South Carolina by South Carolina Constitution Article V, Section 4, Petitioners seek an order of the Chief Justice assigning an unbiased judge, retired judge, or retired justice, to preside over the

¹ In Case No. 2024-CP-23-03236, Plaintiff R. O'Neil Rabon, Jr. (SC Bar No. 4621) sued Petitioners and their clients Stacey Grist, Mayra Michalski and Margaret Ann Miniard (and unknown parties not represented by Petitioners: John & Jane Does ##1-14); In Case No. 2024-CP-23-03271, Plaintiff Clayton L. Jennings (SC Bar No. 68284) sued Petitioners and their clients and also their clients Stacey Grist, Mayra Michalski and Margaret Ann Miniard (and unknown parties not represented by Petitioners: John & Jane Does ##1-14); In Case No. 2024-CP-23-03329, Plaintiff Joseph M. Plaxco (SC Bar No. 100975) sued Petitioners and their clients Stacey Grist, Mayra Michalski and Margaret Ann Miniard (and unknown parties not represented by Petitioners: John & Jane Does ##1-14); In Case No. 2024-CP-23-03730, Plaintiffs Jennifer L. Browning (a non-lawyer) and Browning Geriatrics Consulting LLC sued Petitioners and their clients Mayra Michalski, Luis Michalski, Margaret Miniard and Stacey Grist (and also and unknown parties not represented by Petitioners: John & Jane Does ##1-14). Only Plaintiff Fred W. "Trey" Suggs sued Petitioners and not Petitioners' clients in Case No. 2024-CP-23-033258).

cases identified above. “The Chief Justice of the Supreme Court . . . shall have the power to assign any judge to sit in any court within the unified judicial system.” (Article 5, Section 4).

The basis for the relief sought is that the parties and counsel in the Greenville County Trial Court Cases identified above are abusing the judicial system and the legal process, making unwarranted and unprovoked attacks on Petitioners and their clients, and, most importantly, have managed to persuade a sitting circuit court judge to join them in persecuting Petitioners for the manner in which Petitioners are representing their clients in litigation currently pending in the United States District Court for the District of South Carolina.

Petitioners are counsel for multiple clients in lawsuits arising out of the actions of numerous defendants, including the named Plaintiffs in the Trial court cases identified above, which resulted in financial, physical and emotional abuse of persons who are supposed to be protected by the probate courts in South Carolina, and who were instead victimized by a cadre of probate court practitioners and “elder care” for-profit professionals which resulted in sustained, horrific and irreparable damages, including sexual abuse in one case, to Petitioners’ clients and, in a second case, the client’s decedent.

Petitioners Paul Hulsey and Cherie Durand are experts in litigation of actions under the Crime Control Act of 1970, Public Law No. 91-452, “Racketeer Influenced and Corrupt Organizations Act” (RICO), codified at 18 USC §§ 1961-1968) and are lead counsel with the other petitioners in representing the victims of the numerous RICO violations that are spelled out in three District Court cases: *Stanford W. Grist, individually by and through his attorney-in-fact Stacey Grist et al. v. Jennifer Browning et al.* Case No. 6:24-cv-03853-BHH (filed July 3, 2024) (hereafter “the Grist case”); *Margaret Miniard, individually and as personal representative of the estate of Geraldine T. Schnabel*, Case No. 6:24-cv-04132-BHH (filed July 24, 2024) (hereafter

“the Miniard case”); and *Luis Michalski and Mayra Michalski, individually and as beneficiaries of the Estate of Frances Michalski*, Case No. 6:24-cv-04820-BHH (filed September 4, 2024) (hereafter “the Michalski case”), jointly referred to herein as “the RICO cases.”

Prior to filing the first of the RICO cases, *i.e.*, the Grist case, petitioners sent a pre-suit notice letter to Petitioners and numerous other individuals, all of whom are now defendants in the RICO cases, notifying them of the litigation soon to be filed, so they could take such action as they deemed appropriate in light of the upcoming litigation. Rather than responding professionally to the notice letter, five (5) individual recipients of the notice letter, Plaintiffs Neil Rabon (Case No. 2024-CP-23-03236), Clayton L. Jennings (Case No. 2024-CP-23-03271), Fred W. “Trey” Suggs (Case No. 2024-CP-23-03258), Joseph M. Plaxco (Case No. 2024-CP-23-03329), and Jennifer L. Browning and Browning Geriatric Services LLC (Case No. 2024-CP-23-03730), filed defamation cases against Petitioners and (all except Suggs) certain of their clients, also seeking additional civil relief. The first case, that of Rabon, was particularly inappropriate, but emblematic of the manner in which the trial court cases have been approached, in that the first paragraph referred to Petitioners as “Lazy, sloppy, greedy and self-serving lawyer[s]” and described the plaintiff Rabon as “a veteran lawyer with a sterling reputation” (Complaint page 1, paragraph 1).

The filing of Rabon’s case and others was followed by repeated bullying and abusive tactics by counsel for the plaintiffs in the Trial court actions, including abusive stalking and horrific

attempts to serve Petitioners' own clients with service of process² and obviously coordinated actions among counsel for the Trial court plaintiffs to serve the trial court actions upon petitioners.³

Trial court plaintiff Plaxco actually pre-emptively filed pleadings in Case No. 2024-CP-23-03329 revealing privileged and confidential information about probate court proceedings involving the Michalski parties *prior* to the Michalski RICO action even being filed, in a blatant effort to intimidate the Michalski parties, to try to scare them into not filing the RICO action.⁴ The pleadings actually accused Petitioner's client Mayra Michalski of child rape, by making false statements about the age at which Mayra and her now husband began cohabitating. (Exhibit A, ¶40).

Petitioners properly filed motions in all Trial court cases to dismiss, citing appropriate law regarding immunity for acts taken in furtherance of the interests of their clients. **Exhibit B.**

The motions to dismiss were heard by Circuit Court Judge Jessica Salvini on September 25, 2024. During the hearing, Judge Salvini openly criticized Petitioners for not just "picking up the phone" and not attempting to "work out" issues with "respected" Greenville lawyers. She

² Petitioners' client Mayra Michalski, who was horrifically abused by the defendants in the probate proceedings which led to the RICO actions, reports process servers banging on her door at all hours of the day and night, while she cowered in her home with her hands over her ears trying to ignore the terrifying assault being perpetrated upon her. Mayra is pregnant with her third child. Petitioners have sought discovery of the identity of the process server(s) who engaged in such abusive actions toward Mayra and others, but defendants in the trial court cases have refused to divulge process server information, claiming privilege. Since plaintiffs' counsel in the trial court action have taken ownership of the conduct of their process servers, appropriate action will be taken against the principals of the process servers for the harassment and assault conducted by the process servers.

³ Desa Ballard's second home in Georgia was visited by police cars with blue lights flashing on three (3) different occasions, once during a tropical storm when courts and businesses were closed due to inclement weather. Ballard was not present at that location on any of the occasions in which police attempted to serve her at her Georgia home, one of which occurred after her retained counsel had already accepted service of pleadings in at least some of the trial court actions.

⁴ Attached hereto as **Exhibit A** is an amended pleading filed by Plaxco and his counsel which divulged confidential information from the guardianship proceedings which were initiated by RICO Defendant Roper St. Francis after the death of the mother of the Michalski parties during surgery at its facility. Clearly, Plaxco and his counsel in the Trial court cases revealed this confidential information in a public filing to frighten and intimidate the Michalski plaintiffs from moving forward with their RICO claim.

laughed as she pointed out a typographical error in one of the notice letters, asking “did they not even read this before they went out,” drawing laughter from the courtroom. A motion to reconsider has been filed with Judge Salvini, with appropriate affidavits setting forth her biased and pernicious comments, but Judge Salvini has not yet ruled on the motions to reconsider, instead providing counsel until November 4, 2024, to file any additional support for the motion to reconsider. **Exhibit C.** Meanwhile, the RICO actions are proceeding and fortunately, no such abusive tactics have been perpetrated in the RICO actions to date and Petitioners are confident that such inappropriate and unfair conduct as what has occurred in the trial court with the Trial court plaintiffs and their counsel will be tolerated in the pending District Court RICO cases.

Almost. Just days ago, on October 28, 2024, counsel for Browning in the RICO cases filed a pleading in which he cited Judge Salvini’s “admonish[ing] Stacey Grist and her attorneys” and citing verbatim from the transcript as Judge Salvini chided Petitioners for having filed the RICO lawsuits. (Case No. 6:24-cv-03853-BHH, Doc 78, p. 3, filed 10.28.2024). So Judge Salvini’s misbehavior has already been injected as substantive argument in the RICO actions. The same lawyer who filed this in District Court is the one who wept in the presence of Judge Salvini during the hearing. His ploy worked, and Judge Salvini gave him exactly what he wanted to cite to the District Court, solidifying her unfitness to continue to preside in the Trial court cases.

Attached are affidavits from counsel who were present at the hearing on the motion to dismiss before Judge Salvini on September 25, 2024. **Exhibits D-F.** These affidavits describe the theatrics (including weeping in the courtroom) employed by counsel for Rabon and the other trial court plaintiffs in their crusade to protect the trial court plaintiffs from having to answer for their own misconduct in the RICO actions. Unfortunately, as no doubt intended, Judge Salvini was influenced by the Plaintiffs’ counsel’s antics and repeatedly chided Petitioners (none of whom were

present in the courtroom) for accusing “outstanding” lawyers of conduct they actually engaged in, and for which they are using bullying and intimidation to try to escape. The thought of resident Greenville lawyers having been accused of such misconduct (which is being litigated in the RICO actions) made Judge Salvini’s “heart hurt.” (Tr. p. 57). During the hearing, Trial court plaintiff’s counsel mischaracterized Petitioner Hulsey’s firm as one who “has no connection to any of these underlying cases.” (Tr. p. 53, ll. 6-8). Then counsel openly speculated erroneously (“But what I presume happened...”) that Petitioner Hulsey had merely supplied form RICO letters and a template for a complaint. (Tr. p. 53, ll. 13-17). Petitioner Hulsey immediately responded to this scurrilous remark by filing his own affidavit setting forth his deep involvement in these cases and his belief of the strength of the RICO cases, in support of Petitioners’ motion to reconsider. **Exhibit G.**

Having already caused Judge Salvini to be swayed by Plaintiffs’ campaign to harm Petitioners, it is imperative that the Chief Justice appoint a neutral judge to hear the trial court cases, preferably one who has few ties to the Greenville County Bar. Petitioners and their clients are entitled to a judge who is not easily manipulated by the behavior of the Trial court plaintiffs and their abusive counsel to provide an unbiased, ethical and professional judicial proceeding in which these cases can be heard. Petitioners are content to defend their actions on the merits, but that cannot be done when Plaintiffs’ deep connections to the Greenville County Bar and Bench create unfair bias which ultimately prejudices the Petitioners.

CONCLUSION

It is abundantly clear that the plaintiffs in the referenced trial court actions will stop at nothing to gain an advantage however they can, having already gone so far as to recruit a circuit court judge, whose “heart hurts” as a member of their team. With great embarrassment, Petitioners

are loathe to point out the charade that is taking place in Greenville County, but the documents speak for themselves.

With greatest respect, Petitioners ask the Chief Justice to assign a judge who will preside and rule properly without the influence of the Trial court Plaintiffs and their counsel to take over and be appointed to preside over the identified Trial court cases. Our request asks the Chief Justice to consider whether a retired judge or justice might be better situated to deal with the abuses perpetrated by the trial court Plaintiffs and their counsel but Petitioners rely on the wisdom of the Chief Justice to stop the antics of Trial court plaintiffs and their abusive counsel from continuing to be perpetrated in Greenville County.

Respectfully submitted,

s/ Desa Ballard

Desa Ballard (SC Bar No. 498)

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ATTORNEY FOR PETITIONERS

November 4, 2024

Exhibit A

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Joseph M. Plaxco,

Plaintiff,

v.

Paul Hulsey, Cherie Durand, Kimberly
Thomason, Devon Puriefoy, Desa Ballard,
Mayra Michalski, Luis Michalski, and John
& Jane Does 1-14,

Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Civil Action No. 2024-CP-23-03329

AMENDED SUMMONS
(JURY TRIAL DEMANDED)

TO: DEFENDANT(S) ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Amended Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to said Amended Complaint upon the subscriber herein at his office at 55 Beattie Place, Suite 1200, Greenville, SC 29601, within **FIFTEEN (15) DAYS** from the date of service hereof, exclusive of the day of service; and, if you fail to answer the Amended Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Amended Complaint.

GALLIVAN, WHITE & BOYD, P.A.

By: /s/ John T. Lay
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July 22, 2024

Attorneys for Plaintiff Joseph M. Plaxco

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Joseph M. Plaxco,

Plaintiff,

v.

Paul Hulsey, Cherie Durand, Kimberly
Thomason, Devon Puriefoy, Desa Ballard,
Mayra Michalski, Luis Michalski, and John
& Jane Does 1-14,

Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Civil Action No. 2024-CP-23-03329

AMENDED COMPLAINT
(JURY TRIAL DEMANDED)

Plaintiff Joseph M. Plaxco (“Mr. Plaxco”) complains of Defendants Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon Puriefoy, Desa Ballard, Mayra Michalski, Luis Michalski, and John & Jane Does 1-14 (collectively, “Defendants”), and alleges as follows:

INTRODUCTION

1. Defendants jointly prepared, signed, transmitted and/or otherwise authorized written correspondence to many individuals and companies (“Defamatory Correspondence”) falsely accusing Mr. Plaxco, along with other well-respected individuals and companies, of somehow being probate “racketeers” and engaging in various criminal acts in violation of the Racketeer Influenced and Corrupt Organizations Act (the “RICO Act”). They also falsely assert that Mr. Plaxco has engaged in various acts that constitute perjury, disgorgement of ill-gotten gains, wrongful death, fraud, conspiracy, attorneys’ fees and costs, estoppel, conversion, unjust enrichment, unclean hands, and fraudulent inducement.

2. Defendants have been intentionally and willfully targeting Mr. Plaxco, authorizing and publishing defamatory correspondence, abusing process, inflicting emotional distress,

interfering with Mr. Plaxco's business and prospective business, and causing Mr. Plaxco significant injuries and damages.

3. Mr. Plaxco brings this action to clear this name. Through it, he seeks to restore his reputation and establish Defendants' liability for continuing their campaign to push a false narrative against him.

4. Mr. Plaxco seeks compensatory damages against Defendants. Further, given the willful, intentional, recklessly indifferent and malicious conduct of Defendants, Mr. Plaxco seeks an award of punitive damages.

PARTIES

5. Mr. Plaxco is a resident and citizen of Greenville County, South Carolina.

6. Defendant Paul Hulsey ("Hulsey") is a resident and citizen of Charleston County, South Carolina.

7. Defendant Cherie Durand ("Durand") is a resident and citizen of Charleston County, South Carolina.

8. Defendant Kimberly Thomason ("Thomason") is a resident and citizen of Greenville County, South Carolina. She is currently a member of the South Carolina Bar.

9. Defendant Devon Puriefoy ("Puriefoy") is a resident and citizen of Greenville County, South Carolina. He is currently a member of the South Carolina Bar.

10. Defendant Desa Ballard ("Ballard") is a resident and citizen of Lexington County, South Carolina. She is currently a member of the South Carolina Bar.

11. Defendant Mayra Michalski is a resident and citizen of Greenville County, South Carolina.

12. Defendant Luis Michalski is a resident and citizen of Horry County, South Carolina.

13. Defendants John & Jane Does 1-14 are other individuals, referenced in the Defamatory Correspondence, who Hulsey, Durand, Thomason, Puriefoy, and Ballard claim to represent and on whose behalf the Defamatory Correspondence was likewise sent pursuant to their presumptive authorization of the same. To the extent such clients actually exist, which is presently unknown but will be learned in discovery, the instant Complaint will be amended to join them as parties in this action.

VENUE & JURISDICTION

14. This Court has jurisdiction to hear this action pursuant to S.C. Code § 14-1-80 and Article V, §11 of the South Carolina Constitution.

15. Venue properly exists in this Court pursuant to S.C. Code § 15-7-30 because multiple defendants reside in Greenville County. The events giving rise to the dispute between the Parties substantially occurred in Greenville County, South Carolina. Further, the reputational harms and damages incurred by Mr. Plaxco, as described herein, were predominately sustained by him in Greenville County, South Carolina.

FACTUAL BACKGROUND

16. The prior allegations, to the extent not inconsistent, are incorporated herein by reference.

17. Frances M. Michalski died on July 8, 2016, during a medical procedure conducted by Bon Secours St. Francis Hospital (“Bon Secours”), in Greenville, South Carolina.

18. Ms. Michalski was survived by two adult children, Defendants Luis Michalski and Mayra Michalski (the “Michalski Children”). At the time of her death, Luis Michalski was 22 years of age and Mayra Michalski was 23.

19. On July 22, 2016, Bon Secours filed two separate guardianship actions in the Greenville County Probate Court (the “Probate Court”) concerning each of the Michalski Children. Pursuant to the procedure as prescribed by the South Carolina Probate Code and upon proper orders of the Probate Court, the Michalski Children were both carefully examined by a medical physician, Palmira Snape, M.D. of the Greenville Free Medical Clinic, and an examiner, Tracy Parsons, LPC, who were directed to report their findings to the Probate Court regarding the Michalski Children’s mental and physical condition, and render an opinion as to whether a guardian and/or conservator should be appointed for them.¹ Copies of the Probate Court’s orders appointing Dr. Snape and Ms. Parsons are collectively attached and incorporated as **Exhibit 1**.

20. In addition to the appointments of Dr. Snape and Ms. Parsons, the Probate Court also appointed Amy Knight, LMSW, C-ASW/CM from Geriatric Resources Services, Inc. as Visitor in the case. Ms. Knight was also directed to submit her report to the Probate Court prior to a hearing on the merits and to assist the Court in determining whether a guardian and/or conservator should be appointed for the Michalski Children. Copies of the Probate Court’s orders appointing Ms. Knight are collectively attached and incorporated as **Exhibit 2**

21. As to Mayra Michalski, Ms. Parsons’ report provided the following opinions:

- Mayra could not live independently;
- Mayra did not have the mental or physical capacity to effectively manage her property and financial affairs; and
- Mayra did not have the mental or physical capacity to make necessary daily living and health care decisions.

¹ Tracy Parsons is one of very few individuals in the Upstate who serves as a court-appointed professional for purposes of guardianship/conservatorship actions and protective proceedings.

22. Ms. Parsons' report was accompanied by a supplemental letter which stated: "[a]fter reviewing the other medical reports, speaking at length with the current care manager, and giving this report much thought, I do believe Mayra is an incapacitated adult in need of a guardian."

23. Copies of Ms. Parsons' report and letter pertaining to Mayra are collectively attached and incorporated as **Exhibit 3**.

24. Likewise, in her Affidavit Regarding Capacity, Dr. Snape provided her opinion that Mayra Michalski was an "Incapacitated Person" under South Carolina law and in need of a Guardian and/or Conservator." Dr. Snape found Mayra Michalski to be impaired by reason of "mental deficiency" ("borderline") and "other" ("social and environmental deprivation"). Her report also noted that she was "unable to function independently in the home." A copy of Dr. Snape's report pertaining to Mayra is attached and incorporated as **Exhibit 4**.

25. As to Luis Michalski, Ms. Parsons' report provided the following opinions:

- Luis could not prepare meals and/or clean house;
- Luis could not maintain bank accounts or funds;
- Luis could not pay bills;
- Luis could not live independently;
- Luis did not have the mental or physical capacity to effectively manage his property and financial affairs; and
- Luis did not have the mental of physical capacity to make necessary daily living and health care decisions.

26. In a related letter to the Court, Ms. Parsons wrote:

Luis has been diagnosed with Autism. He admitted he needed assistance around the house and I do not believe he could live completely independently. His decision making skills are lacking. He would struggle with cooking, cleaning and paying bills. . . . at this point, Luis cannot perform the necessary tasks and is in need of a guardian at this time.

27. Copies of Ms. Parsons' report and letter pertaining to Luis are collectively attached and incorporated as **Exhibit 5**.

28. Likewise, Dr. Snape Dr. Snape provided her opinion that Luis Michalski was an “Incapacitated Person” under South Carolina law and in need of a Guardian and/or Conservator.” She found Luis to be impaired by reason of “mental deficiency” (“may be autistic”) and “other” (“social and environmental deprivation”). Dr. Snape’s report also noted that the condition “may be permanent.” She noted, “Need long-term interventions + follow up.” A copy of Dr. Snape’s report pertaining to Luis is attached and incorporated as **Exhibit 6**.

29. On July 26, 2016, a hearing was held with the Probate Court regarding whether guardians should be appointed for the Michalski Children. The Michalski Children were present for the hearing along with their court-appointed attorneys and guardians ad litem.

30. An order was issued on August 15, 2016. In it, the Court specifically found neither Mayra Michalski nor Luis Michalski were incapacitated, but that a protective order was necessary to assist them “in achieving maximum independence given their medical and social history.” A copy of the August 15, 2016 Order is attached and incorporated as **Exhibit 7**.²

31. The August 15, 2016 Order appointed Jennifer Browning as temporary Guardian for the Michalski Children, stating that she “is a well-known professional having served in various fiduciary capacities for this Court.” The Court found that she was “an appropriate and well qualified person to serve as temporary Guardian for Mayra and Luis.” *Id.*, p. 3.

² Reference is also made to Ms. Knight’s Visitors’ Reports supplied to the Court in November 3, 2016. As to both Michalski Children, she recommended further assessment and neuropsychological testing. She also found that both children were “independent with personal grooming,” but were “dependent on others for most ADLs. (ADLs include household management tasks, using a phone, driving, managing finances, managing medications, and housework.)”. Though Mayra told Ms. Knight that she felt she was not in need of a guardian, as to Luis, Ms. Knight stated: “Luis Michalski feels that he needs help in caring for himself. He said that he needs help with finances and laundry. He said that he is a slow learner and was in special education.” Ms. Knight’s Visitors’ Reports are attached collectively as **Exhibit 8**.

32. The Court further ordered that the Michalski Children's guardians ad litem and appointed attorneys open the estate of Frances M. Michalski (the "Michalski Estate") and "enter into negotiations with any person in consequence of the recent death of their mother." *Id.*, p. 4.

33. Thereafter, the Michalski Children's attorneys and guardians ad litem approached Mr. Plaxco about potentially serving as the personal representative of the Michalski Estate. Mr. Plaxco is a member of the South Carolina bar and has practiced law since 2013 in Greenville County. He has substantial experience in handling probate matters and related litigation, including complex, contested guardianship and conservatorship actions.

34. In September 2016, Mr. Plaxco was ultimately appointed by the Probate Court to serve as personal representative of the Michalski Estate.

35. At the time of her death, Ms. Michalski had minimal assets, including a home valued at approximately \$150,000 encumbered by a mortgage of approximately \$112,000.00 (the "Property").

36. Initially, the Michalski Children continued to reside at the Property after their mother's death.

37. During this time, Mr. Plaxco worked tirelessly in tending to various affairs pertaining to the Michalski Estate. As detailed herein, certain difficult legal and social issues arose which Mr. Plaxco, along with Ms. Browning, selflessly assisted the Michalski Children in navigating.

38. In or around March 2017, Luis Michalski was placed with the South Carolina Department of Disabilities and Special Needs ("DDSN"), and he was later judicially admitted into DDSN's program for Horry County. Luis's placement was made with his explicit consent. He was

enthusiastic and excited to have the opportunities DDSN were offering. Mr. Plaxco helped Luis pack for his move to Horry County and bid him farewell on the morning thereof.

39. In November 2017, the parties to the guardianship action entered into a consent order terminating the temporary guardianship.

40. Mayra Michalski, who was approximately 25 years of age at the time, continued to reside in the Property until the Summer or Fall of 2017 when, completely unbeknownst to Mr. Plaxco or anyone affiliated with the Michalski Estate or temporary guardianship, she moved out of the Property to live with a boyfriend. Upon information and belief, Mayra's boyfriend was 15 or 16 years old at that time.

41. As soon as Mr. Plaxco learned that Mayra had moved out of the home, he became aware that she had left the family dog, "Sandy", alone in the Property for somewhere between six (6) and eight (8) weeks.

42. Upon information and belief, Mayra Michalski would visit the Property ever so often and leave a large bucket of food for the dog. By the time Mr. Plaxco became aware of the situation, the interior of the Property was completely covered in the dog's excrement and urine. Virtually all of the contents of the home were ruined, either by urine or feces, or (very understandably) chewed up and eaten by the dog.³

43. After Mr. Plaxco learned of this situation, he took Sandy the dog into his own home for approximately six weeks. He had promised the Michalski Children that he would not take her to a shelter where there was a threat of her being euthanized. Attempting to find the dog a suitable caregiver and permanent home, Mr. Plaxco carried her to numerous dog day care centers and

³ Thankfully, by this point, the Michalski Children had taken their personal belongings with them to their respective new homes.

kennels, as well as her veterinarian's office. He took her back into his home, time after time, when prospective new owners would return her because of disobedience and behavior issues. Eventually, Mr. Plaxco was able to find Sandy a permanent home.

44. Mr. Plaxco petitioned the Court to allow him to obtain a loan to hire a professional company to clean and repair the Property. A copy of the petition is attached and incorporated as **Exhibit 9.**⁴

45. That petition was granted, and a professional restoration business cleaned the home, from top to bottom. Mr. Plaxco also spent many days cleaning up the trash and other waste in the Property.

46. Throughout this time, Mr. Plaxco personally took care of the Property's yard, visiting the Property every other weekend, or as necessary, to mow and maintain the grass.

47. Ultimately, Mr. Plaxco retained a licensed real estate agent to list the Property on the Multiple Listings Service. In the Fall of 2018, In the Fall of 2018, the Property sold for the asking price of \$153,000.00. The asking price was calculated based upon the real estate agent's research and comparable market analysis.

48. Mr. Plaxco also retained a highly reputable attorney to pursue legal action against Bon Secours to recover damages resulting from Ms. Michalski's death, styled *Joseph M. Plaxco, Personal Representative of the Estate of Frances Mary Michalski v. Bon Secours St. Francis Health System, Inc.*, Civil Action No. 2017-CP-23-04295 (the "Bon Secours Action").

49. The *Bon Secours* Action was complex and lasted for roughly three years. During the litigation, there were difficult facts that lessened the chance of a favorable result for the Michalski Estate. Following the advice of highly competent counsel, Mr. Plaxco made the

⁴ The original exhibits to Exhibit 9 are omitted for brevity.

reasonable decision to settle the case for \$150,000. On March 5, 2020, the Greenville County Court of Common Pleas approved the settlement and issued a corresponding order confirming the same. The Michalski Children received the wrongful death settlement funds they were entitled to from the attorney who handled the Bon Secours action directly. A copy of the order approving the settlement is attached and incorporated as **Exhibit 10**.

50. In 2021, Mr. Plaxco initiated the necessary steps to close the Michalski Estate. In addition to other documents, Mr. Plaxco filed a comprehensive accounting with the Probate Court. The Michalski Children each signed appropriate receipts and releases, releasing Mr. Plaxco as Personal Representative of the Michalski Estate.

51. The Michalski Estate was scheduled to close in December 2021. However, there were administrative changes relating to the installation of a new probate judge, as well as significant changeover in Probate Court staff, and as such, no closing order was issued. In 2022 and 2023, Mr. Plaxco continued to make efforts to close the estate and inquired with the Court's staff as to the status of issuing a closing order for the Michalski Estate.

52. Fast forward to March 2024, to an action pending in the Greenville County Court of Common Pleas, styled *Stacey Grist, et al. v. Priscilla Mickie Grist, et al.*, Civil Action No. 2022-CP-23-04055 (the "*Grist Action*"). Jennifer Browning, who served as the Michalski Children's temporary guardian, is a named defendant in the *Grist Action*, as is Tracy Parsons, who was an examiner for the Michalski Children. **Defendants Thomason and Puriefoy represent the plaintiffs in the *Grist Action*.**

53. Defendants Thomason and/or Puriefoy caused a Freedom of Information Act ("FOIA") request to be issued to the Greenville County Probate Court seeking all of the Probate Court's files wherein Jennifer Browning had ever been appointed as a Guardian, Conservator,

and/or Guardian ad Litem. A copy of the Probate Court's letter in response to this FOIA request is attached and incorporated as **Exhibit 11**.

54. After scraping the Probate Court files received in response to the FOIA request, during a March 28, 2024 deposition in the *Grist* Action, Defendant Thomason made a number of inquiries regarding various probate lawyers, including Mr. Plaxco.

55. Defendant Thomason also asked questions regarding the Michalski Children in this deposition.

56. That same day, Mr. Plaxco received notice that Defendant Thomason's daughter, Jessie Carroll, a member of Defendant Thomason's law firm, was representing a third party who was subject to a Rule to Show Cause in a totally unrelated Guardianship and Conservatorship action wherein Mr. Plaxco represents the Petitioner, styled *Isaac J. Spearman v. Charmaine Belcher, et al.*, Civil Action Nos. 2022-GC-23-00249 and 00250 (the "*Spearman* Action").⁵ The *Spearman* Action involves several other individuals who the Defendants are targeting.

57. On April 15, 2024, Mr. Plaxco became informed of the purported involvement of Defendants Thomason and/or Puriefoy in the Michalski Estate. Upon information and belief, at that point in time, Mayra Michalski was purportedly a client of Defendants Thomason and/or Puriefoy, but Luis Michalski was not.

58. On April 19, 2024, **three (3) days before the *Spearman* Action was scheduled for a final hearing**, Defendant Thomason's law firm filed a Motion to Intervene in the *Spearman* Action on behalf of a non-profit ecclesiastical entity, Faith Cathedral Look Up and Live Ministries,

⁵ The *Spearman* Action was brought in December 2022, seeking a finding of incapacity and appointment of a guardian and a conservator for this mother, Ethel Talbert-Spearman.

Inc. (“Faith Cathedral”) - which has no right or standing to be a party to such a unique legal proceeding.

59. On or around April 25, 2024, Defendant Thomason filed a notice of representation in the Michalski Estate on behalf of Luis Michalski and Mayra Michalski. Three days later, the Probate Court required a telephone conference with Defendant Thomason and Mr. Plaxco.

60. That conference call was held on April 30, 2024. The Court inquired why Defendant Thomason was appearing so late in this case and what her purpose was in representing the Michalski Children. Defendant Thomason responded that she opposed the Michalski Estate being closed and that she planned to file a lawsuit to “set aside” the court-approved settlement of the *Bon Secours* Action. Thomason also told the Court that the settlement in that case was a “sham,” and that the sale of the Property from the Michalski Estate was fraudulent. **Defendant Thomason even insinuated that the Court was involved with such wrongdoing**, quipping something to the effect of: “I don’t blame you, Judge, because you were not sitting in office when all of this happened.” The call concluded with the Court finding it necessary to order that the parties provide written submissions regarding their opposing positions as to whether the Michalski Estate should be closed.

61. On May 6, 2024, Mr. Plaxco submitted a simple motion stating that the Michalski Estate had been fully administered, that all closing documents had been submitted, and requested that the Court issue an order closing the Michalski Estate. A copy of said motion is attached and incorporated as **Exhibit 12**.

62. On May 9, 2024, Defendant Thomason filed a memorandum opposing Mr. Plaxco’s motion, a copy of which is attached and incorporated as **Exhibit 13**. In that memorandum,

Defendant Thomason made many blatantly false and wildly inaccurate representations to the Court regarding the handling of the Michalski Estate, as well as the Guardianship actions.

63. On May 14, 2024, Mr. Plaxco filed a reply, wherein he summarily disproved Defendant Thomason's false and derogatory representations with detailed evidence and citations to the record. A copy of the reply memorandum is attached and incorporated as **Exhibit 14**.

64. Six days later, on May 20, 2024, Mr. Plaxco received the retaliatory Defamatory Correspondence, which was co-authored, signed, authorized and published by Hulsey, Durand, Thomason, Puriefoy, and Ballard.

65. Hulsey, Durand, Thomason, Puriefoy, and Ballard published the Defamatory Correspondence on behalf of their purported clients, the Michalski Children, and John and Jane Does 1-14. Upon information and belief, Hulsey, Durand, Thomason, Puriefoy and Ballard published the Defamatory Correspondence to others as well.

66. The publication of the Defamatory Correspondence by the Defendants was intentional.

67. The Defamatory Correspondence falsely accuses Mr. Plaxco of engaging in a "Sham Probate Enterprise" consisting of a "pattern of racketeering activity," among other things.

68. The Defamatory Correspondence falsely accuses Mr. Plaxco of engaging in "multiple, repeated, and continuous" acts of mail fraud, wire fraud, and extortion.

69. The Defamatory Correspondence further state that in addition to RICO, the Defendants lawsuits against Mr. Plaxco "will include, but are not limited to disgorgement of ill-gotten gains, wrongful death, fraud, conspiracy, attorneys' fees and costs, estoppel, conversion, unjust enrichment, unclean hands, and fraudulent inducement." The Defamatory Correspondence

also states that the Defendants “will see to have a full accounting and a constructive trust imposed on any and all property or assets Defendants have wrongfully obtained or disposed of.”

70. The Defamatory Correspondence also state that “RICO is particularly appropriate in this instance given the totality of the economic harm the Sham Probate Enterprise wreaked across the State” and they will seek “[t]reble damages along with attorneys’ fees and costs” which “will be astronomical and will serve as an exquisite example to those who might contemplate like conduct in the future.”

71. The Defendants outrageous and false accusations undermine the administration of justice and tarnish the integrity of the legal process for all South Carolina citizens.

72. Throughout his career, Mr. Plaxco has enjoyed a reputation as a skilled and ethical lawyer.

73. Mr. Plaxco’s law practice relies in part upon the referral of work from other lawyers and members of his community. Accordingly, Mr. Plaxco’s livelihood depends significantly upon his reputation in the community.

74. Defendants have relentlessly targeted Mr. Plaxco. They have wrongfully used the legal process and threats of the legal process for their own benefit. This conduct has been continuing and is ongoing.

75. As noted herein, Defendants have continuously abused process for ulterior purposes, including their own pecuniary gain.

76. The Defendants knew and understood the reputational harm that would result from the accusations set forth in the Defamatory Correspondence and nonetheless proceeded with retaliatory publication of the same.

77. For instance, the Defamatory Correspondence stated: “We are aware of the serious nature of the charges and the impact” these false accusations “may have upon business operations.”

78. Not once did any of the Defendants ever phone Mr. Plaxco to ask questions or express concerns about issues raised in the Defamatory Correspondence.

79. These false accusations were made, at minimum, with reckless indifference to the truth. Upon information and belief, they were made deliberately and maliciously, with specific intent to injure the reputation and livelihood of Mr. Plaxco.

80. Defendants published, or caused to be published, the false accusations without providing any factual support for them.

81. Upon information and belief, separate and apart from the recipients known to date, the Defendants published, or caused to be published, the Defamatory Correspondence and/or the defamatory contents thereof to the press and/or others presently unknown. Upon information and belief, the press and/or others presently unknown then published the Defamatory Correspondence and/or the defamatory contents thereof on the internet.

FIRST CAUSE OF ACTION
(Libel & Libel Per Se)

82. The prior allegations, to the extent not inconsistent, are incorporated herein by reference.

83. Defendants transmitted the Defamatory Correspondence to over thirty (30) individuals and entities on or about May 17, 2024.

84. The Defamatory Correspondence falsely accuses Mr. Plaxco (and others) of directly or indirectly conducting a “Sham Probate Enterprise” by “committing fraud in the creation or administration of probated estates, settlements, trust agreements and property transactions while ignoring conflicts of interests. . .” in violation of “18 U.S.C. § 1961(1) and (5) and § 1962(c), to

wit: multiple, repeated, and continuous violations of 18 U.S.C. § 1341 (mail fraud), 18 U.S.C. § 1343 (wire fraud) and S.C. Code § 16-17-640 (extortion).”

85. The Defamatory Correspondence falsely accuses Mr. Plaxco (and others) of participating in a “clear pattern of ongoing racketeering activity by an association-in-fact enterprise, involving various predicate acts executed” by Mr. Plaxco and others to deprive individuals of their “valuable property and rights” in contravention of the RICO Act.

86. The Defamatory Correspondence falsely accuses Mr. Plaxco (and others) of participating in the crime of wire fraud in violation of 18 U.S.C. §1343.

87. The Defamatory Correspondence falsely accuses Mr. Plaxco (and others) of participating in the crime of mail fraud in violation of 18 U.S.C. §1341.

88. The Defamatory Correspondence falsely accuses Mr. Plaxco (and others) of the crime of extortion in violation of S.C. Code § 16-17-640 by “compelling our clients through various artifices to engage in conduct and make decisions against their will or in contravention of their best interests.”

89. The Defamatory Correspondence falsely accuses Mr. Plaxco of a pattern of “racketeering” activity that involved “many lies, deceit and deception” “in order to extort and defraud phenomenal amounts of money, real estate and other forms of valuable assets . . .”

90. The Defamatory Correspondence falsely accuses Mr. Plaxco of engaging in disgorgement of ill-gotten gains, wrongful death, fraud, conspiracy, conversion, unjust enrichment, unclean hands, and fraudulent inducement.

91. The Defamatory Correspondence falsely accuses Mr. Plaxco of participating in a “clear pattern of ongoing racketeering activity by an association-in-fact enterprise, involving

various predicate acts executed” by Mr. Plaxco and others to deprive individuals of their “valuable property and rights” in contravention of RICO.

92. None of the false accusations in the Defamatory Correspondence are protected by privilege.

93. Defendants knew the accusations in the Defamatory Correspondence were false or, at a minimum, were unsure of their truth. Yet, they still intentionally and maliciously published the Defamatory Correspondence to over thirty (30) individuals and entities.

94. Upon information and belief, separate and apart from the recipients known to date, the Defendants published, or caused to be published, the Defamatory Correspondence and/or the defamatory contents thereof to the press and/or others presently unknown. Upon information and belief, the press and/or others presently unknown then published the Defamatory Correspondence and/or the defamatory contents thereof on the internet.

95. Defendants authored, disseminated, and/or published the false accusations in the Defamatory Correspondence with actual, implied, and/or common law malice toward Mr. Plaxco.

96. The defamatory meaning of the statements in the Defamatory Correspondence is apparent from the language itself, and there can be no innocent construction of the statements and accusations set forth therein. Such statements impeach the honesty, integrity, virtue, and reputation of the Mr. Plaxco.

97. The false, defamatory statements include those that are actionable *per se*. They include written or printed words which tend to degrade the Mr. Plaxco, reduce his character or reputation in the estimations of friends, acquaintances, or the public, and/or to disgrace him, and/or to render him odious, contemptible, and/or ridiculous.

98. Because the Defamatory Correspondence falsely accuses Mr. Plaxco of committing criminal acts, damages to his reputation are presumed as a matter of law.

99. Even absent such presumption, however, Mr. Plaxco may sustain substantial reputational harms as a consequence of Defendants' publication of the Defamatory Letter in the form of lost good will, lost business opportunities, harm to existing client relationships, and diminished standing among the Bar with which he practices and the judiciary before which he appears.

100. Mr. Plaxco is entitled to recover legal damages for the damage inflicted to his reputation and such other losses as he has sustained in an amount to be determined by a jury in Greenville County, South Carolina.

101. Mr. Plaxco is likewise entitled to recover punitive damages due to Defendants' malicious, intentional, and recklessly indifferent defamatory acts.

SECOND CAUSE OF ACTION
(Abuse of Process)

102. The prior allegations, to the extent not inconsistent, are incorporated herein by reference.

103. Defendants, for ulterior purposes, have willfully used processes that are not proper in the conduct of one or more proceedings.

104. The processes include, but are not limited to, initiating legal proceedings, filing and serving notices of representation, and filing motions to try and appear in pending proceedings for ill intended reasons. Suffice to say that none of the processes were proper in the conduct of the proceedings.

105. Just as one example, on or around June 20, 2024, Defendant Thomason and/or Defendant Puriefoy caused yet another FOIA request to be issued seeking the production of a

voluminous amount of documents from the Greenville County Probate Court. Upon information and belief, the purpose of this FOIA request was to obtain probate court case files for the Defendants to pick over and unlawfully solicit clients for additional frivolous RICO lawsuits.

106. This conduct is a direct violation of South Carolina Code Ann. § 30-2-50(A), which states: “A person or private entity shall not knowingly obtain or use personal information obtained from a state agency, a local government, or other political subdivision of the State **for commercial solicitation** directed to any person in this State.” (Emphasis added).

107. South Carolian Code Ann. § 30-2-50(D) specifies the criminal penalty associated with such a violation. It states: “A person knowingly violating the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined an amount not to exceed five hundred dollars or imprisoned for a term not to exceed one year, or both.”

108. Moreover, upon information and belief, Defendants are attempting to insert themselves into the *Spearman* Action for conniving and ulterior purposes, all as a part of their scheme to prey on Mr. Plaxco and their other targets, and being done to concoct fabricated facts to continue constructing additional frivolous RICO proceedings grounded on utterly false allegations and pure misstatements of fact.

109. The processes are unauthorized and/or aimed at an illegitimate collateral objective, including, but not limited to, intimidation, harassment, inflicting harm, attempting to create evidence to support frivolous RICO cases and to improperly solicit vulnerable persons as prospective clients for such cases, and for the Defendants’ financial benefit.

110. Defendants have continued to target Mr. Plaxco directly and indirectly through attorneys and other parties, and now, in the Defamatory Correspondence, they have threatened to bring unsupported lawsuits against Mr. Plaxco concerning RICO claims, disgorgement of ill-

gotten gains, wrongful death, fraud, conspiracy, attorneys' fees and costs, estoppel, conversion, unjust enrichment, unclean hands, and fraudulent inducement.

111. As a direct and proximate result, Mr. Plaxco has incurred significant damages. These include, but are not limited to general, actual, nominal, special damages, and punitive damages.

THIRD CAUSE OF ACTION
(Intentional Infliction of Emotional Distress/Outrage)

112. The prior allegations, to the extent not inconsistent, are incorporated herein by reference.

113. Defendants intentionally and/or recklessly inflicted severe emotional distress on Mr. Plaxco or were certain or substantially certain that such distress would result from their conduct.

114. This includes, but is not limited to, falsely accusing Mr. Plaxco of committing the crimes of perjury, wire fraud, mail fraud, and extortion; falsely claiming that he is liable for disgorgement of ill-gotten gains, wrongful death, fraud, conspiracy, attorneys' fees and costs, estoppel, conversion, unjust enrichment, unclean hands, and fraudulent inducement; authoring, authorizing, and publishing these false statements to others, upon information and belief, reviewing the probate files for matters in which Mr. Plaxco was or currently is involved, and contacting those involved with such matters in an effort to create and solicit clients and additional litigation against Mr. Plaxco, and in fact, bringing that additional litigation; and the continuous and relentless targeting of Mr. Plaxco.

115. The Defendants' conduct is so extreme and outrageous as it exceeds all possible bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community.

116. The Defendants' actions directly and proximately caused Mr. Plaxco's emotional distress and/or mental anguish that was so severe that no reasonable person could be expected to endure it.

117. The Defendants' conduct was willful, wanton, and/or in reckless disregard of Mr. Plaxco's rights, and Mr. Plaxco is entitled to punitive damages.

FOURTH CAUSE OF ACTION
(Intentional Interference with Prospective Contracts/Business Relations)

118. The prior allegations, to the extent not inconsistent, are incorporated herein by reference.

119. Defendants have intentionally interfered with the prospective business of Mr. Plaxco.

120. Defendants did so for improper purposes and/or improper methods, including, but not limited to, soliciting clients, authoring, authorizing, and publishing the Defamatory Correspondence, abusing process, harassing and targeting Mr. Plaxco, inflicting severe emotional distress on Mr. Plaxco, accusing the Mr. Plaxco and other attorneys with crimes, and threatening Mr. Plaxco and others with future litigation.

121. Due to Defendants' relentless attacks, as demonstrated throughout this Complaint, Mr. Plaxco has turned down, or will in the future turn down, appointment(s) to serve as court-appointed fiduciaries, such as a personal representative, special administrator, and Guardian ad litem. Since March 2024, when he learned that he was a target of the Defendants, Mr. Plaxco has turned down and denied numerous cases from prospective legal clients who desired Mr. Plaxco's representation in contested probate proceedings, particularly guardianship and conservatorship cases. Mr. Plaxco has been deprived of income as a result.

122. As a direct and proximate result of the Defendants' acts, Mr. Plaxco has incurred significant damages, which include, but are not limited to, general, actual, nominal, and special damages.

123. Defendants' conduct was willful, wanton, and/or in reckless disregard of Mr. Plaxco's rights and Mr. Plaxco is entitled to punitive damages

FIFTH CAUSE OF ACTION
(Civil Conspiracy)

124. The prior allegations, to the extent not inconsistent, are incorporated herein by reference.

125. Defendants Hulsey, Durand, Thomason, Puriefoy, and Ballard have joined together for the sole purpose of injuring Mr. Plaxco.

126. To further their objective of injuring Mr. Plaxco, Defendants acted in concert with each other to falsely accuse Mr. Plaxco of committing criminal and unethical acts and abuse process in order to create evidence for RICO cases and solicit vulnerable persons as potential clients in such cases.

127. Defendants conspired together to cause unlawful FOIA requests to be issued and misuse depositions for ulterior motives

128. Defendants conspired together to solicit certain vulnerable persons as clients, to insert themselves into matters which they deemed advantageous for their prospective RICO cases against Mr. Plaxco and others.

129. Defendants conspired together to draft the Defamatory Correspondence that contained these false allegations.

130. Defendants conspired together to transmit the Defamatory Correspondence to at least thirty (30) other individuals and/or entities, and upon information and belief, other unknown individuals and/or entities.

131. All of these allegations are false and were made with the specific intent of injuring Mr. Plaxco, his reputation, and his law practice in South Carolina.

132. Defendants' conduct amounts to an unlawful civil conspiracy that has directly and proximately caused Mr. Plaxco to suffer damages stemming from the harm to his reputation, diminished standing among the members of the South Carolina Bar with which he practices law and the judiciary before which he appears, lost business opportunities, and lost credibility with the citizens of Greenville County, South Carolina. The amount of such damages shall be determined by a jury in Greenville County, South Carolina.

SIXTH CAUSE OF ACTION
(Declaratory Judgment)

133. The prior allegations, to the extent not inconsistent, are incorporated herein by reference.

134. Upon information and belief, Defendants and/or others acting on their behalf have been reviewing the probate files in which Mr. Plaxco previously appeared or is currently involved, with the goal of finding more probate matters involving an independent third-party neutral, so that they may solicit vulnerable persons as prospective clients for such cases, and for the Defendants' financial benefit.

135. Defendants have been contacting individuals from such files in an effort to create and solicit additional litigation against Mr. Plaxco.

136. Upon information and belief, this is what happened regarding Mayra Michalski, Luis Michalski, Faith Cathedral in the *Spearman* Action, and others.

137. Defendants' actions have caused significant injury and damages to Mr. Plaxco.

138. Mr. Plaxco seeks a declaratory judgment preventing Defendants, or anyone acting on their behalf, from engaging in such conduct.

WHEREFORE, Plaintiff Joseph M. Plaxco respectfully prays to the Court for the following relief:

- A. Judgment against the Defendants as to the First Cause of Action in an amount to be determined by a jury;
- B. Judgment against the Defendants as to the Second Cause of Action in an amount to be determined by a jury;
- C. Judgment against the Defendants as to the Third Cause of Action in an amount to be determined by a jury;
- D. Judgment against the Defendants as to the Fourth Cause of Action in an amount to be determined by a jury;
- E. Judgment against the Defendants as to the Fifth Cause of Action in an amount to be determined by a jury;
- F. Declaratory judgment, as to the Sixth Cause of Action, preventing Defendants, or anyone acting on their behalf, from engaging in such conduct.
- G. Damages to compensate Mr. Plaxco in connection with all causes of action alleged herein, including, but not limited to, attorneys' fees, costs and expenses;
- H. For punitive damages; and
- I. For such other and further relief as the Court may deem just and proper.

GALLIVAN, WHITE & BOYD, P.A.

By: /s/ John T. Lay
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iconits@gwblawfirm.com

Attorneys for Plaintiff Joseph M. Plaxco

July 22, 2024

EXHIBIT 1

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

PROBATE COURT

IN THE MATTER OF LUIS MICHALSKI

FILED

CASE NUMBER 16GC230 _____

JUL 22 2016

16 - 2300126

GREENVILLE COUNTY
PROBATE COURT

ORDER APPOINTING PHYSICIAN/EXAMINER

Upon reading the petition in the above matter, I hereby appoint PALMIRA SNAPE, MD

and TRACY PARSONS

who are directed to report to this Court their findings as to the person's mental and physical condition, and
their opinion as to the need for a guardian and/or conservator to be appointed.

Executed this 22nd day of July, 2016

Caroline M. Horlbeck

CAROLINE M HORLBECK, ASSOC. PROBATE JUDGE

NOTE TO EXAMINER:

Section 62-5-101 states: "Incapacitated person means any person who is impaired by reason of mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, or other cause (except minority) to the extent that (s)he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person or property."

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

PROBATE COURT

IN THE MATTER OF MAYRA MICHALSKI

CASE NUMBER

16GC230

~~16-2300125~~

GREENVILLE COUNTY
PROBATE COURT

FILED

JUL 22 2016

ORDER APPOINTING PHYSICIAN/EXAMINER

Upon reading the petition in the above matter, I hereby appoint Palmira Snape, MD

and Tracy Parsons

who are directed to report to this Court their findings as to the person's mental and physical condition, and their opinion as to the need for a guardian and/or conservator to be appointed.

Executed this 22nd day of July, 2016

Caroline M. Horlbeck

CAROLINE M. HORLBECK, ASSOC. PROBATE JUDGE

NOTE TO EXAMINER:

Section 62-5-101 states: "Incapacitated person means any person who is impaired by reason of mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, or other cause (except minority) to the extent that (s)he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person or property."

EXHIBIT 2

STATE OF SOUTH CAROLINA

PROBATE COURT

COUNTY OF GREENVILLE

IN THE MATTER OF
CASE NUMBER

LUIS MICHALSKI
16GC230

ORDER TO SEND VISITOR

16 - 2300126

FILED

JUL 22 2016

GREENVILLE COUNTY
PROBATE COURT

IT IS HEREBY ORDERED that AMY KNIGHT be sent as Visitor to the place where the allegedly incapacitated person resides to observe conditions and report in writing to the Court (Form #531 PC) prior to the hearing date. The Visitor is further authorized to have access to and review any and all medical records pertaining to the hereinabove-named Proposed Protected Person.

Executed this 22nd day of July 2016.

Caroline M. Horlbeck
Caroline M. Horlbeck, Associate Probate Judge

STATE OF SOUTH CAROLINA

PROBATE COURT

COUNTY OF GREENVILLE

IN THE MATTER OF
CASE NUMBER

MAYRA MICHALSKI

16GC230 **16-2300125**

FILED

JUL 22 2016

ORDER TO SEND VISITOR

**GREENVILLE COUNTY
PROBATE COURT**

IT IS HEREBY ORDERED that Amy Knight be sent as Visitor to the place where the allegedly incapacitated person resides to observe conditions and report in writing to the Court (Form #531PC) prior to the hearing date. The Visitor is further authorized to have access to and review any and all medical records pertaining to the hereinabove named Proposed Protected Person.

Executed this 22nd day of July 2016

Caroline M. Horlbeck

Caroline M. Horlbeck, Associate Probate Judge

EXHIBIT 3

7. To your knowledge does this person have:

a power of attorney
a health care power of attorney or
a "living will"

Yes ☐ No ☒ Unknown ☐
Yes ☐ No ☒ Unknown ☐
Yes ☐ No ☒ Unknown ☐

8. Does the above person have any of the following coverages?

health insurance
medicare
medicaid
veteran's health care

Yes ☐ No ☒ Unknown ☐
Yes ☐ No ☒ Unknown ☐
Yes ☐ No ☒ Unknown ☐
Yes ☐ No ☒ Unknown ☐

9. Does this person have a primary caretaker?

Yes ☒ No ☐ Unknown ☐

If yes, please give available information on name, address, and relationship to above person.

Mamie lives at home with her brother. She has a temporary
guardian and caregivers inside the home.

SWORN to before me this 3 day of
November, 2024

[Signature]

Notary Public for South Carolina

My commission expires: 12-10-24

Date: November 3 2016

[Signature]
Examiner's Signature

Ray C. Parsons UPC
Examiner's Name

Use this space for explanations or additional comments.

Tracy C. Parsons, LPC

P.O. Box 24261
Greenville, SC 29616
(864) 414-5553

October 31, 2016

Debora Faulkner,
Probate Judge
301 University Ridge Suite 5600
Greenville, SC 29605

RE: Mayra Michalski
Case Number: 2016GC2300125

Dear Judge Faulkner:

I visited with Mayra to complete Examiners Affidavit September 14, 2016. Her brother was not home at the time. While Mayra was certainly cooperative with my questions and interview, I could detect a little underlying frustration/anger as to this action. Mayra was dressed appropriately and well groomed.

Mayra does not attend school or drive. She received a GED after dropping out of high school. She reported she was enrolled in regular classes but Honors English classes at the time of her quitting. She says she was bullied by others and that was why she did not attend any longer. Mayra says she enjoys reading and wants to enroll in Aviation Maintenance degree. Mayra does not have a regular physician at this time. Mayra knew the amount of the mortgage, the mortgage holder, and due date. She reported she would pay this online.

I was able to complete a Mini Mental Status Exam on Mayra. Mayra did well on this exam. Although her sentence was a little bizarre, "Complacency lulled like a Kalopsic demiurge in counterpoise.", Mayra certainly can talk a good game. She knew what to say, however, based on report from the current case manager, I am not sure she can actually do these things. Since I was at the residence, Mayra has been able to obtain her drivers permit. I asked her about this in detail. She was able to pass this exam with one attempt. She was able to gather the identifying information (social security card, utility bill, etc) and take the test. When I pressed her for insurance, she was uncertain of this piece of information. She was also enrolled or had plans to attend a Goodwill workshop that would assist her in job skills, preparation. She hoped to apply at MAU, which is a BMW supplier.

After reviewing the other medical reports, speaking at length with the current care manager, and giving this report much thought, I do believe Mayra is an incapacitated adult in need of a guardian. However, Mayra has made some strides from the first time I met her to when I returned to speak with her brother. I do believe Mayra is capable of learning more skills to be independent. It is also my opinion that she has been through a lot and maybe some counseling would benefit her.

Sincerely,


Tracy C. Parsons, LPC

cc: Will Fore
Neil Rabon

EXHIBIT 4

STATE OF SOUTH CAROLINA

PROBATE COURT

COUNTY OF GREENVILLE

IN THE MATTER OF MAYRA MICHALSKI

CASE NUMBER 16GC230 16 - 2300125

FILED

DOCTOR'S AFFIDAVIT REGARDING CAPACITY

JUL 22 2016

PERSONALLY APPEARED BEFORE ME

Jane SandersGREENVILLE COUNTY
PROBATE COURT

Name of Notary

who being duly sworn deposes and says:

I am (Please set forth your medical credentials):

Dalmeida S. Scape, MD, Family Physician

Business address and phone:

Greenville Free Clinic (864) 232 1470

Date and Place of this examination:

7/20/2016

I have had previous opportunities to evaluate the patient?

☐ Yes ☒ No

(If yes, indicate dates and circumstances within the last year and/or reference if you have been the patient's personal physician for a period of time and the time frame.)

Is the patient oriented to time and place?

☒ Yes ☐ No

What is the physical condition and age of the patient? (Detail any other significant factors that may be relevant to the Court.)

Good physical 23yo

Set forth the results of any tests which bear on the issue of incapacity and date of test:

BASED UPON MY EVALUATION OF THIS PATIENT:

☐ I DO NOT believe this patient is an "incapacitated person".¹ I do not find any impairment by reason of mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, or other cause to the extent that he/she lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his/her person, property, or finances.

☒ I DO BELIEVE THIS PATIENT IS AN "INCAPACITATED PERSON" and in need of a Guardian and/or Conservator as I find him/her to be impaired by reason of (CHECK ALL THAT APPLY AND SET OUT AND DESCRIBE THE LIMITATIONS RESULTING FROM EACH.)

☒
☒
☐
☐
☐
☐
☒

Mental Illness

Mental Deficiency

Physical Illness or Disability

Advanced Age

Chronic Use of Drugs

Chronic Intoxication

Other

BorderlineSocial and environmental deprivation

¹"Incapacitated person" means any person who is impaired by reason of mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, or other cause to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person or property. (Section 62-5-101 of the South Carolina Code of Laws)

Long term follow-up needed
Permanent Now.
Is this condition permanent or temporary? Depending on intervention, may be temporary
Can Patient perform activities of daily living? Able to personally take care of her needs
What other information do you believe would assist the Court in making a determination of capacity? Unable to function independently in home

Psychological and cognitive evaluation

FURTHER AFFIANT SAYETH NOT.

Physician's Signature: Palmira S Snape, MD
Print Name: Palmira S Snape
Examiner: MD, SC 4973
Credentials (M.D., Ph.D., D.O., R.N.)
Address: 600 Arlington Ave
Greenville, SC 29601
Telephone: 864-232-1470

SWORN to before me this 20th day of July, 2016
Quanders
Notary Public for South Carolina
My Commission Expires: 11/9/22

FAILURE TO PROVIDE DETAILED RESPONSES TO THE QUESTIONS ON THIS AFFIDAVIT MAY OBLIGATE YOU TO APPEAR AT THE PROBATE COURT HEARING.

All information MUST be typed or clearly printed.

EXHIBIT 5

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE MATTER OF: Luis Michalski

Greenville County
Probate Court
IN THE PROBATE COURT

2015 NOV -3 AM 10:00
EXAMINER'S REPORT

CASE NUMBER: 16GC2300126

Please answer the following questions concerning the above person. Please provide details at the end of this form or on an attached sheet of paper.

1. Have you treated this person before?
If yes, give brief history Yes ☐ No ☒
2. Has this person ever been rated or found:
disabled Yes ☐ No ☒ Unknown ☐
mentally ill or incompetent Yes ☐ No ☒ Unknown ☐
chemically dependent Yes ☐ No ☒ Unknown ☐
3. Can the above person:
care for self (personal hygiene) Yes ☒ No ☐ Unknown ☐
prepare meals and/or clean house Yes ☒ No ☐ Unknown ☐
maintain bank accounts or funds Yes ☐ No ☒ Unknown ☐
pay bills Yes ☐ No ☒ Unknown ☐
live independently Yes ☐ No ☒ Unknown ☐
operate a car Yes ☒ No ☐ Unknown ☐
take medications unsupervised Yes ☐ No ☒ Unknown ☐
4. Would the above person benefit from:
further education Yes ☒ No ☐ Unknown ☐
further training Yes ☒ No ☐ Unknown ☐
therapy of some sort Yes ☐ No ☐ Unknown ☒
medical aids or equipment Yes ☐ No ☒ Unknown ☐
an operation or medical procedure(s) Yes ☐ No ☒ Unknown ☒
structured living arrangements Yes ☒ No ☐ Unknown ☐
5. Has the above person had in the last six months:
hospitalization(s) Yes ☐ No ☒ Unknown ☐
therapy or treatment Yes ☐ No ☒ Unknown ☐
inpatient or outpatient surgery Yes ☐ No ☒ Unknown ☐
major medical test(s) Yes ☐ No ☒ Unknown ☐
psychological or psychiatric testing Yes ☒ No ☐ Unknown ☐
6. In your opinion, does this person have the mental or physical capacity to effectively manage his/her property and financial affairs? Yes ☐ No ☒
and/or make necessary daily living and health care decisions Yes ☐ No ☒

Tracy C. Parsons, LPC

P.O. Box 24261
Greenville, SC 29616
(864) 414-5553

October 31, 2016

Debora Faulkner,
Probate Judge
301 University Ridge Suite 5600
Greenville, SC 29605

RE: Luis Michalski
Case Number: 2016GC2300126

Dear Judge Faulkner:

I visited with Luis Michalski at his residence October 7, 2016. Luis was cooperative and pleasant throughout my interview. Luis lives at home with his sister. His mother passed away recently very unexpectedly. He has a temporary guardian and there are caregivers at the residence 24 hours a day. Luis is enrolled in Greenville Tec and takes four classes. Luis reports he does not do well in his psychology classes. This class is largely lecture based and he struggles with this one. Otherwise, he enjoys his classes and maintains a good grade. Luis wants to be an aid in a special education middle school class. He feels as if he can relate to this group and make a difference.

I was able to administer a Mini Mental Status Exam to Luis. He did well on this test. He did not score in the incapacitated range. However, Luis' has been diagnosed with Autism. He admitted he needed assistance around the house and I do not believe he could live completely independent. His decision making skills are lacking. He would struggle with cooking, cleaning, and paying bills.

The fact that Luis can drive and is enrolled in Technical school leads me to believe that he might can learn some of these tasks, over time, and capacity could be re-evaluated at a later date. However, at this point, Luis cannot perform the necessary tasks and is in need of a guardian at this time.

Sincerely,


Tracy C. Parsons, LPC

cc: Tyler O'Shields
Neil Rabon

EXHIBIT 6

STATE OF SOUTH CAROLINA

PROBATE COURT

COUNTY OF GREENVILLE

IN THE MATTER OF LUIS MICHALSKI

CASE NUMBER 16GC230

16-2300126

FILED

JUL 22 2016

DOCTOR'S AFFIDAVIT REGARDING CAPACITY

PERSONALLY APPEARED BEFORE ME

Jane Sanders

Name of Notary

GREENVILLE COUNTY
PROBATE COURT

who being duly sworn deposes and says:

I am (Please set forth your medical credentials):

Palmer S Snape, M.D., Family Physician

Business address and phone:

Greenville Free Clinic (864) 232-1470

Date and Place of this examination:

7/20/16

I have had previous opportunities to evaluate the patient?

☐ Yes ☒ No

(If yes, indicate dates and circumstances within the last year and/or reference if you have been the patient's personal physician for a period of time and the time frame.)

Is the patient oriented to time and place?

☒ Yes ☐ No

What is the physical condition and age of the patient? (Detail any other significant factors that may be relevant to the Court.)

Good. 22yo

Set forth the results of any tests which bear on the issue of incapacity and date of test:

BASED UPON MY EVALUATION OF THIS PATIENT:

☐ I DO NOT believe this patient is an "incapacitated person".¹ I do not find any impairment by reason of mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, or other cause to the extent that he/she lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his/her person, property, or finances.

☒ I DO BELIEVE THIS PATIENT IS AN "INCAPACITATED PERSON" and in need of a Guardian and/or Conservator as I find him/her to be impaired by reason of (CHECK ALL THAT APPLY AND SET OUT AND DESCRIBE THE LIMITATIONS RESULTING FROM EACH.)

☒
☐
☐
☐
☐
☐
☐
☒

Mental Illness
Mental Deficiency
Physical Illness or Disability
Advanced Age
Chronic Use of Drugs
Chronic Intoxication
Other

may be autistic

Social and environmental deprivation

¹"Incapacitated person" means any person who is impaired by reason of mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, or other cause to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person or property. (Section 62-5-101 of the South Carolina Code of Laws)

Is this condition permanent or temporary?

May be permanent, Need long term interventions + followup

Can Patient perform activities of daily living?

Yes, personal. No Financial Knowledge

What other information do you believe would assist the Court in making a determination of capacity?

Psychological Evaluation + evaluation of knowledge of self

FURTHER AFFIANT SAYETH NOT.

Physician's Signature:

Palmira S Snape, MD

Print Name:

Palmira S Snape MD

Examiner:

MP, SC 4173

Credentials (M.D., Ph.D., D.O., R.N.)

Address:

600 Avington Ave

Greenville, SC 29601

Telephone:

864-232-1470

SWORN to before me this 20th day of

July 20 16

Notary Public for South Carolina

My Commission Expires: 11/9/22

FAILURE TO PROVIDE DETAILED RESPONSES TO THE QUESTIONS ON THIS AFFIDAVIT MAY OBLIGATE YOU TO APPEAR AT THE PROBATE COURT HEARING.

All information MUST be typed or clearly printed.

EXHIBIT 7

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE PROBATE COURT

FILED

AUG 15 2016

GREENVILLE COUNTY
PROBATE COURT

In Re: Mayra Michalski)
Protected Person)

CASE NO. 16GC2300125

And)

In Re: Luis Michalski)

CASE NO. 16GC2300126

Protected Person)

Bon Secours St. Francis Health)
System)

Petitioner)

vs.)

Mayra Michalski)

Luis Michalski)

Respondent(s))

PROTECTIVE ORDER
(temporary)

Date of hearing: July 26, 2016
Presiding Judge: Caroline M. Horlbeck
Attorney(s): R. O'Neil Rabon, Jr. on behalf of Petitioner
William D. Fore as court appointed counsel and *guardian ad litem* for
Mayra Michalski
R. Frank Plaxco as court appointed counsel and *guardian ad litem*
For Luis Michalski

This matter was initiated upon the filing of a Petition for the appointment of a permanent Guardian for Mayra and Luis Michalski (individually, "Mayra" and Luis" and together, the "Respondents"). Petitioner also moved for the appointment of a temporary Guardian.

A temporary hearing was held in the Probate Court for Greenville County. Present was the Petitioner, represented by R. O'Neil Rabon, Jr.; Luis Michalski represented by Mr. R. Frank Plaxco; and Mayra Michalski, represented by William D. Fore.

Based on the Petition, Affidavit of Dr. Palmira Snape and other supporting documentation regarding Mayra and Luis Michalski, the testimony presented and the statements and information provided by counsel, this Court makes the following findings of fact:

1. The Respondents are residents of Greenville County and South Carolina is their home state. Specifically they reside at 48 Maravista Avenue, Greenville, South Carolina, 29617.
2. Jurisdiction over the subject matter and the parties is proper.
3. Mayra Michalski has a borderline Intelligence Quotient (IQ). She has no South Carolina driver's license or identification card. She has not been treated medically for several years and has dental issues, including an abscessed tooth. The results of her Health and Safety Test indicate her awareness of necessary safety skills falls in the low range of functioning. K-Snap testing reveals her neuropsychological functioning falls in the Lower Extreme. Her Mini Mental Status Exam (MMSE) results were average for her age. There was no presence of impairment in the areas of orientation, attention, working memory, registration, immediate recall, language or visuospatial skills. She reports that she has earned a GED.
4. Luis Michalski is diagnosed with an Autistic disorder. He has a South Carolina driver's license and is enrolled in Greenville Technical College. His Mini Mental Status Exam (MMSE) was average for his age. There was no presence of impairment in orientation, attention, working memory, registration, immediate recall, language or visuospatial skills. His Health and Safety Test indicates his awareness of necessary safety skills falls in the extremely low range of functioning. K-Snap testing reveals his neuropsychological functioning falls in the Lower Extreme.
5. Both Respondents suffer from social and environmental deprivation as diagnosed by Dr. Palmira Snape. Neither Respondent had been assessed for independent living skills at the time of this hearing.

6. Pursuant to S.C. Probate Code Section 62-5-304 the development of maximum self-reliance and independence of Respondents is fundamental and the Court may make appointive and other orders only to the extent necessitated by Respondents' mental and adaptive limitations.

7. Based on the evidence in the record, the Court finds neither Respondent is incapacitated at this time. However, the evidence does indicate a need for a Protective Order to assist Respondents in achieving maximum independence given their medical and social history.

8. Jennifer Browning is a well-known professional having served in various fiduciary capacities for this Court. I find she is an appropriate and well qualified person to serve as temporary Guardian for Mayra and Luis.

Based on the foregoing findings of fact, I conclude and Order as follows for the purposes of a temporary Order:

1. Respondents are in need of protection and assistance and a temporary Protective Order is necessary and appropriate under the circumstances.

2. Under this Protective Order, Jennifer Browning is appointed as temporary Guardian to exercise such authority as needed for the protection and welfare of Mayra and Luis Michalski, specifically to provide for their protection while also allowing each of them to exercise independent decision making over matters within their cognitive and functional abilities.

3. Mrs. Browning, in the capacity as temporary Guardian, has full authority to obtain any and all medical records related to Mayra and Luis Michalski.

4. The temporary Guardian shall be entitled to the release of all individually identifiable health information and medical records, without restriction including, but not limited to, diagnostic, treatment, other health care, and related insurance and financial records and

information associated with any part, present, or future physical or mental health conditions including, but not limited to, diagnosis or treatment of HIV/AIDS, sexually transmitted diseases(s), mental illness, and/or drug or alcohol abuse and any written opinions relating to Mayra and Luis Michalski's health that the temporary Guardian may request from any health care facility or provider. Without limiting the generality of the foregoing, this release authority applies to all health information and medical records governed by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 USC 1320d and 45CFR 160-164.

5. This appointment of a temporary Guardian is for a period of time not to exceed 180 days from the date of this hearing.

6. William D. Fore and R. Frank Plaxco as counsel for Mayra and Luis respectively, are authorized to search for existence of any assets available to their clients and to enter into negotiations with any person in consequence of the recent death of their mother. For these purposes, each of them shall have full authority to demand and receive all medical records relating to her physical condition, medical treatment and death.

7. William D. Fore and R. Frank Plaxco are directed to pursue opening the Estate of Frances Michalski.

8. The temporary Guardian shall arrange for psychological and cognitive and other testing to determine Respondents' ability to learn independent living skills and arrange for services that will promote maximum independence.

9. At the final hearing, the temporary Guardian shall insure that all test results and other evidence is available in order for the Court to issue a final Order as to the issue of incapacity. Further, the temporary Guardian and Counsel for Respondents should be prepared to

CA# 403

recommend whether or not these actions should be dismissed or whether the Court should enter an Order for permanent general guardianship or limited guardianship.

IT IS SO ORDERED.

August 15, 2016

Caroline M. Horlbeck
Caroline M. Horlbeck
Associate Probate Judge
Greenville, South Carolina

CH# 5 85

EXHIBIT 8

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE PROBATE COURT

VISITOR'S REPORT

FILED

IN THE MATTER OF:

MAYRA MICHALSKI

CASE NUMBER: 2016GC2300125

NOV 3 2016

GREENVILLE COUNTY
PROBATE COURT

The undersigned court-appointed visitor in this guardianship proceeding submits the following report concerning the investigation which I conducted pursuant to Section 62-5-303 of the South Carolina Probate Code. In my visit to the place where the allegedly incapacitated person resides, I observed the following:

REPORT ON THE INCAPACITATED PERSON:

1. Date and place of interview: **Monday, August 1, 2016 at the home of Mayra and Luis Michalski (siblings) at 48 Maravista Avenue, Greenville SC 29617**
2. Oriented as to time and place? **X YES** ☐ NO
3. Physical Appearance: **Casually dressed in jeans and a t-shirt, well-nourished**
4. Who are his/her closest family members? **Luis Michalski, brother. Mother is deceased as of 7/08/2016. Father is deceased. One uncle that is incarcerated. No other family.**
5. Does he/she have a doctor? **X NO** ☐ YES If yes, please list the doctor's name, address, and phone number.
Mayra Michalski stated that she has not had a doctor in about four years when she went to see a pediatrician when the family lived in Pennsylvania. She stated that she has never had an appointment with a gynecologist and expressed angst/fear about the intimacy of such an examination.
6. Does he/she have an attorney? ☐ NO **X YES** If yes, please list the attorney's name, address, and phone number.
William Fore, 615 Rutherford Street, Greenville SC 29609; Phone: 864-235-9628
7. Does he/she think he/she needs help caring for himself/herself? **X NO** ☐ YES If yes, in what areas?
Mayra Michalski does not feel that she needs help in caring for herself. She does not drive and had a permit in Pennsylvania; however, it has expired. She stated that she can cook meals like spaghetti. In the case of an emergency, she stated that she would dial 911 and use a damp towel to extinguish a fire.
8. Would he/she like help in caring for himself/herself? **X NO** ☐ YES
9. Does he/she know the proposed Guardian? **X YES** ☐ NO
She has attempted to reach her temporary guardian by phone and expressed frustration with waiting on Browning Geriatric and her attorney to call her back. She is concerned about bills and does not know how to pay for them; although, she said that she does know how to write a check.
10. How does he/she feel about having that person appointed as his/her guardian? **Mayra Michalski does not want a guardian. This Visitor spent some time educating her about guardianship. Mayra stated that she assumed it was to determine what was done with assets. She expressed that she is not okay with this under any circumstances. She knew that it had been stated that she had a below average IQ. Mayra said that she and her brother are "regular kids".**
11. Does he/she feel any of the guardian powers or duties should be limited or restricted in any way? If so, how?
Mayra Michalski is concerned that she would not be able to act independently and do things like see her boyfriend if she wants. Her boyfriend does not live locally; they communicate by phone and Internet.
12. How does he/she feel about the proposed guardianship? **See above.**
13. How does he/she feel about the proposed scope and duration of the proposed guardianship? **See above.**

REPORT ON THE PROPOSED GUARDIAN

1. Has an adult protective service case or family management case ever been opened on this person? ☐ NO ☐ YES
If yes, please explain. Unknown
- If yes, does the DSS record reveal anything you believe the court should know? ☐ NO ☐ YES If yes, please explain.
N/A
2. Does your investigation of the proposed guardian reveal anything that you believe the court should know?
☐ NO ☒ YES If yes, please explain. SEE ADDENDUM FOR ADDITIONAL DETAILS.
3. Does your investigation reveal any other person who should be considered to be appointed the guardian in this matter?
☒ NO ☐ YES If yes, please explain, including name, address, telephone, age, and relationship to allegedly incapacitated person. SEE ADDENDUM FOR ADDITIONAL DETAILS.

REPORT ON CONDITION OF PRESENT PLACE OF RESIDENCE

1. Date and time visited: Monday, August 1, 2016; 5:00 pm EST
2. Address (include street, city, county, state, zip): 48 Maravista Avenue, Greenville SC 29617
3. Type of abode: One story single family home.
4. Condition:
- a. exterior: blue vinyl siding; yard okay
 - b. interior: Clean
 - c. utilities working: Yes
 - d. cleanliness: Visitor saw kitchen, living room, and garage. They were livable.
 - e. fire hazards: Unknown
 - f. other (explain):

CONCLUSIONS AND ADDITIONAL COMMENTS:

Prior to your visit, did you know the person who is alleged to be incapacitated? ☒ NO ☐ YES If yes, please explain.

Prior to your visit, did you know the person who is seeking appointment? ☒ NO ☐ YES If yes, please explain.

Prior to your visit, did you or do you now have a personal interest in these proceedings? ☒ NO ☐ YES If yes, please explain.

Executed this 1 day of September, 2016.

Signature: Amy Knight
 Name: Amy Knight, LMSW, C-ASWCM
 Address: PO BOX 5621
Greenville, SC 29606
 Telephone (O): 864-271-0011
 (H):

GRS

GERIATRIC RESOURCE SERVICES, INC.

The Honorable Caroline M. Hortbeck
Associate Probate Court Judge
301 University Ridge, Suite 1200
Greenville, South Carolina 29601-3660

September 1, 2016

ADDENDUM TO VISITOR'S REPORT

RE: Mayra Michalski
CASE NUMBER: 2106GC2300125

Pursuant to the court order, I met with Ms. Mayra Michalski on Monday, August 1, 2016 at 4:30 pm at her home for the purpose of a Visitor Report. This visit had been pre-arranged through a phone call to Comfort Keepers, a non-medical home care provider that was hired to provide 24/7 care and supervision to Mayra and her brother.

Ms. Michalski is a 23 year old Caucasian woman who lives with her brother at their residence at 48 Maravista Avenue in Greenville. The home was owned by their mother who unexpectedly died on July 8, 2016 after undergoing a scheduled medical procedure. When I arrived at the home, I waited a few minutes until the Michalskis returned home with their hired companion as they had been grocery shopping. The siblings also have a dog that is not well-trained, and the companion took the dog out onto the porch during my visit. Ms. Michalski was wearing jeans and a t-shirt. She responded to my questions appropriately. I spent part of my time with the siblings speaking to them about their understanding about guardianship and educating them about what that means. Mayra in particular expressed concern that events and plans were not being communicated well from attorneys and other folks involved in the proceedings. She and her brother are biological siblings who were adopted by their parents when they were babies/toddlers.

The following is Mayra's account of her social history. She was accepted into college at the National Aviation Academy but when her father died, she did not go because of the financial strain. She dropped out of high school at age 15 related to bullying and has her GED. She said that she has not worked. Mayra stated that she is writing a book. She and her brother and mother moved from Pennsylvania four years ago to live closer to their mother's boyfriend. When asked about her goals, Mayra said that she had thought about going to Greenville Tech. Mayra does not drive and said that she had her learner's permit in Pennsylvania, but it has expired. When asked how she spends her days, Mayra plays video games, spends time socializing via the Internet, and she walks to the local public library. Mayra said that her mother took care of all of the household management including finances, laundry, meals, and cleaning. She said that since her mother's death, she is learning to cook and is doing laundry. When she spoke about the probate hearing, she talked about hearing those present speak about all of the things that she and her brother could not do and was concerned that there was no talk about what they could do and all that they had learned in their mother's absence.

In addition to speaking to Mayra and her brother, I called Mr. John Pearce. Mr. Pearce was their mother's boyfriend. He also resides on Maravista Drive. Mr. Pearce stated that Frances Michalski sheltered her two children. He stated that prior to her death, he had only met Luis twice and had never met Mayra. He said that Frances referred to her children as "special needs" and that she had mentioned that Mayra is bipolar and that she got in trouble in high school. John Pearce was the

person who received the call from the hospital about Frances' death. He went by to pick up the siblings and took them to the hospital. His daughter came into town for a while afterward to provide support to him and to help get the siblings organized.

Regarding her functional status, Mayra Michalski is independent with personal grooming. She is, however, dependent on others for most iADLs. (iADLs include household management tasks: using a phone; driving; managing finances; managing medications; and, housework.)

To summarize, this Visitor found Mayra Michalski to need additional assessment and recommends neuropsychological testing. She spoke intelligently and perhaps with the right coaching, education, and support, Ms. Michalski can lead an independent life. I do not recommend permanent guardianship and feel that if guardianship is in place, it should be temporary and reassessed in the future.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Amy Knight". The signature is written in black ink and is positioned above the printed name.

Amy Knight, LMSW, C-ASWCM

GRS

GERIATRIC RESOURCE SERVICES, INC.

FILED

NOV - 3 2016

GREENVILLE COUNTY
PROBATE COURT

Invoice submitted to:

Greenville County Probate Court
Honorable Caroline M. Horlbeck
301 University Ridge, Suite 1200
Greenville, SC 29601-3660

Invoice #	21445
Invoice Date	11/01/2016
For Services Through	11/01/2016
Terms	N/A

<u>Date</u>	<u>By</u>	<u>Service Summary</u>	<u>Hours/Rate</u>	<u>Amount</u>
In Reference To: Mayra & Luis Michalski (Care Management)				
08/01/2016	AK	<i>Professional Services</i> Phone conversation with John Pierce regarding the Michalski family	0.40 at \$ 125.00/hr	\$ 50.00
08/03/2016	AK	<i>Professional Services</i> Phone conversation with Tracy Parsons re: her assignment as Examiner and findings.	0.20 at \$ 125.00/hr	\$ 25.00
09/01/2016	AK	<i>Report Preparation</i> Draft Visitor reports for Mayra and Luis Michalski.	1.50 at \$ 125.00/hr	\$ 187.50
11/01/2016	AK	<i>Professional Services</i> Visit to Mayra and Luis Michalski for the purpose of assessing for Visitor's Report	2.00 at \$ 125.00/hr	\$ 250.00

Total Hours: 4.10 hrs
Total Care Management: \$ 512.50
Total Invoice Amount: \$ 512.50
Previous Balance: \$ 0.00
Balance (Amount Due): \$ 512.50

ELECTRONICALLY FILED - 2024 Jul 22 8:10 PM - GREENVILLE - COMMON PLEAS - CASE#2024CP2303329

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE PROBATE COURT

IN THE MATTER OF:)

LUIS MICHALSKI)

VISITOR'S REPORT

FILED

CASE NUMBER: 2016GC2300126

NOV - 3 2016

**GREENVILLE COUNTY
PROBATE COURT**

The undersigned court-appointed visitor in this guardianship proceeding submits the following report concerning the investigation which I conducted pursuant to Section 62-5-303 of the South Carolina Probate Code. In my visit to the place where the allegedly incapacitated person resides, I observed the following:

REPORT ON THE INCAPACITATED PERSON:

1. Date and place of interview: **Monday, August 1, 2016 at the home of Mayra and Luis Michalski (siblings) at 48 Maravista Avenue, Greenville SC 29617**
2. Oriented as to time and place? ☒ YES ☐ NO
3. Physical Appearance: **Casually dressed, well-nourished**
4. Who are his/her closest family members? **Mayra Michalski, sister. Mother is deceased as of 7/08/2016. Father is deceased. One uncle that is incarcerated. No other family.**
5. Does he/she have a doctor? ☒ NO ☐ YES If yes, please list the doctor's name, address, and phone number.
Luis Michalski stated that he went with his mother to the clinic. This was not a primary care physician. Uncertain of provider's name and contact information
6. Does he/she have an attorney? ☐ NO ☒ YES If yes, please list the attorney's name, address, and phone number.
Frank Plaxeo, uncertain of address; Phone is 864-232-9828 or 864-517-2812
7. Does he/she think he/she needs help caring for himself/herself? ☐ NO ☒ YES If yes, in what areas?
Luis Michalski feels that he needs help in caring for himself. He said that he needs help with finances and laundry. He said that he is a slow learner and was in special education.
8. Would he/she like help in caring for himself/herself? ☐ NO ☒ YES
9. Does he/she know the proposed Guardian? ☒ YES ☐ NO
No, he has not met Jennifer Browning.
10. How does he/she feel about having that person appointed as his/her guardian? **He feels that it should be temporary until he gets used to paying bills.**
11. Does he/she feel any of the guardian powers or duties should be limited or restricted in any way? If so, how?
See above.
12. How does he/she feel about the proposed guardianship? **See above.**
13. How does he/she feel about the proposed scope and duration of the proposed guardianship? **See above.**

REPORT ON THE PROPOSED GUARDIAN

1. Has an adult protective service case or family management case ever been opened on this person? ☐ NO ☐ YES
If yes, please explain. Unknown
- If yes, does the DSS record reveal anything you believe the court should know? ☐ NO ☐ YES If yes, please explain.
N/A
2. Does your investigation of the proposed guardian reveal anything that you believe the court should know?
☐ NO ☒ YES If yes, please explain. SEE ADDENDUM FOR ADDITIONAL DETAILS.
3. Does your investigation reveal any other person who should be considered to be appointed the guardian in this matter?
☒ NO ☐ YES If yes, please explain, including name, address, telephone, age, and relationship to allegedly incapacitated person. SEE ADDENDUM FOR ADDITIONAL DETAILS.

REPORT ON CONDITION OF PRESENT PLACE OF RESIDENCE

1. Date and time visited: Monday, August 1, 2016; 5:00 pm EST
2. Address (include street, city, county, state, zip): 48 Maravista Avenue, Greenville SC 29617
3. Type of abode: One story single family home.
4. Condition:
- a. exterior: blue vinyl siding; yard okay
 - b. interior: Clean
 - c. utilities working: Yes
 - d. cleanliness: Visitor saw kitchen, living room, and garage. They were livable.
 - e. fire hazards: Unknown
 - f. other (explain):

CONCLUSIONS AND ADDITIONAL COMMENTS:

Prior to your visit, did you know the person who is alleged to be incapacitated? ☒ NO ☐ YES If yes, please explain.

Prior to your visit, did you know the person who is seeking appointment? ☒ NO ☐ YES If yes, please explain.

Prior to your visit, did you or do you now have a personal interest in these proceedings? ☒ NO ☐ YES If yes, please explain.

Executed this 1 day of September, 2016.

Signature: Amy Knight
 Name: Amy Knight, LMSW, C-ASWCM
 Address: PO BOX 5621
Greenville, SC 29606
 Telephone (O): 864-271-0011
 (H):

GRS
GERIATRIC RESOURCE SERVICES, INC.

FILED

NOV - 3 2016

**GREENVILLE COUNTY
PROBATE COURT**

The Honorable Caroline M. Horlbeck
Associate Probate Court Judge
301 University Ridge, Suite 1200
Greenville, South Carolina 29601-3660

September 1, 2016

ADDENDUM TO VISITOR'S REPORT
RE: Luis Michalski
CASE NUMBER: 2106GC2300126

Pursuant to the court order, I met with Mr. Luis Michalski on Monday, August 1, 2016 at 4:30 pm at her home for the purpose of a Visitor Report. This visit had been pre-arranged through a phone call to Comfort Keepers, a non-medical home care provider that was hired to provide 24/7 care and supervision to Luis and his sister.

Mr. Michalski is a 22 year old Caucasian man who lives with his sister at their residence at 48 Maravista Avenue in Greenville. The home was owned by their mother who unexpectedly died on July 8, 2016 after undergoing a scheduled medical procedure. When I arrived at the home, I waited a few minutes until the Michalskis returned home with their hired companion as they had been grocery shopping. The siblings also have a dog that is not well-trained, and the companion took the dog out onto the porch during my visit. Mr. Michalski responded to my questions appropriately. He did not make a lot of eye contact. I spent part of my time with the siblings speaking to them about their understanding about guardianship and educating them about what that means. He and his sisters are biological siblings who were adopted by their parents when they were babies/toddlers.

Luis does have a driver's license. He drives himself to and from school and attends Greenville Tech. He said that this semester, he is taking four classes instead of two. He was taking computer courses but is now focusing on childhood development and said that he has one year before graduation. He said that he has not requested special accommodations for his courses. During the Visit, Luis Michalski's attorney arrived to assist Luis with a flat tire. This Visitor has the understanding that he had driven on a flat tire to and from school that day and was uncertain how to fix it or get assistance with fixing it. Seeing this interaction provided this Visitor with insight into Luis Michalski's critical thinking. He does have a cell phone but he was uncertain how to use his phone to find a nearby repair shop. Luis drives a Smart Car, and he was uncertain how to look at the car's manual to find directions on repairing a flat and was not sure where or if the car had a spare tire. This Visitor feels that he would have greatly struggled with finding a remedy to this problem if he had been left alone. He seemed to lack confidence in his decisions.

In addition to speaking to Luis and his sister, I called Mr. John Pearce. Mr. Pearce was their mother's boyfriend. He also resides on Maravista Drive. Mr. Pearce stated that Frances Michalski sheltered her two children. He stated that prior to her death, he had only met Luis twice and had never met Mayra. He said that Frances referred to her children as "special needs" and that Luis had been assessed in Boiling Springs, PA. He was told that Luis is on the "spectrum of autism". John Pearce was the person who received the call from the hospital about Frances' death. He went by to pick up the siblings and took them to the hospital. His daughter came into town for a while afterward to provide support to him and to help get the siblings organized.

Regarding his functional status, Luis Michalski is independent with personal grooming. He is, however, dependent on others for most iADLs. (iADLs include household management tasks: using a phone; driving; managing finances; managing medications; and, housework.)

To summarize, this Visitor found Luis Michalski to need additional assessment and recommends neuropsychological testing. Perhaps with the right coaching, education, and support, Mr. Michalski can lead an independent life. I do not recommend permanent guardianship and feel that if guardianship is in place, it should be temporary and reassessed in the future.

Respectfully Submitted,

A handwritten signature in black ink that reads "Amy Knight". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Amy Knight, LMSW, C-ASWCM

G R S

GERIATRIC RESOURCE SERVICES, INC.

FILED

NOV - 3 2016

**GREENVILLE COUNTY
PROBATE COURT**

Invoice submitted to:

Greenville County Probate Court
Honorable Caroline M. Horlbeck
301 University Ridge, Suite 1200
Greenville, SC 29601-3660

Invoice #	21445
Invoice Date	11/01/2016
For Services Through	11/01/2016
Terms:	N/A

<u>Date</u>	<u>By</u>	<u>Service Summary</u>	<u>Hours/Rate</u>	<u>Amount</u>
In Reference To: Mayra & Luis Michalski (Care Management)				
08/01/2016	AK	<i>Professional Services</i> Phone conversation with John Pierce regarding the Michalski family	0.40 at \$ 125.00/hr	\$ 50.00
08/03/2016	AK	<i>Professional Services</i> Phone conversation with Tracy Parsons re: her assignment as Examiner and findings.	0.20 at \$ 125.00/hr	\$ 25.00
09/01/2016	AK	<i>Report Preparation</i> Draft Visitor reports for Mayra and Luis Michalski.	1.50 at \$ 125.00/hr	\$ 187.50
11/01/2016	AK	<i>Professional Services</i> Visit to Mayra and Luis Michalski for the purpose of assessing for Visitor's Report	2.00 at \$ 125.00/hr	\$ 250.00

Total Hours: 4.10 hrs
Total Care Management: \$ 512.50
Total Invoice Amount: \$ 512.50
Previous Balance: \$ 0.00
Balance (Amount Due): \$ 512.50

EXHIBIT 9

STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF GREENVILLE

Joseph M. Plaxco, Personal Representative
of the Estate of Frances Mary Michalski,

Petitioner,

**PETITION FOR APPROVAL
OF LOAN**

-vs-

C/A No.: 2016-ES-23-02077

Jennifer Browning, Guardian for Mayra
Michalski and Luis Michalski; William D.
Fore, *Guardian ad Litem* for Mayra
Michalski; and Tyler B. O'Shields,
Successor *Guardian ad Litem* for Luis
Michalski,

Respondents.

The Petitioner, Joseph M. Plaxco, as Personal Representative of the Estate of Frances Mary Michalski would respectfully show unto this Court as follows:

1. The Petitioner, Joseph M. Plaxco, is the Personal Representative of the Estate of Frances Mary Michalski, having been appointed by order of this Court on September 2, 2016.
2. Respondent Jennifer Browning is the court-appointed temporary Guardian for Decedent Frances Mary Michalski's son and daughter, Luis Michalski and Mayra Michalski, respectively.
3. Respondent William D. Fore is *Guardian ad Litem* for Mayra Michalski.
4. Respondent Tyler B. O'Shields is Successor *Guardian ad Litem* for Luis Michalski.
5. The Decedent, Frances Mary Michalski, died intestate in Greenville County, South Carolina on July 8, 2016. Her estate is currently being probated in the Greenville County Register of

Deeds Office under file number 2016ES2302077.

6. The Estate of Frances Mary Michalski owns real property located at 48 Maravista Avenue, Greenville County, State of South Carolina (29617), TMS: B008080111900 (the "property" or "residence")
7. As of recently, the property is vacant. The Decedent's two children, Luis and Mayra Michalski, have moved out of the residence permanently with no intention of returning.
8. Petitioner believes and alleges that it is in the best interest of the estate to sell the property and, upon closing the estate, distribute the proceeds of said sale to Mrs. Michalski's heirs.
9. After inspection of the property, it became clearly evident the house must be thoroughly cleaned and restored so as to obtain a reasonable offer for the sale of the residence.
10. Attached as Exhibit A is a quote/estimate from Servpro of East Greenville County for \$6,500.¹
11. Based on his research and inquiries, Petitioner believes that ServPro of East Greenville County is a very reputable company with high regards in the community and Petitioner believes that ServePro is the ideal contractor to do the work needed as set forth in this Petition.
12. Petitioner has received quotes from at least two companies in Greenville who specialize in the type of cleaning and work necessary to get the residence back to sellable condition, and Petitioner believes that it will cost no more than \$10,000.00 to restore the residence back to said condition.
13. There is currently less than \$1,000.00 left in the estate account to cover expenses, including

¹ Servpro's quote/estimate does not include the replacement of carpet. Petitioner believes that said replacement shall cost no more than \$3,000.00.

but not limited to the current mortgage payment, energy bill,² and the filing fees and out of pocket costs of this Petition.

14. The property has a tax market value with Greenville County Real Property Services of \$107,890; however, and despite this value figure, zillow.com provides an estimated value of \$134,776 (See attached Exhibit B); realtor.com provides an estimated value of \$153,900 (See attached Exhibit C); redfin.com provides an estimated value of \$173,569; and remax.com provides an estimated value of \$144,908. The average of these estimate value figures is approximately \$142,500. In addition, there is house with similar characteristics (size, number of bedrooms, number of bathrooms) in the same subdivision for sale for \$139,900. (See Exhibit D.)
15. Per the most recently statement from the mortgage holder, the unpaid principal balance on the loan is \$108,921.56.
16. The Petitioner believes and alleges that because of the circumstances stated above herein, he shall have the authority to obtain a loan or equity line from an insured banking institution to cover the costs of cleaning and repairing the home to restore it back to a sellable and habitable condition.
17. The Petitioner would also note that there is a pending medical malpractice action in the Greenville County Court of Common Pleas related to Mrs. Michalski's death, and the Petitioner expects that additional monies will be deposited into the estate upon settlement or trial of said action.

² Note that the mortgage payment is approximately \$639.76 per month

WHEREFORE, having fully pled, the Petitioner prays for an Order granting the following relief:

- A. That the Petitioner have the authority to obtain a loan or equity line from a reputable, insured banking or otherwise financial institution to obtain the funds to allow for the cleanup and restorations needed to restore the residence to a sellable and habitable condition, as set forth above;
- B. For whatever further relief the Court deems just and proper in this situation.

Respectfully submitted,

JOSEPH M. PLAXCO, LLC



Joseph M. Plaxco (SC Bar No. 100975)
707 East North Street
Greenville, South Carolina 29601
(864) 240-9112 (telephone)
(864) 232-7707 (fax)
joseph.plaxco@plaxcolaw.com

Greenville, South Carolina
Dated this 9th day of November, 2017

EXHIBIT 10

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Joseph M. Plaxco as Personal Representative
of the Estate of Frances Michalski,

Plaintiff,

-vs-

Bon Secours St. Francis Health System, Inc.,
St. Francis Physician Services, Inc. and
Gregory W. San, MD.

Defendant.

IN THE COURT OF COMMON PLEAS

C.A. No.: 2017-CP-23-04295

2024 MAR 5 PM 2:22
Per: William L. Dodson, Jr.

**ORDER APPROVING
SETTLEMENT**

This matter is before the Court by way of a Verified Petition brought by the above named Plaintiff, pursuant to code S.C. Code Ann. § 15-51-42, for approval of the settlement of Survival and Wrongful Death claims. A hearing was held before me and the Greenville County courthouse on March 5, 2020, at which time the Plaintiff was present and represented by William L. Dodson, Jr.. The Defendants were represented by Bo Boman of Roe, Cassidy, Coates & Price. Having carefully considered the Petition, the testimony presented, and the presentations of counsel, I make the following findings of facts and conclusions of law:

I.

I find that the Plaintiff is the duly appointed Personal Representative of the Estate of Francis Michalski, and that he has the authority to settle this action, and further, that this Court has jurisdiction to approve such settlement.

II.

I find that, pursuant to the Last Will and Testament of Francis Michalski, her children, Mayra Michalski and Luis Michalski are the sole heirs of the estate. And further, Mayra

copy to all attys @ counter
Dismiss Case

1 *[Signature]*

Michalski and Luis Michalski are the sole beneficiaries under the South Carolina Wrongful Death Act, S.C. Code Ann. § 15-51-10 et seq.

III.

The Plaintiff is an attorney and I find that he fully understands his right to have this case tried by a jury and that approval of this settlement will end all claims of every kind and nature against the Defendants. I further find that the Plaintiff fully understands all of the provisions of the settlement, as set forth in his Petition, and that he has decided to enter into this settlement agreement freely and voluntarily in the belief that such settlement is in the best interest of the estate and the statutory beneficiaries.

IV.

I find that no medical expenses were incurred as a result of the alleged negligent act involved in this case, that no medical expenses incurred prior to the rupture of the deceased's pulmonary artery could be considered legitimate damages related to this case. I further find that no medical expenses were ever claimed as damages in this litigation, and that no medical expenses are being paid as part of this settlement. I further find that no part of this settlement represents punitive damages.

V.

I find that the settlement agreement, as set forth in the Petition, is fair and reasonable under the circumstances of this case, and is in the best interests of the estate and the statutory beneficiaries, and that such settlement agreement should be approved in its entirety, including the payment of attorney's fees and costs, both of which I find to be reasonable.

11/1/24 #2

VI.

I find that it is fair and equitable to the estate and to the statutory beneficiaries that the net proceeds of this settlement, after the payment of attorney's fees and costs be allocated \$10,000.00 to the Survival Action and the balance to the settlement to the Wrongful Death Action.

Now therefore, it is Ordered as follows:

- a. The settlement agreement as set forth in the verified petition is hereby approved in its entirety, including the payment of attorney's fees and costs;
- b. The net proceeds of this settlement, after payment of the attorney's fee and costs, shall be allocated \$10,000.00 to the survival action settlement and the balance to the settlement of the wrongful death action. The amount allocated to the survival action shall be held in trust by Plaintiff's attorney pending further order of the Probate Court. The amount allocated to the wrongful death action shall be divided between and paid equally to Mayra Michalski and Luis Michalski.
- c. Upon payment of the full settlement, the Plaintiff is authorized and directed to execute a release in favor of the Defendants, their Personal Representatives successors, assigns and insurance carriers, releasing them from any and all claims arising from the death of Francis Michalski, and all matters alleged in the above captioned action.

 #3
SIGNATURE ON PAGE FOUR

2/5/20

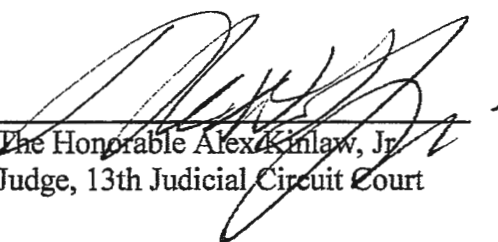

The Honorable Alex Kinlaw, Jr.
Judge, 13th Judicial Circuit Court

EXHIBIT 11



Office of the Probate Court

Chadwicke L. Groover
Probate Judge for Greenville County
Greenville, South Carolina

2023-CP-23- 04099

www.greenvillecounty.org/probate

January 26, 2023

Via U.S. Mail and Email

John-Paul Baum
Truluck Thomason, LLC
3 Boyce Avenue
Greenville, SC 29601
johnpaul@truluckthomason.com

Re: FOIA Request

Dear Attorney Baum:

Thank you for speaking with me yesterday regarding your January 10, 2023 FOIA Request relating to Probate case files in which Jennifer Browning has been appointed as a Guardian, Conservator, and/or Guardian *ad Litem*.

I appreciate your understanding the significant strain your request would put on the Probate Court staff at a time when we are short staffed and are preparing for a move to the new County Office buildings. As we discussed, I am happy to provide you with a list of all case files that would be responsive to your request. The list is enclosed herewith. The case files number in the range of The majority of these files should be easily accessed on the Attorney Case Management System (ACMS). For any cases you cannot access on ACMS, please let my office know, and we will be happy to pull those particular files and make the copies you have requested.

If you have any questions or issues please do not hesitate to contact me by email at cgroover@greenvillecounty.org or by telephone at (864) 467-7170. You can also contact Deputy Judge Sandra Street at ssstreet@greenvillecounty.org or (864) 467-7363, as she is aware of this request and is able to assist.

With kindest regards, I remain

Very truly yours,

Chadwicke L. Groover
Greenville County Probate Court Judge

Encl.

TRUE COPY
Associate Judge of Probate
Pigot County, S.C.
SEP 20 2023

BROWNING, JENNIFER	G	2001GC2300117	Disposed		PB200705101
7/27/2001	Greenville County	8/5/2003	1	XX	DP 739
UnSealed	0/0/0000	%ms - -			
BROWNING, JENNIFER	G	2003GC2300047	Guardianship		PB200710251
3/21/2003	Greenville County	3/23/2009	1	XX	80 2194
UnSealed	0/0/0000	%ms - -			
BROWNING, JENNIFER	G	2003GC2300070	Disposed		PB200710274
4/30/2003	Greenville County	3/31/2006	1	XX	DP 1066
UnSealed	0/0/0000	%ms - -			
BROWNING, JENNIFER	G	2004GC2300044	Guardianship		PB200712788
3/5/2004	Greenville County	6/8/2010	1	XX	80 2286
UnSealed	0/0/0000	%ms - -			
BROWNING, JENNIFER	G	2004GC2300073	Guardianship		PB200712818
5/10/2004	Greenville County	4/11/2008	1	XX	80 1432
UnSealed	0/0/0000	%ms - -			
BROWNING, JENNIFER	G	2004GC2300096	Guardianship		PB200712840
6/2/2004	Greenville County	8/20/2010	1	AB	80 2270
UnSealed	0/0/0000	%ms - -			
BROWNING, JENNIFER	G	2004GC2300099	Disposed		PB200712844
6/8/2004	Greenville County	5/25/2006	1	XX	DP 716
UnSealed	0/0/0000	%ms - -			
BROWNING, JENNIFER	G	2004GC2300135	Nursing Home	Robison Elizabeth Lauer	
PB200712880	7/27/2004	Greenville County	4/25/2017	1	ELR
NH 4655	UnSealed	0/0/0000	%ms - -		
BROWNING, JENNIFER	DE	2005GC2300133	Case Dismissed		PB200715437
9/8/2005	Greenville County	5/28/2008	1	XX	04 993
UnSealed	0/0/0000	%ms - -			
BROWNING, JENNIFER	G	2005GC2300149	Disposed		PB200715453
9/30/2005	Greenville County	3/22/2006	1	XX	DP 173
UnSealed	0/0/0000	%ms - -			
BROWNING, JENNIFER	G	2005GC2300151	Nursing Home	Phillips Sharron	
PB200715455	10/7/2005	Greenville County	1/13/2014	1	SP
NH 3020	UnSealed	0/0/0000	%ms - -		
BROWNING, JENNIFER	G	2006GC2300042	Case Dismissed		PB200717804
4/4/2006	Greenville County	6/16/2008		XX	04 804
UnSealed	0/0/0000	%ms - -			

#1
8/23

BROWNING, JENNIFER	SUG	2007GC2300043	Private Home	Robison Elizabeth Lauer
PB200720168	3/2/2007	Greenville County	4/28/2015	1 ELR
PH 2979	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER	VIS	2007GC2300079	Case Dismissed	PB200720203
5/8/2007	Greenville County	12/22/2008	1 XX	04 594
UnSealed	0/0/0000	%ms - -		
BROWNING, JENNIFER	DE	2007GC2300105	Guardianship	Phillips Sharron
PB200720230	6/26/2007	Greenville County	8/9/2012	1 SP
80 1871	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER	VIS	2007GC2300139	Guardianship	Phillips Sharron
PB200720263	8/17/2007	Greenville County	2/23/2012	1 SP
80 1651	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER	TG	2007GC2300166	Temporary Guardian	
PB200720291	10/9/2007	Greenville County	5/4/2009	1 XX
82 573	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER	VIS	2007GC2300201	Guardianship	
GPB2007000182	12/20/2007	Greenville County	1/14/2010	1
XX 80 756	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER	VIS	2008GC2300007	Guardianship	Adams Jackie K
GPB2008000191	1/22/2008	0/0/0000	JKA	80
5484	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER	DE	2008GC2300013	Case Dismissed	Adams Jackie K
GPB2008000291	1/31/2008	Greenville County	3/15/2018	1
JKA 04 3693	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER	VIS	2008GC2300051	Case Dismissed	
GPB2008000866	3/11/2008	Greenville County	4/6/2009	1
XX 04 391	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER	TG	2008GC2300089	Guardianship	Judicial Assistant .
GPB2016000147	5/14/2008	Greenville County	4/14/2011	1
JA 80 1065	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER	G	2008GC2300089	Guardianship	Judicial Assistant .
GPB2016000147	5/14/2008	Greenville County	4/14/2011	1
JA 80 1065	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER	VIS	2008GC2300091	Guardianship	
GPB2008001238	5/16/2008	Greenville County	10/27/2009	1
XX 80 529	UnSealed	0/0/0000	%ms - -	

BROWNING, JENNIFER DE	2008GC2300093	Guardianship	Phillips Sharron	
GPB2008001265	5/20/2008	Greenville County	12/5/2012	1
SP 80 1660	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER G	2008GC2300095	Nursing Home	Phillips Sharron	
GPB2008001266	5/20/2008	Greenville County	3/28/2012	1
SP NH 1408	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER VIS	2008GC2300101	Guardianship		
GPB2008001300	5/23/2008	Greenville County	5/29/2009	1
XX 80 371	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER DE	2008GC2300134	Guardianship	Phillips Sharron	
GPB2008001882	8/14/2008	Greenville County	7/30/2012	1
SP 80 1446	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER VIS	2008GC2300137	Case Dismissed		
GPB2008001884	8/15/2008	Greenville County	3/31/2009	1
XX 04 228	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER TG	2008GC2300165	Assisted Living	Phillips Sharron	
GPB2008002127	9/25/2008	Greenville County	3/29/2012	1
SP AL 1281	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER G	2008GC2300165	Assisted Living	Phillips Sharron	
GPB2008002127	9/25/2008	Greenville County	3/29/2012	1
SP AL 1281	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER VIS	2008GC2300175	Guardianship		
GPB2008002230	10/13/2008	Greenville County	11/11/2008	1
XX 80 29	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER VIS	2008GC2300187	Case Dismissed		
GPB2008002387	11/4/2008	Greenville County	3/5/2009	1
XX 04 121	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER TG	2009GC2300034	Nursing Home	Phillips Sharron	
GPB2009000665	3/19/2009	Greenville County	8/7/2012	1
SP NH 1237	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER DE	2009GC2300053	Guardianship	Phillips Sharron	
GPB2009000827	4/7/2009	Greenville County	1/8/2013	1
SP 80 1372	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER DE	2009GC2300061	Guardianship		
GPB2009000838	4/8/2009	Greenville County	4/26/2010	1
XX 80 383	UnSealed	0/0/0000	%ms - -	

#3
JCB

BROWNING, JENNIFER VIS	2009GC2300077	Case Dismissed	
GPB2009001078	5/12/2009	Greenville County	4/12/2010 1
XX 04 335	UnSealed	0/0/0000	%ms - -
BROWNING, JENNIFER VIS	2009GC2300145	Guardianship Phillips Sharron	
GPB2009001928	9/2/2009	Greenville County	11/15/2011 1
SP 80 804	UnSealed	0/0/0000	%ms - -
BROWNING, JENNIFER DE	2009GC2300179	Case Dismissed	
GPB2009002503	11/13/2009	Greenville County	11/1/2010 1
GC 04 353	UnSealed	0/0/0000	%ms - -
BROWNING, JENNIFER VIS	2010GC2300055	Assisted Living Robison Elizabeth Lauer	
GPB2010001054	3/26/2010	Greenville County	8/21/2014 1
ELR AL 1609	UnSealed	0/0/0000	%ms - -
BROWNING, JENNIFER TG	2010GC2300073	Guardianship	
GPB2010001443	5/10/2010	Greenville County	8/1/2011 1
AB 80 448	UnSealed	0/0/0000	%ms - -
BROWNING, JENNIFER G	2010GC2300073	Guardianship	
GPB2010001443	5/10/2010	Greenville County	8/1/2011 1
AB 80 448	UnSealed	0/0/0000	%ms - -
BROWNING, JENNIFER SUG	2010GC2300074	Case Dismissed Adams Jackie K	
GPB2010001467	5/17/2010	Greenville County	2/2/2021 1
JKA 04 3914	UnSealed	0/0/0000	%ms - -
BROWNING, JENNIFER G	2010GC2300101	Guardianship Phillips Sharron	
GPB2010001781	7/2/2010	Greenville County	1/11/2013 1
SP 80 924	UnSealed	0/0/0000	%ms - -
BROWNING, JENNIFER TG	2010GC2300189	Assisted Living Adams Jackie K	
GPB2010003535	12/15/2010	0/0/0000	JKA AL
4426 UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER VIS	2011GC2300108	Professional Guard Robison	
Elizabeth Lauer GPB2011035256	7/12/2011	Greenville County	3/3/2015
1 ELR PG 1330	UnSealed	0/0/0000	%ms - -
BROWNING, JENNIFER G	2011GC2300112	Case Dismissed Robison Elizabeth Lauer	
GPB2011036746	7/18/2011	Greenville County	8/21/2017 1
ELR 04 2226	UnSealed	0/0/0000	%ms - -
BROWNING, JENNIFER VIS	2011GC2300176	Private Home Phillips Sharron	
GPB2011051119	10/20/2011	Greenville County	9/11/2012 1
SP PH 327	UnSealed	0/0/0000	%ms - -

#4
JKB

BROWNING, JENNIFER G	2011GC2300196	Guardianship	Phillips Sharron	
GPB2011052932	12/1/2011	Greenville County	5/24/2013	1
SP 80 540	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER PET	2012GC2300209	Bonded Fiduciary	Watson	
Bridgette PB200720168	11/9/2012	Greenville County	4/24/2015	1
BW BD 896	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER SUG	2013GC2300027	Case Dismissed	Adams Jackie K	
GPB2013000451	2/15/2013	Greenville County	3/18/2021	1
JKA 04 2953	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER TG	2013GC2300071	Change of Venue	Dykes Sheri	
GPB2013001254	5/9/2013	Greenville County	11/20/2014	1
SD 19 560	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER TG	2013GC2300087	Guardianship	Robison Elizabeth Lauer	
GPB2013001459	5/28/2013	Greenville County	1/15/2016	1
ELR 80 962	UnSealed	0/0/0000	%ms - -	
Browning, Jennifer SUG	2013GC2300087	Guardianship	Robison Elizabeth Lauer	
GPB2013001459	5/28/2013	Greenville County	1/15/2016	1
ELR 80 962	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER G	2013GC2300089	Guardianship	Robison Elizabeth Lauer	
GPB2012000092	5/30/2013	Greenville County	3/3/2015	1
ELR 80 642	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER TG	2014GC2300093	Assisted Living	Adams Jackie K	
GPB2014001237	6/2/2014	0/0/0000	JKA AL	
3161 UnSealed	0/0/0000	%ms - -		
BROWNING, JENNIFER TG	2014GC2300095	Case Dismissed	Adams Jackie K	
GPB2014001237	6/2/2014	Greenville County	8/20/2020	1
JKA 04 2271	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER VIS	2014GC2300133	Case Dismissed	Dykes Sheri	
GPB2014001732	8/4/2014	Greenville County	11/26/2014	1
SD 04 114	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER VIS	2015GC2300036	Guardianship	Adams Jackie K	
GPB2015000643	3/6/2015	0/0/0000	JKA 80	
2884 UnSealed	0/0/0000	%ms - -		
BROWNING, JENNIFER G	2015GC2300084	Professional Guard	Adams Jackie K	
GPB2015001417	5/21/2015	0/0/0000	JKA PG	
2808 UnSealed	0/0/0000	%ms - -		

Handwritten initials: #5 and a signature.

BROWNING, JENNIFER VIS	2015GC2300097	Private Home	Robison Elizabeth Lauer
GPB2015001554	6/4/2015	Greenville County	11/30/2015 1
ELR PH 179	UnSealed	0/0/0000	%ms - -
BROWNING, JENNIFER VIS	2015GC2300126	Case Dismissed	Adams Jackie K
GPB2015001995	7/30/2015	Greenville County	4/5/2018 1
JKA 04 980	UnSealed	0/0/0000	%ms - -
BROWNING, JENNIFER VIS	2015GC2300128	Case Dismissed	Dykes Sheri
GPB2015001995	7/29/2015	Greenville County	12/16/2015 1
SD 04 140	UnSealed	0/0/0000	%ms - -
BROWNING, JENNIFER VIS	2016GC2300022	Private Home	Adams Jackie K
GPB2016000674	3/2/2016	0/0/0000	JKA PH
2522 UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER VIS	2016GC2300023	Private Home	Adams Jackie K
GPB2016000674	3/2/2016	0/0/0000	JKA PH
2522 UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER VIS	2016GC2300024	Private Home	Adams Jackie K
GPB2016000674	3/2/2016	0/0/0000	JKA PH
2522 UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER VIS	2016GC2300058	Case Dismissed	Adams Jackie K
GPB2016001069	4/5/2016	Greenville County	11/18/2021 1
JKA 04 2053	UnSealed	0/0/0000	%ms - -
BROWNING, JENNIFER G	2016GC2300081	Case Dismissed	Adams Jackie K
GPB2016001420	5/19/2016	Greenville County	1/2/2020 1
JKA 04 1323	UnSealed	0/0/0000	%ms - -
BROWNING, JENNIFER VIS	2016GC2300109	Private Home	Adams Jackie K
GPB2016001746	6/17/2016	0/0/0000	JKA PH
2415 UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER TG	2016GC2300125	Case Dismissed	Dykes Sheri
GPB2016001994	7/22/2016	Greenville County	11/21/2017 1
SD 04 487	UnSealed	0/0/0000	%ms - -
BROWNING, JENNIFER TG	2016GC2300126	Case Dismissed	Dykes Sheri
GPB2016001994	7/22/2016	Greenville County	11/21/2017 1
SD 04 487	UnSealed	0/0/0000	%ms - -
BROWNING, JENNIFER PET	2016GC2300147	Case Dismissed	Dykes Sheri
GPB2016001994	9/2/2016	Greenville County	11/22/2017 1
SD 04 446	UnSealed	0/0/0000	%ms - -

#6
JKA

BROWNING, JENNIFER PET	2016GC2300148	Case Dismissed Dykes Sheri	
GPB2016001994	9/2/2016	Greenville County	11/22/2017 1
SD 04 446	UnSealed	0/0/0000 %ms - -	
BROWNING, JENNIFER G	2016GC2300157	Assisted Living Adams Jackie K	
GPB2016002587	9/22/2016	0/0/0000 JKA	AL
2318 UnSealed	0/0/0000 %ms - -		
BROWNING, JENNIFER SUG	2017GC2300039	Case Dismissed Adams Jackie K	
GPB2017000645	3/6/2017	Greenville County	8/31/2018 1
JKA 04 547	UnSealed	0/0/0000 %ms - -	
BROWNING, JENNIFER G	2017GC2300064	Disposed Dykes Sheri	
GPB2017001113	4/3/2017	Greenville County	8/22/2017 1
SD DP 141	UnSealed	0/0/0000 %ms - -	
BROWNING, JENNIFER VIS	2017GC2300086	Case Dismissed Adams Jackie K	
GPB2017001308	4/28/2017	Greenville County	12/4/2017 1
JKA 04 220	UnSealed	0/0/0000 %ms - -	
BROWNING, JENNIFER PET	2017GC2300163	Case Dismissed Dykes Sheri	
GPB2016002587	8/15/2017	Greenville County	11/3/2017 1
SD 04 80	UnSealed	0/0/0000 %ms - -	
BROWNING, JENNIFER G	2017GC2300168	Case Dismissed Adams Jackie K	
GPB2017002289	8/17/2017	Greenville County	8/8/2019 1
JKA 04 721	UnSealed	0/0/0000 %ms - -	
BROWNING, JENNIFER VIS	2017GC2300181	Guardianship Adams Jackie K	
GPB2017002507	9/5/2017	0/0/0000 JKA	80
1970 UnSealed	0/0/0000 %ms - -		
BROWNING, JENNIFER G	2018GC2300066	Case Dismissed Adams Jackie K	
GPB2018001248	5/3/2018	Greenville County	8/12/2020 1
JKA 04 832	UnSealed	0/0/0000 %ms - -	
BROWNING, JENNIFER G	2018GC2300078	Guardianship Adams Jackie K	
GPB2018001382	5/22/2018	0/0/0000 JKA	80
1711 UnSealed	0/0/0000 %ms - -		
BROWNING, JENNIFER G	2018GC2300083	Case Dismissed Adams Jackie K	
GPB2018001452	5/30/2018	Greenville County	12/12/2019 1
JKA 04 561	UnSealed	0/0/0000 %ms - -	
BROWNING, JENNIFER G	2019GC2300075	Case Dismissed Adams Jackie K	
GPB2019000680	7/17/2019	Greenville County	12/27/2021 1
JKA 04 894	UnSealed	0/0/0000 %ms - -	

#7
JAB

BROWNING, JENNIFER RES	2019GC2300140	Conservatorship	Heltsey	
Johanna GPB2019000680	11/15/2019	Greenville County	5/5/2022	
1 JH 70 902	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER PET	2020ES2300670	Estates- I	Brandon Terri	
GPB2016002587	3/18/2020	0/0/0000	TB	11
1045 UnSealed	0/0/0000	%ms - -		
BROWNING, JENNIFER CRE	2020ES2300670	Estates- I	Brandon Terri	
GPB2016002587	3/18/2020	0/0/0000	TB	11
1045 UnSealed	0/0/0000	%ms - -		
BROWNING, JENNIFER G	2021GC2300150	Guardianship	Adams Jackie K	
GPB2021002525	8/23/2021	0/0/0000	JKA	80
522 UnSealed	0/0/0000	%ms - -		
BROWNING, JENNIFER PR	2021ES2303197	Bonded Fiduciary	Watford Kimberly L	
GPB2021001140	11/17/2021	0/0/0000	KW	BD
436 UnSealed	0/0/0000	%ms - -		
BROWNING, JENNIFER RES	2022GC2300147	Trust	Dykes Sheri	
GPB2020001591	8/1/2022	0/0/0000	SD	40
179 UnSealed	0/0/0000	%ms - -		
BROWNING, JENNIFER LG	2003GC2300136	Disposed		PB200710342
7/18/2003 Greenville County	11/3/2005	1	XX	DP 839
UnSealed	0/0/0000	%ms - -		
BROWNING, JENNIFER LG	2013GC2300175	Case Dismissed	Adams Jackie K	
GPB2013001244	12/13/2013	Greenville County	12/21/2020	1
JKA 04 2565	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER LG	2014GC2300054	Case Dismissed	Adams Jackie K	
GPB2014000827	4/11/2014	Greenville County	8/16/2017	1
JKA 04 1223	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER LG	2021GC2300056	Case Dismissed	Adams Jackie K	
GPB2021001140	3/29/2021	Greenville County	1/12/2022	1
JKA 04 289	UnSealed	0/0/0000	%ms - -	
BROWNING, JENNIFER LRES	2022GC2300014	Conservatorship	Stevenson	
Crystal Anne GPB2021002525	1/27/2022	0/0/0000	CAS	
70 365 UnSealed	0/0/0000	%ms - -		
BROWNING, JENNIFER LEWIS RES	2018GC2300084	Case Dismissed	Dykes Sheri	
GPB2013001244	6/7/2018	Greenville County	3/26/2019	1
SD 04 292	UnSealed	0/0/0000	%ms - -	

#8
JJB

BROWNING, JENNIFER LEWIS	G	2018GC2300160	Case Dismissed Adams Jackie K
GPB2018002603	10/18/2018	Greenville County	12/13/2021 1
JKA 04 1152	UnSealed	0/0/0000 %ms	- -
BROWNING GERIATRIC, JENNIFER BROWNING CRE		2014ES2302412Estates- I	Martin
Kelley Christie	GPB2012000092	12/1/2014	Greenville County 2/24/2017
1	CMK 11 816	UnSealed	0/0/0000 %ms - -

#9 A TRUE COPY

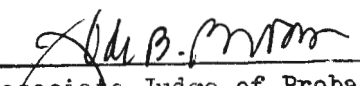

Associate Judge of Probate
Pickens County, S.C.
SEP 20 2023

EXHIBIT 12

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

In Re:
The Estate of Frances Mary Michalski,
Deceased

FILED

MAY 06 2024

Greenville County
Probate Court

IN THE PROBATE COURT

Case No.: 2016-ES-23-02077

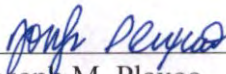
**MOTION TO
CLOSE ESTATE**

NOW COMES Joseph M. Plaxco, Personal Representative of the Estate of Frances Mary Michalski, who moves the Court to issue an Order closing the above-captioned estate.

The estate has been fully administered and all documents necessary for its closing have been filed with the Court.

This motion is respectfully submitted this 6 day of May, 2024.

By:


Joseph M. Plaxco

Personal Representative

408 North Church Street, Suite B

Greenville, South Carolina 29601

(864) 240-9112

joseph.plaxco@plaxcolaw.com

EXHIBIT 13



THE LAW OFFICES OF
TRULUCK THOMASON, LLC

3 Boyce Avenue • Greenville • SC • 29601
Phone (864) 331-1751 • Facsimile (864) 331-1751

Kimberly T. Thomason
Howard W. Anderson, III
Devon M. Puriefoy
Jessie T. Carroll
John E. Chambers, Jr.

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devon@truluckthomason.com
jessie@truluckthomason.com
john@truluckthomason.com

May 9, 2024

Joseph Plaxco
Personal Representative
408 North Church Street
Ste. B
Greenville, South Carolina 29601

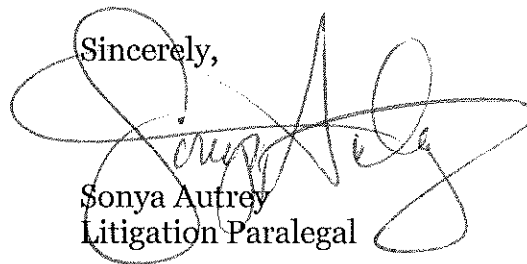
**RE: Estate of Frances Mary Michalski
2016-ES-23-02077**

Dear Mr. Plaxco:

Please find enclosed clocked copy of **Memorandum in Opposition to Joseph M. Plaxco's, as Personal Representative of the Estate of Frances Mary Michalski, Motion to Close Estate.**

Should there be any questions, please contact our office.

Sincerely,



Sonya Autrey
Litigation Paralegal

Enclosure

COPY

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

FILED

MAY 09 2024

IN THE PROBATE COURT

C.A. No. 2016-ES-23-02077

IN RE:

The Estate of Frances Mary Michalski,
Deceased

GREENVILLE COUNTY
PROBATE COURT

MEMORANDUM IN OPPOSITION TO
JOSEPH
M. PLAXCO'S, AS PERSONAL
REPRESENTATIVE OF THE ESTATE
OF FRANCES MARY MICHALSKI,
MOTION TO CLOSE ESTATE

NOW COMES the heirs of Frances Mary Michalski, Luis Michalski, and Myra Michalski (hereinafter referred to as "Beneficiaries"), by and through their undersigned counsel, and files this Memorandum of Law in Opposition to Personal Representative, Joseph M. Plaxico's Motion to Close Estate.

PROCEDURAL AND HISTORY

The above referenced estate (the "Estate") has been open since 2016 with almost no activity for years. There was no effort to close this Estate until counsel for the beneficiaries notified Mr. Plaxco of her representation of the Beneficiaries related to this matter and asked for all records and documentation regarding the same, while at the same time, seeking an accounting from the former temporary guardian, Jennifer Browning, of all VA benefits received in the past and continuing under her control through the present date for Mayra Michalski. Ms. Browning has continued to control these VA benefits with no authority to do so given that the temporary guardianship was terminated by consent of the parties once the malpractice case was set to be signed off on in Greenville County Court of Common Pleas.

The Beneficiaries retained undersigned counsel for the sole purpose of getting answers, receipts, documentation and records in support of all actions taken against them initially, and then, purportedly, for their benefit through the filing of what they deem to have been a fraudulently filed *ex parte* guardianship within days of their mother's death, resulting in a fraudulently opened estate, for the purpose of fraudulently settling a wrongful death/survivor lawsuit against the hospital that

brought the guardianship action to gain control over the adult children of the 57 year old patient who died when the hospital's physician over inflated a balloon during a routine scheduled heart cath resulting in her bleeding out in two (2) minutes on the hospital's table. It is especially telling that no one questioned within the ex parte process why a hospital would move for a guardianship over adults who had never been its patients.

Furthermore, the Beneficiaries, who received nothing from the Estate's payout on the survivorship action, were never informed that the hospital that caused their mother's death had also been the party who upended their lives further by seeking the appointment of a guardian who was ultimately paid for by the same hospital. In fact, Luis Michalski was told that his mother had retained these parties prior to his death to do these things. The Beneficiaries were not informed that they had a right to counsel of their own choosing. They were threatened that they would be subjected to police being called if they did not acquiesce to the court appointed oversight of every minute of their daily lives.

No one questioned how a young man, Luis, who was driving himself back and forth to college classes and had been for years was suddenly temporarily found to be fully incapacitated and no longer entitled to do anything on his own all because a hospital moved for an ex parte guardianship over adults it had zero relationship with. No one questions that the ex parte guardianship was at the recommendation partially of a psychologist who worked for it. This move ultimately resulted in him being made a ward of the state committed to a DSS home despite an eventual finding that he was not incapacitated. Nor did any question how an adult young woman, Mayra, who was active, had a boyfriend (who she is now married to and has three children with), and worked a job was subjected to threats and bullying by the guardian appointed by the hospital who killed her mother (based on a diagnosis of bi-polar no less), forced out of her home to live

with her boyfriend and forced to walk to work to make \$12 an hour with zero accounting for the money she should have been entitled to without the unnecessary thousands paid to professionals who sought nothing more than to protect the hospital.

The Beneficiaries maintain that this was all done to ensure that neither of them would serve as Personal Representative of the Estate to prevent them from managing the action against the hospital, hiring their own counsel, or understanding the facts of what really happened to their mother before a significantly reduced settlement (\$150,000 of which they received a small portion) could be agreed to without their input and without their full knowledge of the facts. Beneficiaries will now seek to set aside the Settlement Agreement entered by Mr. Plaxco as Personal Representative of the Estate, to investigate the questionable circumstances surrounding the sale of their home in a single day, without public advertisement or marketing, for over a hundred thousand dollars under fair market value, and to determine what happened to both vehicles and the money realized from any sale or transfer of either or both of them. It is also the Beneficiaries' understanding that the Guardian ad litem in the case facilitated the sale of the home to an interested party, although further documentation is necessary to confirm this as a fact.

ARGUMENT

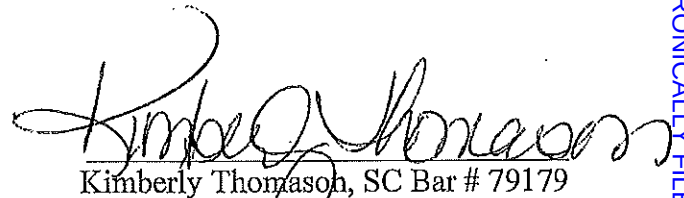
There is much to do still in the Estate before final distributions can be formally signed off on once a full and complete accounting, with necessary support documentation, has been provided to the Beneficiaries so that they can then make informed decisions as to whether they have truly received all that they are entitled to in this case. To determine that, the Beneficiaries are entitled to determine if the expenses of the Estate, as represented in the accounting, are, in fact, true and accurate, or were caused by the alleged incidents of fraud on the court, in the Estate case, in the Guardianship/Conservative case, and in the Common Pleas case. The South Carolina Probate

Code and the relevant case law recognize the circumstances upon which an Estate should be opened and the circumstances under which it is not finalized for closure. One such example of when an estate should remain open is when there are questions yet to be answered prior to a final determination regarding final distributions. *See Smith v. Lawton*, 435 SC 179 (2021). Also, an action is going to be brought on the Estate's behalf that will likely result in a significant increase in the value of the Estate. Finally, the facts of this matter require that the Probate Court allow a complete and thorough accounting of all funds received into the Estate and paid out of the Estate, the circumstances surrounding each, and the documentation provided to support the same. The Estate is not ready to be closed, there should be no hurry at this point given how long the Personal Representative waited, almost 8 years, to even bring such a motion to close except to avoid the exact investigation and claims the Beneficiaries are seeking to make, and closing it at this point only to have the Beneficiaries forced to reopen it would be a waste of judicial resources, time and costs to the Beneficiaries.

CONCLUSION

The Motion to Close the Estate should be denied because there are legitimate questions regarding the receipts to the Estate, the settlement of the survivor action, the payment of guardianship fees from the Estate, the sale of the home, the sale of the cars, the payment of professionals, and certain specific payments to the professionals from the Estate for all actions, including the Estate, the Guardianship, and the Common Pleas actions.

Respectfully submitted,
This 9th day of May, 2024



Kimberly Thomason, SC Bar # 79179
Truluck Thomason, LLC
3 Boyce Avenue
Greenville, SC 29601
Phone: (864) 331-1751
Kim@truluckthomason.com

Attorneys for Heirs

ELECTRONICALLY FILED - 2024 Jul 22 8:10 PM - GREENVILLE - COMMON PLEAS - CASE#2024CP2303329

EXHIBIT 14

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

FILED

MAY 14 2024

IN THE PROBATE COURT

Case No.: 2016-ES-23-02077

In Re:

The Estate of Frances Mary Michalski,
Deceased

Greenville County Probate Court

**REPLY TO MEMORANDUM IN
OPPOSITION OF MOTION TO CLOSE
ESTATE**

The Personal Representative of the above-referenced estate, Joseph M. Plaxco, hereby replies to the Memorandum in Opposition to Joseph M. Plaxco's, as Personal Representative of the Estate of Frances Mary Michalski, Motion to Close Estate.

Mr. Plaxco respectfully reiterates his position that the Court should issue an order closing the Estate of Frances Mary Michalski, Greenville County Probate Court file number 2016-ES-23-02077. As set forth in the Motion, the estate has been fully administered and all documents necessary for closing it have been filed.

First and foremost, in addition to filing a full and comprehensive accounting, both Mayra Michalski (hereafter "Mayra") and Luis Michalski (hereafter "Luis") have executed Receipts and Releases and Waivers of Statutory Requirements, which are attached as **Exhibit A**. These documents were signed by Luis and Mayra in 2022.

In reply to the allegations contained in Ms. Thomason's Memorandum, the Personal Representative draws the Court's attention to direct rebuttal of numerous items, including the following:

Efforts to Close Estate

The allegation that there was no effort to close the estate until Ms. Thomson gave notice of her representation is not true. Since mid to late 2022, the Personal Representative has made

efforts to close the estate. Just prior to Judge Groover's installation, Ms. Kim Campos-Ivey, then clerk to Judge Faulkner, was working to close the estate file. It appears that during the transition period in which Judge Groover took office and Ms. Campos-Ivey resigned from the Court, the estate file became lost in the shuffle. In fact, on at least one occasion, in June 2023, the Personal Representative emailed Ms. Suzette Jordan, the clerk who filled Ms. Campos-Ivey's position, inquiring into the status of the estate's closing order. In that email, attached hereto as **Exhibit B**, the Personal Representative recalls having never received a closing order and asks Ms. Jordan to check on its status. Additionally, in his comings and goings to and from the Court, the Personal Representative made other in-person inquiries into the same. Long before there was any inkling of Ms. Thomason being associated with the estate, the Personal Representative and Ms. Jordan discussed the matter and Ms. Jordan expressed her intentions of closing the estate.

The Alleged "*Ex Parte*" Guardianship

Throughout her Memorandum, Ms. Thomason states that the guardianships for Luis and Mayra were *ex parte*. A simple review of the Probate Court's files reveals that no *ex parte* orders were ever issued.

Though he was not directly involved with or otherwise associated with the guardianship actions for Luis and Mayra, as charged with administering the estate, the Personal Representative's position intertwined with the court-appointed professional guardian, Ms. Jennifer Browning (hereafter "Ms. Browning"), as well as Luis and Mayra's guardians ad litem and court appointed counselors. According to the Personal Representative's recollection, which is also consistent with the Court's files, there was never an *ex parte* order issued in any matter involving Luis or Mayra, particularly in connection with the guardianship actions. It is clear

from the Court's Order dated August 15, 2016, wherein Ms. Browning was appointed as Luis and Mayra's temporary guardian, that both Luis and Mayra attended the temporary hearing. A copy of the August 15, 2016 Order is attached to this Reply as **Exhibit C**. Contrary to what Ms. Thomason has alleged, not one single order was submitted and filed where notice was not given to all interested parties. Luis and Mayra were well informed of the guardianship actions and their inner workings as the legal process unfolded, and they had a full opportunity to participate in them.

The Opening of the Estate and Appointment of Personal Representative

Ms. Thomason alleges that the estate was "fraudulently opened." This is not so. By way of the August 15, 2016 Court Order, Mayra and Luis's guardians ad litem and court appointed counselors were "directed to pursue opening the Estate of Frances Michalski." Prior to September 2, 2016, the undersigned was approached by the guardians ad litem and court appointed counselors asked if he would be willing to serve as Personal Representative of Ms. Michalski's estate. He agreed to serve as requested. On September 2, 2016, both Mayra and Luis signed Renunciations wherein they each renounced their right to serve as Personal Representative and they waived bond in favor of the undersigned. The Renunciations are attached hereto as **Exhibit D**.

The Probate Court entered an Order of Informal Appointment on that same date and Fiduciary Letters were simultaneously issued. Moreover, as evidenced by the Proof of Delivery filed October 12, 2016, Mayra and Luis were each properly served with the Information to Heirs and Devisees on October 10, 2016.

There has never been any action by anyone seeking to remove the Personal

Representative, nor has there been any action to restrain his performance. In fact, up until now, almost eight (8) years since his appointment, no one has ever questioned the Personal Representative or his actions.

Finding of Incapacity and Protective Order

Ms. Thomason alleges that the Court made a finding of incapacity as to Mayra and Luis. This is a false statement. Despite the medical documentation in the Courts' file, which did in fact opine that Luis and Mayra were incapacitated, the Court explicitly found in the August 15, 2016 Order that neither of them were incapacitated. Instead, the Court found it was necessary to enter a protective order to assist Mayra and Luis with achieving their maximum independence. As such, the Court appointed Ms. Browning as their temporary guardian. Reference is hereby made to the August 15, 2016 Order for detail.

Ms. Thomason also maintains that "the guardianship was at the recommendation of a psychologist who worked for it [Bon Secours St. Francis]." This statement is negated by the fact that pursuant to the process and requirements of Article 5 of the Probate Code as it existed at the time, independent examiners were appointed to examine and assess Luis and Mayra. The Court appointed Dr. Palmira S. Snape, M.D. and Tracy Parsons as Luis and Mayra's physician and examiner, respectively. See the Orders Appointing Physician/Examiner as **Exhibits E**. Dr. Snape and Ms. Parsons have never had any affiliation with Bon Secours St. Francis.¹ Dr. Snape's and Ms. Parson's Reports are attached as **Exhibit G**.

¹ The Personal Representative acknowledges that the guardianship files contain a statement from a clinical psychologist with Bon Secours St. Francis. However, said statement was provided in addition and supplemental to the Reports of Dr. Snape and Tracy Parsons, who were specifically appointed by Order of the Court. The clinical psychologist's statements are attached as **Exhibit F**.

Hiring of Professionals Prior to Ms. Michalski's Death

Ms. Thomason appears to allege that Luis Michalski had the impression that his mother retained the various lawyers and professionals involved in the guardianship action before she even died. The memorandum states, in pertinent part, "In fact, Luis Michalski was told that his mother retained these parties prior to his [sic] death to these things." Notwithstanding that there is serious doubt that anyone told Luis anything to this effect, it simply makes no sense. Is Ms. Thomason suggesting that Ms. Michalski anticipated her untimely and unforeseen death?

The Sale of the Michalski Home at 48 Maravista Avenue

Ms. Thomason calls into question the sale of the Michalski home, its sales price, and the method of its sale. Luis moved out of the home and to Conway in early 2017 to enter into a program with the South Carolina Department of Disabilities and Special Needs ("SCDDSN").² After Luis moved out of the home, without giving notice to anyone, Mayra moved out of the home and moved in with her boyfriend, the father of her children. Contrary to Ms. Thomason's allegation, Mayra was in no way "forced" to move out of the home.

The Michalski home was in deplorable condition when Mayra moved out. In addition to dirty cookware and spoiled food throughout, including inside the kitchen and bathroom cabinets, Mayra abandoned the family dog, Sandy. For approximately six (6) to eight (8) weeks, Sandy remained inside the home, confined to the interior and left with nowhere to use the bathroom. Apparently, Mayra would visit Sandy once a week and leave her a bucket full of dog food.

² Ms. Thomason states in the Memorandum that Luis became a "ward of the state committed to a DSS home." This is a factually inaccurate. Luis was placed in a program through SCDDSN, which he entered into freely, willingly, and completely on his own. Luis was excited to enter the program where he would live independently with limited supervision, learn vocational skills, and have the ability to enter college. (During the course of the temporary guardianship, Luis was forced to resign from Greenville Technical College for alleged misconduct towards a female student. This was an ordeal Ms. Browning and the Personal Representative dealt with accordingly.)

By the time the Personal Representative became aware of the situation, when he came to personally mow the lawn and tend to the yard, the home was infiltrated with Sandy's feces and urine. Sandy had chewed up and eaten the furniture. Photographs of the home and its condition are attached as **Exhibit H**. To restore the home for a sale, the Personal Representative was forced to file a Summons and Petition seeking authority to obtain a secured loan in order to hire a professional cleaning service to remediate the damages. The motion included a variety of online estimates for the value of the home ranging from approximately \$125,000.00 to \$173,000.00. The Petition and its exhibits are attached hereto as **Exhibit I**. The Court granted the relief sought in the Petition, taking into account the online estimates which accompanied it. Restoration of the home included discarding its contents, removing the carpet, sealing the cement floors, painting all interior walls, and installing new carpet.³

When the Personal Representative was initially appointed, no Last Will and Testament of Ms. Michalski had been identified or known. However, subsequent to his appointment, Ms. Michalski's Will from 2009 was found while the home was being cleaned in 2018.⁴ The Personal Representative became concerned because absent a will, he had no authorization to sell the home without Court approval, whereas with a will, so long as it contained the proper language and enumerated powers, court authorization to sell was not required. In order to resolve his concern, the Personal Representative met personally with certain Probate Court staff, who, upon information and belief, consulted with Judge Faulkner. A review of Ms. Michalski's Will in

³ The Personal Representative would note that because of minimal funds, he was able to strike a deal with Brooks Flooring wherein Brooks agreed to the purchase and installation of carpet for the entire home with no payment due until after the home sold.

⁴ The primary beneficiaries of the Will were Mayra and Luis and the primary personal representative and successor personal representative named in the Will were both deceased.

this specific case determined that Court authorization to sell the home was not required.

To alleviate the payment of the empty home's expenses, and to prevent it from going into foreclosure since there were no estate funds to pay the mortgage, the Personal Representative hired Ross Bryson, a licensed real estate agent with Century 21, to market and list the home. Attached as **Exhibit J** is a copy of the brokerage contract and the listing agreement is attached as **Exhibit K**. The home was listed for \$153,000.00, a price which coincided with the Comparative Market Analysis. The Comparative Market Analysis attached as **Exhibit L**. Though the market in Greenville in 2018 was not as high as it is today, it was not weak. The home sold for exact asking price within one day of listing to a buyer willing to pay cash.

There is no merit to Ms. Thomason's allegation that the home sold for \$100,000.00 less than its fair market value. There is also no evidence to support her allegation that the sale was orchestrated as an inside deal. Market conditions dictated the quick sale of the home, its price, and the fact that the buyer paid cash. No one involved in the Michalski estate or the guardianship had any affiliation whatsoever with the purchaser of the home.

The Medical Malpractice Lawsuit Against Bon Secours St. Francis Hospital

In her Memorandum, Ms. Thomason avers that the settlement agreement reached between Ms. Michalski's estate and Bon Secours St. Francis was a sham. There is nothing farther from the truth.

The Personal Representative retained independent counsel, William L. Dodson, Jr., to pursue legal action against Bon Secours St. Francis in connection with Ms. Michalski's tragic death. Mr. Dodson is a highly respected plaintiff's attorney who has been practicing law for over forty (40) years. He is well known throughout the Upstate for his experience and high success

rate, particularly in the field of legal medical malpractice. He is highly competent. A copy of his biography is attached hereto as **Exhibit M**.

The medical malpractice litigation surrounding Ms. Michalski's death was complex and lengthy. It lasted for three (3) years, beginning in early March 2017 with the filing of the Notice of Intent to File Suit, and ending in early March 2020 when the Greenville County Court of Common Pleas issued its order approving a settlement reached in mediation.

As the medical malpractice lawsuit progressed forward, various factors threatened the chances of a successful result. The Personal Representative understands that Ms. Michalski was overweight and as related to the subject medical procedure, she had several underlying preexisting conditions. It is well known throughout the legal community that medical malpractice claims are intricate and difficult. According to at least one large scale study and as published in the National Library of Medicine, National Institute of Health, U.S. Department of Health and Human Services, physicians win 80% to 90% of jury trials involving weak evidence of medical negligence, physicians win 70% of jury trials in borderline cases, and physicians win 50% of cases that have strong evidence against them. (Phillip G. Peters, J.D., Twenty Years of Evidence on the Outcomes of Malpractice Claims, Clinical Orthopedics and Related Research, 467(2), 357 (Feb. 2009)).⁵

The Personal Representative had full authorization to initiate the medical malpractice legal action, as well as full authorization to settle it. Additionally, the Personal Representative had a duty to the estate and to Luis and Mayra to use reasonable judgment in deciding his course of action, whether to proceed to trial or settle privately. Based upon the advice of Mr. Dodson,

⁵ Available online at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2628515/>

whom the Personal Representative highly trusts and respects, he came to the conclusion that settlement in the amount of \$150,000.00 was sound and just, both legally and practically, in consideration of the myriad of factors involved and the defects that were discovered as the litigation was pending.

On March 5, 2020, the Honorable Alex Kinlaw of the Greenville County Court of Common Pleas approved the settlement pursuant to South Carolina Code 15-51-41. See the Order Approving Settlement attached hereto as **Exhibit N**. Luis and Mayra accepted the monies they were entitled to as the wrongful death beneficiaries under South Carolina Code 15-51-20 in early 2020 from Mr. Dodson's law office.

The Disposition of Ms. Michalski's Vehicles

In the Memorandum, Ms. Thomason raises concerns of the disposition Ms. Michalski's two vehicles. These concerns are without merit.

When she died, Ms. Michalski had two (2) vehicles titled in her name: a 2001 Subaru and a 2009 Smart Fortwo car. The Subaru was Ms. Michalski's primary vehicle, and the Smart car was Luis's vehicle. The Subaru was owned outright and monthly installment payments were owed on the Smart car.

The Personal Representative sold the Subaru to a third party, a one Anna Nafzinger, on May 11, 2017 for \$4,750.00. The Personal Representative had legal authorization to enter into this transaction under South Carolina Code 62-3-711(b). The Personal Representative gave the sale of the Subaru great thought and researched appropriate values given the car's physical condition and mileage. There was nothing inappropriate about the sale of the Subaru and it was

most certainly an arm's length transaction.⁶

As to the Smart car, just after Ms. Michalski died, Luis did not have adequate funds to make its monthly payments to Car Max. The estate did not have adequate funds either. After much discussion with Ms. Browning and Luis himself, the Personal Representative decided, and Luis agreed, that the Smart car would have to be returned to Car Max in lieu of being repossessed. Luis was disappointed, and rightfully so. However, the parties had to make a determination as to the priority of expenses and, unfortunately, retaining the Smart car was not a valid or reasonable option under the circumstances. Luis personally accompanied the Personal Representative and the Personal Representative's mother, who assisted with the return of the Smart car to Car Max in early 2017. A copy of the Acknowledgement of Voluntary Surrender of Collateral from Car Max is attached hereto as **Exhibit O**.

Conclusion

The Memorandum is full of false, inaccurate statements, the bulk of which can be disproved by a quick reading of the estate and guardianship files contained in the Probate Court. If Ms. Thomason is going to be successful in getting any of the relief she mentions in her Memorandum, she has many court orders to overturn and must question the integrity of many judges, lawyers, and professionals.

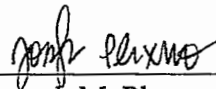
This estate is overdue for closing. The Personal Representative has fully administered the estate and he has filed all necessary closing paperwork, including an accounting. Mayra and

⁶ In addition to the need for liquid assets to support the running expenses of the estate and to maintain shelter and necessities for Luis and Mayra, possession of the Subaru had become a liability to the estate. Although the only known keys to the car had been taken from the Michalski home, somehow or another, Mayra had managed several times to drive it, despite that the car was no longer insured and Mayra did not have a driver's license.

Luis have signed off on receipts acknowledging they have received all assets of the estate which they are entitled to and they have each released the Personal Representative.

WHEREFORE, the Personal Representative prays that the Court issue an Order closing the estate.

Respectfully submitted,



Joseph M. Plaxco, Personal Representative
408 North Church Street; Suite B
Greenville, South Carolina 29601
(864) 240-9112
joseph.plaxco@plaxcolaw.com

Dated this 14th day of May, 2024
Greenville, South Carolina

Exhibit A

STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF GREENVILLE

FILEDWAIVER OF STATUTORY REQUIREMENTS
& BENEFICIARY RECEIPT/RELEASE

IN THE MATTER OF:

FRANCES MARY MICHALSKI

OCT 25 2022

CASE NUMBER: 2016-ES-23-02077

(Decedent)

JOSEPH M. PLAXCO

GREENVILLE COUNTY
PROBATE COURT

Personal Representative/Successor

I acknowledge that the South Carolina Probate Code requires the Personal Representative (or any Successor) to file a full accounting in writing of his/her administration of the above estate, a proposal for distribution of assets not yet distributed, and proof that a notice of right to demand hearing have been sent to all interested persons, unless waived pursuant to §62-3-1001(e).

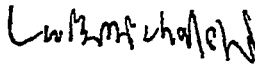
This is to confirm that I voluntarily agree to relieve the Personal Representative (or any Successor) from the statutory duty of filing and the statutory duty of providing copies to me of these closing documents and hereby waive these statutory requirements.

I acknowledge receipt from the Personal Representative of all assets which I am entitled to inherit.

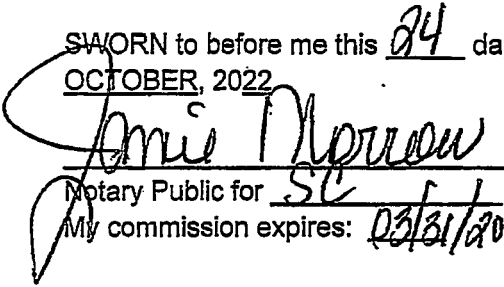
Optional: List item(s) received ALL ASSETS TO WHICH I AM ENTITLED TO INHERIT

In consideration of my distribution, I release and forever discharge the Personal Representative and the Estate from any and all rights and claims which I have against the Estate.

Executed this 24 day of OCTOBER, 20 22.

Recipient Signature: Print Name: LUIS MICHALSKI

SWORN to before me this 24 day of
OCTOBER, 2022


Notary Public for SC

My commission expires: 03/31/2032

STATE OF SOUTH CAROLINA

FILED

IN THE PROBATE COURT

COUNTY OF GREENVILLE

NOV 10 2022

WAIVER OF STATUTORY REQUIREMENTS
& BENEFICIARY RECEIPT/RELEASE

IN THE MATTER OF:

FRANCES MARY MICHALSKA GREENVILLE COUNTY

PROBATE COURT

CASE NUMBER: 2016-ES-23-02077

(Decedent)

JOSEPH M. PLAXCO

Personal Representative/Successor

I acknowledge that the South Carolina Probate Code requires the Personal Representative (or any Successor) to file a full accounting in writing of his/her administration of the above estate, a proposal for distribution of assets not yet distributed, and proof that a notice of right to demand hearing have been sent to all interested persons, unless waived pursuant to §62-3-1001(e).

This is to confirm that I voluntarily agree to relieve the Personal Representative (or any Successor) from the statutory duty of filing and the statutory duty of providing copies to me of these closing documents and hereby waive these statutory requirements.

I acknowledge receipt from the Personal Representative of all assets which I am entitled to inherit.

Optional: List item(s) received ALL ASSETS TO WHICH I AM ENTITLED TO INHERIT

In consideration of my distribution, I release and forever discharge the Personal Representative and the Estate from any and all rights and claims which I have against the Estate.

Executed this 10 day of NOVEMBER, 20 22.

Recipient Signature: Mayra MichalskiPrint Name: MAYRA MICHALSKI

SWORN to before me this 10 day of
NOVEMBER, 2022

Janie Morrow
Notary Public for South Carolina
My commission expires: 03/21/2032

Exhibit B

From: Joseph Plaxco joseph.plaxco@plaxcolaw.com
Subject: The Estate of Frances Mary Michalski (2016-ES-23-02077)
Date: June 12, 2023 at 7:42 PM
To: Jordan, Suzette SJordan@greenvillecounty.org



Hi, Suzette. Right before Kim Campos-Ivey left, in early December 2022, I filed with her all the closing documents for the Estate of Frances Mary Michalski, of which I am the Personal Representative. The two sole heirs of the estate, as well as I, filed a Waiver of Statutory Filing Requirements. Though it wasn't required because of the Waivers, I filed a Final Accounting as well. I also filed the Affidavit of Distribution of Personal Property and Application for Settlement.

I was thinking about it earlier, and I don't recall ever receiving a closing order. It doesn't appear from the online records that it has been closed either. Do you mind checking into the status of that estate?

Thanks so much. Call or email if you have any questions.

Joseph

Joseph Plaxco
Joseph M. Plaxco, LLC
408 North Church Street; Suite B
Greenville, South Carolina 29601
(864) 240-9112 (telephone)
(864) 233-3750 (facsimile)
joseph.plaxco@plaxcolaw.com

CONFIDENTIALITY NOTICE: This e-mail and any files transmitted with it are confidential and may contain information which is legally privileged or otherwise exempt from disclosure. They are intended solely for the use of the individual or entity to whom this e-mail is addressed. If you are not one of the named recipients or otherwise have reason to believe that you have received this message in error, please immediately notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited.

Exhibit C

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE PROBATE COURT

FILED

AUG 15 2016

GREENVILLE COUNTY
PROBATE COURT

In Re: Mayra Michalski)
Protected Person)

CASE NO. 16GC2300125

And)

In Re: Luis Michalski)
Protected Person)

CASE NO. 16GC2300126

Bon Secours St. Francis Health)
System)

Petitioner)

vs.)

Mayra Michalski)

Luis Michalski)

Respondent(s))

PROTECTIVE ORDER
(temporary)

Date of hearing: July 26, 2016
Presiding Judge: Caroline M. Horlbeck
Attorney(s): R. O'Neil Rabon, Jr. on behalf of Petitioner
William D. Fore as court appointed counsel and *guardian ad litem* for
Mayra Michalski
R. Frank Plaxco as court appointed counsel and *guardian ad litem*
For Luis Michalski

This matter was initiated upon the filing of a Petition for the appointment of a permanent Guardian for Mayra and Luis Michalski (individually, "Mayra" and Luis" and together, the "Respondents"). Petitioner also moved for the appointment of a temporary Guardian.

A temporary hearing was held in the Probate Court for Greenville County. Present was the Petitioner, represented by R. O'Neil Rabon, Jr.; Luis Michalski represented by Mr. R. Frank Plaxco; and Mayra Michalski, represented by William D. Fore.

Based on the Petition, Affidavit of Dr. Palmira Snape and other supporting documentation regarding Mayra and Luis Michalski, the testimony presented and the statements and information provided by counsel, this Court makes the following findings of fact:

1. The Respondents are residents of Greenville County and South Carolina is their home state. Specifically they reside at 48 Maravista Avenue, Greenville, South Carolina, 29617.

2. Jurisdiction over the subject matter and the parties is proper.

3. Mayra Michalski has a borderline Intelligence Quotient (IQ). She has no South Carolina driver's license or identification card. She has not been treated medically for several years and has dental issues, including an abscessed tooth. The results of her Health and Safety Test indicate her awareness of necessary safety skills falls in the low range of functioning. K-Snap testing reveals her neuropsychological functioning falls in the Lower Extreme. Her Mini Mental Status Exam (MMSE) results were average for her age. There was no presence of impairment in the areas of orientation, attention, working memory, registration, immediate recall, language or visuospatial skills. She reports that she has earned a GED.

4. Luis Michalski is diagnosed with an Autistic disorder. He has a South Carolina driver's license and is enrolled in Greenville Technical College. His Mini Mental Status Exam (MMSE) was average for his age. There was no presence of impairment in orientation, attention, working memory, registration, immediate recall, language or visuospatial skills. His Health and Safety Test indicates his awareness of necessary safety skills falls in the extremely low range of functioning. K-Snap testing reveals his neuropsychological functioning falls in the Lower Extreme.

5. Both Respondents suffer from social and environmental deprivation as diagnosed by Dr. Palmira Snape. Neither Respondent had been assessed for independent living skills at the time of this hearing.

6. Pursuant to S.C. Probate Code Section 62-5-304 the development of maximum self-reliance and independence of Respondents is fundamental and the Court may make appointive and other orders only to the extent necessitated by Respondents' mental and adaptive limitations.

7. Based on the evidence in the record, the Court finds neither Respondent is incapacitated at this time. However, the evidence does indicate a need for a Protective Order to assist Respondents in achieving maximum independence given their medical and social history.

8. Jennifer Browning is a well-known professional having served in various fiduciary capacities for this Court. I find she is an appropriate and well qualified person to serve as temporary Guardian for Mayra and Luis.

Based on the foregoing findings of fact, I conclude and Order as follows for the purposes of a temporary Order:

1. Respondents are in need of protection and assistance and a temporary Protective Order is necessary and appropriate under the circumstances.

2. Under this Protective Order, Jennifer Browning is appointed as temporary Guardian to exercise such authority as needed for the protection and welfare of Mayra and Luis Michalski, specifically to provide for their protection while also allowing each of them to exercise independent decision making over matters within their cognitive and functional abilities.

3. Mrs. Browning, in the capacity as temporary Guardian, has full authority to obtain any and all medical records related to Mayra and Luis Michalski.

4. The temporary Guardian shall be entitled to the release of all individually identifiable health information and medical records, without restriction including, but not limited to, diagnostic, treatment, other health care, and related insurance and financial records and

information associated with any part, present, or future physical or mental health conditions including, but not limited to, diagnosis or treatment of HIV/AIDS, sexually transmitted diseases(s), mental illness, and/or drug or alcohol abuse and any written opinions relating to Mayra and Luis Michalski's health that the temporary Guardian may request from any health care facility or provider. Without limiting the generality of the foregoing, this release authority applies to all health information and medical records governed by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 USC 1320d and 45CFR 160-164.

5. This appointment of a temporary Guardian is for a period of time not to exceed 180 days from the date of this hearing.

6. William D. Fore and R. Frank Plaxco as counsel for Mayra and Luis respectively, are authorized to search for existence of any assets available to their clients and to enter into negotiations with any person in consequence of the recent death of their mother. For these purposes, each of them shall have full authority to demand and receive all medical records relating to her physical condition, medical treatment and death.

7. William D. Fore and R. Frank Plaxco are directed to pursue opening the Estate of Frances Michalski.

8. The temporary Guardian shall arrange for psychological and cognitive and other testing to determine Respondents' ability to learn independent living skills and arrange for services that will promote maximum independence.

9. At the final hearing, the temporary Guardian shall insure that all test results and other evidence is available in order for the Court to issue a final Order as to the issue of incapacity. Further, the temporary Guardian and Counsel for Respondents should be prepared to

CA# 403

recommend whether or not these actions should be dismissed or whether the Court should enter an Order for permanent general guardianship or limited guardianship.

IT IS SO ORDERED.

August 15, 2016

Caroline M. Horlbeck
Caroline M. Horlbeck
Associate Probate Judge
Greenville, South Carolina

CH #5 85

Exhibit D

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN THE MATTER OF:
FANCES MARY MICHALSKI
(Decedent)

IN THE PROBATE COURT

**RENUNCIATION OF RIGHT TO ADMINISTRATION
AND/OR NOMINATION AND/OR WAIVER OF BOND**

CASE NUMBER: 2016-ES-23- 02077

By renouncing my right to serve as Personal Representative, I am informing the Court that I do not want to be the Personal Representative to administer the estate. **I am not giving up any interest in the estate or inheritance rights by signing this document.**

FILED

SEP - 2 2016

The undersigned hereby (check all that apply):

☐ renounces his/her right to serve as Personal Representative of the above-captioned estate.

**GREENVILLE COUNTY
PROBATE COURT**

☒ renounces his/her right to serve as Personal Representative of the above-captioned estate so long as the following nominee serves as Personal Representative:

Name: JOSEPH M. PLAXCO
Address: 707 E. NORTH STREET
GREENVILLE, SC 29601

☒ agrees to waive bond for the person(s) nominated above.

I understand this is effective only to the extent the law allows for nomination and waiver of bond.

Executed this 2 day of SEPTEMBER, 2016.

SWORN to before me this 2 day of
SEPTEMBER, 2016

Will D. Tom
Notary Public for South Carolina

My commission expires: 10/24/16

Signature: *Mayra Michalski*Print Name: MAYRA MICHALSKI

Address: 48 MARAVISTA AVENUE
GREENVILLE, SC 29617

Telephone (Work): N/A(Home): (864)(Cell): N/AEmail: N/ARelationship to Decedent/Estate: DAUGHTER

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN THE MATTER OF:
FANCES MARY MICHALSKI
(Decedent)

IN THE PROBATE COURT

**RENUNCIATION OF RIGHT TO ADMINISTRATION
AND/OR NOMINATION AND/OR WAIVER OF BOND**

CASE NUMBER: 2016-ES-23- 02077

FILED

SEP - 2 2016

GREENVILLE COUNTY
PROBATE COURT

By renouncing my right to serve as Personal Representative, I am informing the Court that I do not want to be the Personal Representative to administer the estate. **I am not giving up any interest in the estate or inheritance rights by signing this document.**

The undersigned hereby (check all that apply):

- ☐ renounces his/her right to serve as Personal Representative of the above-captioned estate.
- ☒ renounces his/her right to serve as Personal Representative of the above-captioned estate so long as the following nominee serves as Personal Representative:

Name: JOSEPH M. PLAXCO
Address: 707 E. NORTH STREET
GREENVILLE, SC 29601

- ☒ agrees to waive bond for the person(s) nominated above.

I understand this is effective only to the extent the law allows for nomination and waiver of bond.

Executed this 2 day of SEPTEMBER, 2016.

SWORN to before me this 2 day of
SEPTEMBER, 2016

Notary Public for South Carolina

My commission expires: 10/24/16

Signature: Luis MichalskiPrint Name: LUIS MICHALSKI

Address: 48 MARAVISTA AVENUE
GREENVILLE, SC 29617

Telephone (Work): N/A(Home): (864)(Cell): N/AEmail: N/ARelationship to Decedent/Estate: SON

Exhibit E

PROBATE COURT

FILED

22 22 2016

SPRINGVILLE COUNTY
DISTRICT COURT

and TRACY PARSONS

Executed this 22nd day of July, 2016

Caroline M. Horsbrook

FORM #533PC (1/91)
62-5-303, 62-5-407

ELECTRONICALLY FILED - 2024 Jul 22 8:10 PM - GREENVILLE - COMMON PLEAS - CASE#2024CP2303329

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

PROBATE COURT

IN THE MATTER OF MAYRA MICHALSKI

FILED

JUL 22 2016

CASE NUMBER

16GC230

~~16-2300125~~

GREENVILLE COUNTY
PROBATE COURT

ORDER APPOINTING PHYSICIAN/EXAMINER

Upon reading the petition in the above matter, I hereby appoint Palmira Snape, MD

-and Tracy Parsons

who are directed to report to this Court their findings as to the person's mental and physical condition, and their opinion as to the need for a guardian and/or conservator to be appointed.

Executed this 22nd day of July, 2016

Caroline M. Horlbeck

CAROLINE M. HORLBECK, ASSOC. PROBATE JUDGE

NOTE TO EXAMINER:

Section 62-5-101 states: "Incapacitated person means any person who is impaired by reason of mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, or other cause (except minority) to the extent that (s)he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person or property."

Exhibit F



JOHN S. COOPER, JR.
CLERK OF THE COURT
STATE OF TENNESSEE

16 - 2300125

FILED

JUL 22 2016

GREENVILLE COUNTY
PROBATE COURT

CONFIDENTIAL PSYCHOLOGICAL EVALUATION

Name: Mayra Michalski DOB: 9-8-1992 Date of Evaluation: 7/20/2016

Duration of Evaluation: 120 minutes / 2 hours

Diagnosis: ICD-10-CM: Q86.0 Fetal Alcohol Syndrome / DSM-5: 315.8 Neurobehavioral Disorder
Associated with Prenatal Alcohol Exposure

Reason for Evaluation: Ms. Mayra Michalski was referred for evaluation to evaluate her capacity for independent decision-making.

Measures: Review of Home Assessment by Carrie Woodall, MS/LPC, Clinical Interview, Mini-Mental Status Examination (MMSE), Health and Safety Subtest of the Independent Living Skills, and Kaufman Short Neuropsychological Assessment Procedure (K-SNAP)

Clinical Interview: Ms. Michalski was alert during today's evaluation. Her eye contact was appropriate. She was not wearing eyeglasses or a hearing aid. Rapport was easily established and maintained. Hallucinatory activity was denied. History of psychiatric hospitalization was denied. History of depressive episodes, panic responding, and self-injurious behaviors were denied. Patient reported that she dropped out of high school due to emotional abuse from peers. She claims to have earned a GED. Ms. Michalski indicated that reading is very important to her as a coping skill. Since her mother's death, she has attempted to cook and engage in other timed tasks, but acknowledged, "It's really really tough!". Medical history positive for seasonal allergies.

Results: Ms. Michalski's MMSE was average for her age. There is no presence of impairment in the areas of orientation, attention, working memory, registration, immediate recall, language, or visuospatial skills. However, patient's Health and Safety Test indicates that compared to same-age peers, her awareness of safety skills needed to avoid dangers and respond to medical and environmental emergencies falls in the Low range of functioning. She does not verbalize proper measures to take if she smells a gas leak (i.e. "I don't know what gas smells like"). K-SNAP testing reveals that her neuropsychological functioning falls in the Lower Extreme when compared to same-age peers. She has great difficulty with abstract concepts.

Conclusion: On the basis of the current evaluation, Ms. Mayra Michalski lacks capacity for independent decision-making, and, lacks the necessary functional skills and awareness to keep herself safe when unsupervised. It is recommended that the issue of guardianship be explored by an appropriate court of law.

E. Joseph Paciarelli, Psy.D.

Clinical Psychologist



BON SECOURS
SAINT FRANCIS HEALTH SYSTEM

16 - 2300126

FILED

JUL 22 2016

GREENVILLE COUNTY
PROBATE COURT

CONFIDENTIAL PSYCHOLOGICAL EVALUATION

Name: Luis Michalski DOB: 7-4-1994 Date of Evaluation: 7/20/2016

Duration of Evaluation: 120 minutes / 2 hours

Diagnosis: ICD-10-CM: F84.0 Autistic Disorder / DSM-5: 299.0 Autistic Spectrum Disorder

Reason for Evaluation: Mr. Michalski was referred for evaluation to evaluate his capacity for independent decision-making.

Measures: Review of Assessment by Carrie Woodall, MS/LPC, Clinical Interview, Mini-Mental Status Examination (MMSE), Health and Safety Subtest of the Independent Living Skills, and Kaufman Short Neuropsychological Assessment Procedure (K-SNAP)

Clinical Interview: Mr. Michalski was alert during today's evaluation. His eye contact was poor and evasive. He was not wearing eyeglasses or a hearing aid. Rapport was distant and task-focused. Hallucinatory activity was denied. History of psychiatric hospitalization was denied. He endorsed a history of mild, non-suicidal depression in middle school and high school, for which he sought counseling. Patient reported that he graduated high school and was always placed in special education for "Autism". He indicated that he is presently enrolled in Greenville Technical College to specialize in early childhood development. He would like to work with developmentally delayed children. Patient also reported that he applied to Aldi's supermarket a few days ago because his mother (deceased) liked to shop there. Patient was unsure of his disability status. He has no friends. He reported that he enjoys playing video games on the computer and watching TV. He denied medical history other than Autism and Psoriasis.

Results: Mr. Michalski's MMSE was average for his age. There is no presence of impairment in the areas of orientation, attention, working memory, registration, immediate recall, language, or visuospatial skills. Patient's Health and Safety Test indicates that compared to same-age peers, his awareness of safety skills needed to avoid dangers and respond to medical and environmental emergencies falls in the Extremely Low range of functioning. K-SNAP testing reveals that his neuropsychological skills fall in the Lower Extreme when compared to same-age peers.

Conclusion: On the basis of the current evaluation, Mr. Luis Michalski lacks capacity for independent decision-making, and, lacks the necessary functional skills and awareness to keep himself safe when unsupervised. It is recommended that the issue of guardianship be explored by an appropriate court of law.

E. Joseph Paciarelli, Psy.D.

Clinical Psychologist

ELECTRONICALLY FILED 2024 JUL 22 8:10 PM - GREENVILLE - COMMON PLEAS - CASE#2024CP2303329

Exhibit G

ELECTRONICALLY FILED - 2024 JUN 22 8:10 PM - GREENVILLE - COMMON PLEAS - CASE#2024CP2303329

Greenville County
Probate Court

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE PROBATE COURT

IN THE MATTER OF: Mayra Michalski

2016 NOV } 3

AM 9:59

EXAMINER'S REPORT

CASE NUMBER: 16GC2300125

Please answer the following questions concerning the above person. Please provide details at the end of this form or on an attached sheet of paper.

1. Have you treated this person before?
If yes, give brief history

Yes ☐ No ☒

2. Has this person ever been rated or found:

disabled
mentally ill or incompetent
chemically dependent

Yes ☐ No ☒ Unknown ☐
Yes ☐ No ☒ Unknown ☐
Yes ☐ No ☒ Unknown ☐

3. Can the above person:

care for self (personal hygiene)
prepare meals and/or clean house
maintain bank accounts or funds
pay bills
live independently
operate a car
take medications unsupervised

Yes ☒ No ☐ Unknown ☐
Yes ☒ No ☐ Unknown ☐
Yes ☐ No ☐ Unknown ☒
Yes ☐ No ☒ Unknown ☐
Yes ☐ No ☒ Unknown ☐
Yes ☒ No ☐ Unknown ☐
Yes ☐ No ☒ Unknown ☒

4. Would the above person benefit from:

further education
further training
therapy of some sort
medical aids or equipment
an operation or medical procedure(s)
structured living arrangements

Yes ☒ No ☐ Unknown ☐
Yes ☒ No ☐ Unknown ☐
Yes ☐ No ☐ Unknown ☒
Yes ☐ No ☒ Unknown ☐
Yes ☐ No ☐ Unknown ☒
Yes ☒ No ☐ Unknown ☐
Yes ☒ No ☐ Unknown ☐

5. Has the above person had in the last six months:

hospitalization(s)
therapy or treatment
inpatient or outpatient surgery
major medical test(s)
psychological or psychiatric testing

Yes ☐ No ☒ Unknown ☐
Yes ☐ No ☒ Unknown ☐
Yes ☐ No ☒ Unknown ☐
Yes ☐ No ☒ Unknown ☐
Yes ☒ No ☐ Unknown ☐

6. In your opinion, does this person have the mental or physical capacity to effectively manage his/her property and financial affairs?

Yes ☐ No ☒

and/or make necessary daily living and health care decisions Yes ☐ No ☒

7. To your knowledge does this person have:

a power of attorney
a health care power of attorney or
a "living will"

Yes ☐ No ☒ Unknown ☐
Yes ☐ No ☒ Unknown ☐
Yes ☐ No ☒ Unknown ☐

8. Does the above person have any of the following coverages?

health insurance
medicare
medicaid
veteran's health care

Yes ☐ No ☒ Unknown ☐
Yes ☐ No ☒ Unknown ☐
Yes ☐ No ☒ Unknown ☐
Yes ☐ No ☒ Unknown ☐

9. Does this person have a primary caretaker?

Yes ☒ No ☐ Unknown ☐

If yes, please give available information on name, address, and relationship to above person.

Marge lives at home with her brother. She has a temporary
guardian and caregivers inside the home.

SWORN to before me this 3 day of

November
2016

Notary Public for South Carolina

My commission expires: 12-10-18

Date:

November 3 2016

Ray C. Parsons
Examiner's Signature

Ray C. Parsons UPC
Examiner's Name

Use this space for explanations or additional comments.

Tracy C. Parsons, LPC

P.O. Box 24261
Greenville, SC 29616
(864) 414-5553

October 31, 2016

Debora Faulkner,
Probate Judge
301 University Ridge Suite 5600
Greenville, SC 29605

RE: Mayra Michalski
Case Number: 2016GC2300125

Dear Judge Faulkner:

I visited with Mayra to complete Examiners Affidavit September 14, 2016. Her brother was not home at the time. While Mayra was certainly cooperative with my questions and interview, I could detect a little underlying frustration/anger as to this action. Mayra was dressed appropriately and well groomed.

Mayra does not attend school or drive. She received a GED after dropping out of high school. She reported she was enrolled in regular classes but Honors English classes at the time of her quitting. She says she was bullied by others and that was why she did not attend any longer. Mayra says she enjoys reading and wants to enroll in Aviation Maintenance degree. Mayra does not have a regular physician at this time. Mayra knew the amount of the mortgage, the mortgage holder, and due date. She reported she would pay this online.

I was able to complete a Mini Mental Status Exam on Mayra. Mayra did well on this exam. Although her sentence was a little bizarre, "Complacency lulled like a Kalopsic demiurge in counterpoise.", Mayra certainly can talk a good game. She knew what to say, however, based on report from the current case manager, I am not sure she can actually do these things. Since I was at the residence, Mayra has been able to obtain her drivers permit. I asked her about this in detail. She was able to pass this exam with one attempt. She was able to gather the identifying information (social security card, utility bill, etc) and take the test. When I pressed her for insurance, she was uncertain of this piece of information. She was also enrolled or had plans to attend a Goodwill workshop that would assist her in job skills, preparation. She hoped to apply at MAU, which is a BMW supplier.

After reviewing the other medical reports, speaking at length with the current care manager, and giving this report much thought, I do believe Mayra is an incapacitated adult in need of a guardian. However, Mayra has made some strides from the first time I met her to when I returned to speak with her brother. I do believe Mayra is capable of learning more skills to be independent. It is also my opinion that she has been through a lot and maybe some counseling would benefit her.

Sincerely,


Tracy C. Parsons, LPC

cc: Will Fore
Neil Rabon

Tracy C. Parsons, LPC PA

P.O. Box 24261
Greenville, SC 29616

Invoice

Invoice Date:	Invoice #:
10/7/2016	2850

Bill To:
Mayra Michalski

				Terms
Date	Description	Hours/Qty	Rate	Amount
9/14/2016	went to residence to complete assessment. Phone call with Will Fore.	1.75	120.00	210.00
10/31/2016	completed examiners report	1.5	120.00	180.00
9/14/2016	from office to residence and back.	24	0.54	12.96
			Total	\$402.96
			Payments/Credits	\$0.00
			Balance Due	\$402.96

Phone #	Fax:	E-Mail
8644145553		tracy-parsons@atl.net

STATE OF SOUTH CAROLINA

PROBATE COURT

COUNTY OF GREENVILLE

IN THE MATTER OF MAYRA MICHALSKI

CASE NUMBER 16GC230 16 - 2300125

FILED

DOCTOR'S AFFIDAVIT REGARDING CAPACITY

JUL 22 2016

PERSONALLY APPEARED BEFORE ME

Jane SandersGREENVILLE COUNTY
PROBATE COURT

Name of Notary

who being duly sworn deposes and says:

I am (Please set forth your medical credentials):

Dalmar G. Scape, MD, Family Physician

Business address and phone:

Greenville Free Clinic (864) 232-1470Date and Place of this examination:7/20/2016

I have had previous opportunities to evaluate the patient?

☐ Yes ☒ No

(If yes, indicate dates and circumstances within the last year and/or reference if you have been the patient's personal physician for a period of time and the time frame.)

Is the patient oriented to time and place?

☒ Yes ☐ No

What is the physical condition and age of the patient? (Detail any other significant factors that may be relevant to the Court.)

Good physical 23yo

Set forth the results of any tests which bear on the issue of incapacity and date of test:

BASED UPON MY EVALUATION OF THIS PATIENT:

☐ I **DO NOT** believe this patient is an "incapacitated person".¹ I do not find any impairment by reason of mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, or other cause to the extent that he/she lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his/her person, property, or finances.☒ I **DO BELIEVE** THIS PATIENT IS AN "INCAPACITATED PERSON" and in need of a Guardian and/or Conservator as I find him/her to be impaired by reason of (CHECK ALL THAT APPLY AND SET OUT AND DESCRIBE THE LIMITATIONS RESULTING FROM EACH.)
☒
☐
☐
☐
☐
☐
☒

Mental Illness

Mental Deficiency

Physical Illness or Disability

Advanced Age

Chronic Use of Drugs

Chronic Intoxication

Other

BorderlineSocial and environmental deprivation¹"Incapacitated person" means any person who is impaired by reason of mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, or other cause to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person or property. (Section 62-5-101 of the South Carolina Code of Laws)

Long term follow-up needed
Permanent Now.
Is this condition permanent or temporary? Depending on intervention, may be temporary
Can Patient perform activities of daily living? Able to personally take care of her needs
What other information do you believe would assist the Court in making a determination of capacity? Unable to function independently in home

Psychological and cognitive evaluation

FURTHER AFFIANT SAYETH NOT.

Physician's Signature: Palmira S Snape, MD
Print Name: Palmira S Snape
Examiner: MD, SC 4973
Credentials (M.D., Ph.D., D.O., R.N.)
Address: 600 Arlington Ave
Greenville, SC 29601
Telephone: 864-232-1470

SWORN to before me this 20th day of July, 2016
Sanders
Notary Public for South Carolina
My Commission Expires: 11/9/22

FAILURE TO PROVIDE DETAILED RESPONSES TO THE QUESTIONS ON THIS AFFIDAVIT MAY OBLIGATE YOU TO APPEAR AT THE PROBATE COURT HEARING.

All information MUST be typed or clearly printed.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE MATTER OF: Luis Michalski

Greenville County
Probate Court
IN THE PROBATE COURT

2015 NOV -3 EXAMINER'S REPORT
AM 10:00

CASE NUMBER: 16GC2300126

Please answer the following questions concerning the above person. Please provide details at the end of this form or on an attached sheet of paper.

1. Have you treated this person before?
If yes, give brief history Yes ☐ No ☒
2. Has this person ever been rated or found:
disabled Yes ☐ No ☒ Unknown ☐
mentally ill or incompetent Yes ☐ No ☒ Unknown ☐
chemically dependent Yes ☐ No ☒ Unknown ☐
3. Can the above person:
care for self (personal hygiene) Yes ☒ No ☐ Unknown ☐
prepare meals and/or clean house Yes ☒ No ☐ Unknown ☐
maintain bank accounts or funds Yes ☐ No ☒ Unknown ☐
pay bills Yes ☐ No ☒ Unknown ☐
live independently Yes ☐ No ☒ Unknown ☐
operate a car Yes ☒ No ☐ Unknown ☐
take medications unsupervised Yes ☐ No ☒ Unknown ☐
4. Would the above person benefit from:
further education Yes ☒ No ☐ Unknown ☐
further training Yes ☒ No ☐ Unknown ☐
therapy of some sort Yes ☐ No ☒ Unknown ☒
medical aids or equipment Yes ☐ No ☒ Unknown ☐
an operation or medical procedure(s) Yes ☐ No ☒ Unknown ☒
structured living arrangements Yes ☒ No ☐ Unknown ☐
5. Has the above person had in the last six months:
hospitalization(s) Yes ☐ No ☒ Unknown ☐
therapy or treatment Yes ☐ No ☒ Unknown ☐
inpatient or outpatient surgery Yes ☐ No ☒ Unknown ☐
major medical test(s) Yes ☐ No ☒ Unknown ☐
psychological or psychiatric testing Yes ☒ No ☐ Unknown ☐
6. In your opinion, does this person have the mental or physical capacity to effectively manage his/her property and financial affairs? Yes ☐ No ☒
and/or make necessary daily living and health care decisions Yes ☐ No ☒

Tracy C. Parsons, LPC

P.O. Box 24261
Greenville, SC 29616
(864) 414-5553

October 31, 2016

Debora Faulkner,
Probate Judge
301 University Ridge Suite 5600
Greenville, SC 29605

RE: Luis Michalski
Case Number: 2016GC2300126

Dear Judge Faulkner:

I visited with Luis Michalski at his residence October 7, 2016. Luis was cooperative and pleasant throughout my interview. Luis lives at home with his sister. His mother passed away recently very unexpectedly. He has a temporary guardian and there are caregivers at the residence 24 hours a day. Luis is enrolled in Greenville Tec and takes four classes. Luis reports he does not do well in his psychology classes. This class is largely lecture based and he struggles with this one. Otherwise, he enjoys his classes and maintains a good grade. Luis wants to be an aid in a special education middle school class. He feels as if he can relate to this group and make a difference.

I was able to administer a Mini Mental Status Exam to Luis. He did well on this test. He did not score in the incapacitated range. However, Luis' has been diagnosed with Autism. He admitted he needed assistance around the house and I do not believe he could live completely independent. His decision making skills are lacking. He would struggle with cooking, cleaning, and paying bills.

The fact that Luis can drive and is enrolled in Technical school leads me to believe that he might can learn some of these tasks, over time, and capacity could be re-evaluated at a later date. However, at this point, Luis cannot perform the necessary tasks and is in need of a guardian at this time.

Sincerely,


Tracy C. Parsons, LPC

cc: Tyler O'Shields
Neil Rabon

Tracy C. Parsons, LPC PA

P.O. Box 24261
Greenville, SC 29616**Invoice**

Invoice Date:	Invoice #:
10/25/2016	2849

Bill To:
Luis Michalski

Terms

Date	Description	Hours/Qty	Rate	Amount
10/7/2016	went to residence to complete assessment for probate court	1.75	120.00	210.00
10/31/2016	completed examiners report	1.5	120.00	180.00
10/7/2016	from office to residence and back.	24	0.54	12.96

Total	\$402.96
--------------	----------

Payments/Credits	\$0.00
-------------------------	--------

Balance Due	\$402.96
--------------------	----------

Phone #	Fax	E-Mail
8644145553		tracy-parsons@att.net

STATE OF SOUTH CAROLINA

PROBATE COURT

COUNTY OF GREENVILLE

IN THE MATTER OF LUIS MICHALSKI

CASE NUMBER 16GC230

16-2300126

FILED

JUL 22 2016

DOCTOR'S AFFIDAVIT REGARDING CAPACITY

PERSONALLY APPEARED BEFORE ME

Jane Sanders

Name of Notary

GREENVILLE COUNTY
PROBATE COURT

who being duly sworn deposes and says:

I am (Please set forth your medical credentials):

Palmer S Snape, M.D., Family Physician

Business address and phone:

Greenville Free Clinic (864) 232 1470

Date and Place of this examination:

7/20/16

I have had previous opportunities to evaluate the patient?

☐ Yes ☒ No

(If yes, indicate dates and circumstances within the last year and/or reference if you have been the patient's personal physician for a period of time and the time frame.)

Is the patient oriented to time and place?

☒ Yes ☐ No

What is the physical condition and age of the patient? (Detail any other significant factors that may be relevant to the Court.)

Good. 22yo

Set forth the results of any tests which bear on the issue of incapacity and date of test:

BASED UPON MY EVALUATION OF THIS PATIENT:

☐ I DO NOT believe this patient is an "incapacitated person".¹ I do not find any impairment by reason of mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, or other cause to the extent that he/she lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his/her person, property, or finances.

☒ I DO BELIEVE THIS PATIENT IS AN "INCAPACITATED PERSON" and in need of a Guardian and/or Conservator as I find him/her to be impaired by reason of (CHECK ALL THAT APPLY AND SET OUT AND DESCRIBE THE LIMITATIONS RESULTING FROM EACH.)

- ☒ Mental Illness may be autistic
- ☐ Mental Deficiency
- ☐ Physical Illness or Disability
- ☐ Advanced Age
- ☐ Chronic Use of Drugs
- ☐ Chronic Intoxication
- ☒ Other Social and environmental deprivation

¹"Incapacitated person" means any person who is impaired by reason of mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, or other cause to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person or property. (Section 62-5-101 of the South Carolina Code of Laws)

Is this condition permanent or temporary? *May be permanent, Need long term interventions + followup*
Can Patient perform activities of daily living? *Yes, personal. No Financial Knowledge*
What other information do you believe would assist the Court in making a determination of capacity? *Psychological Evaluation + evaluation of knowledge of self*

FURTHER AFFIANT SAYETH NOT.

Physician's Signature: *Palmira S Snape, MD*
Print Name: *Palmira S Snape MD*
Examiner: *MP SC 4973*
Credentials (M.D., Ph.D., D.O., R.N.)
Address: *600 Avington Ave*
Greenville, SC 29601
Telephone: *864-232-1470*

SWORN to before me this *20th* day of *July*
[Signature]
Notary Public for South Carolina
My Commission Expires: *11/9/22*

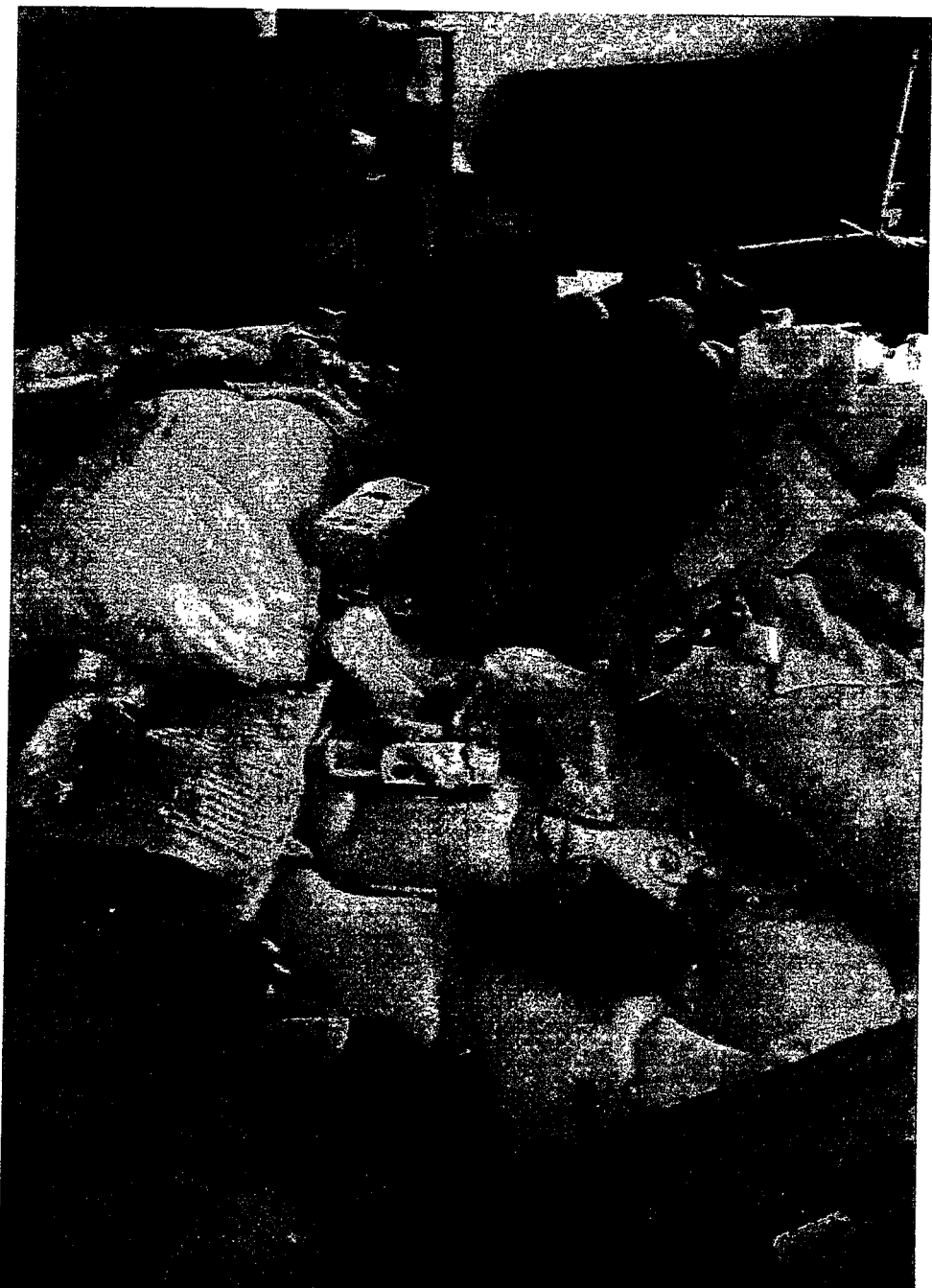
FAILURE TO PROVIDE DETAILED RESPONSES TO THE QUESTIONS ON THIS AFFIDAVIT MAY OBLIGATE YOU TO APPEAR AT THE PROBATE COURT HEARING.

All information MUST be typed or clearly printed.

Exhibit H















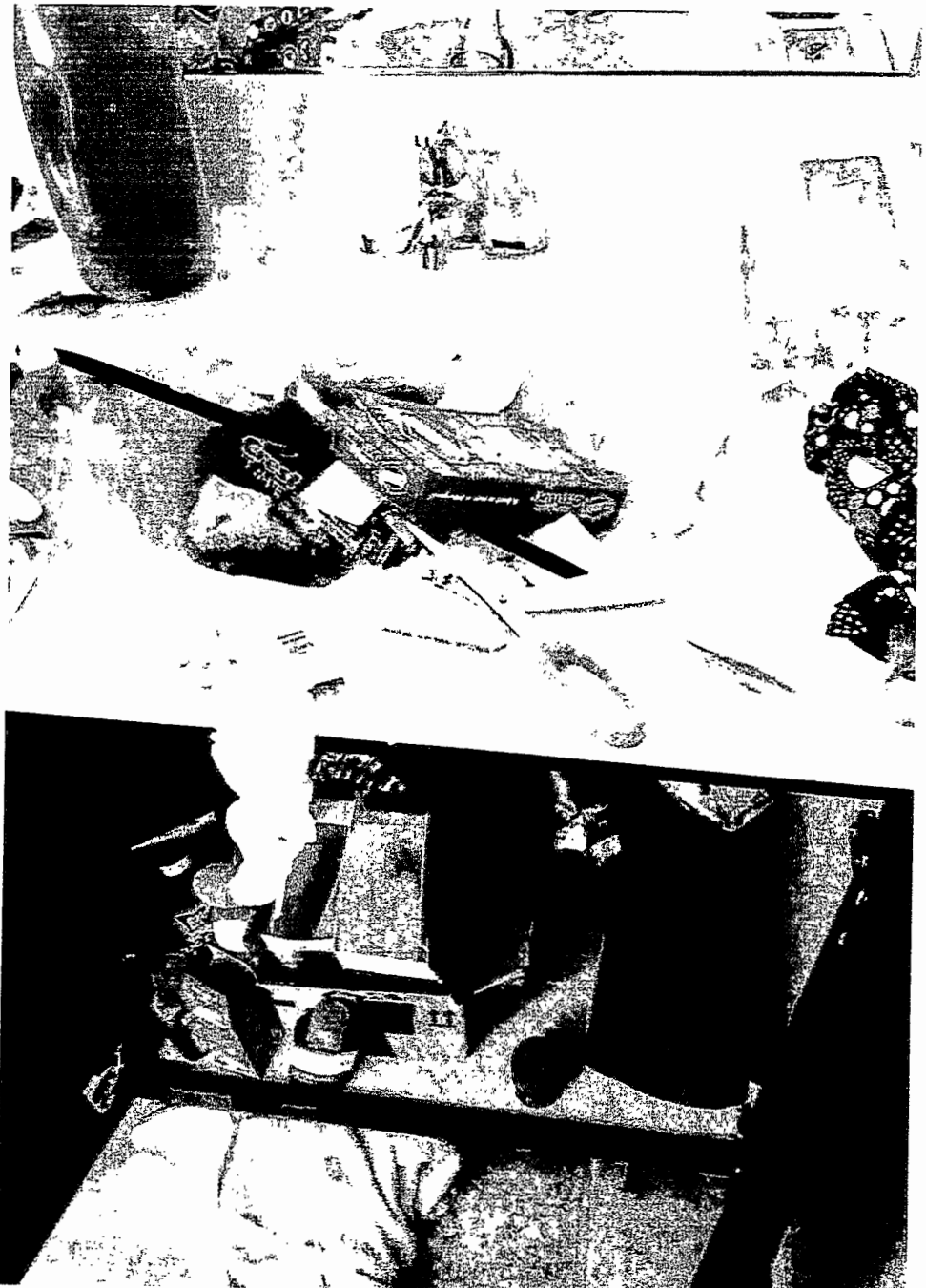








Exhibit I

STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF GREENVILLE

Joseph M. Plaxco, Personal Representative
of the Estate of Frances Mary Michalski,

Petitioner,

**PETITION FOR APPROVAL
OF LOAN**

-vs-

C/A No.: 2016-ES-23-02077

Jennifer Browning, Guardian for Mayra
Michalski and Luis Michalski; William D.
Fore, *Guardian ad Litem* for Mayra
Michalski; and Tyler B. O'Shields,
Successor *Guardian ad Litem* for Luis
Michalski,

Respondents.

The Petitioner, Joseph M. Plaxco, as Personal Representative of the Estate of Frances Mary Michalski would respectfully show unto this Court as follows:

1. The Petitioner, Joseph M. Plaxco, is the Personal Representative of the Estate of Frances Mary Michalski, having been appointed by order of this Court on September 2, 2016.
2. Respondent Jennifer Browning is the court-appointed temporary Guardian for Decedent Frances Mary Michalski's son and daughter, Luis Michalski and Mayra Michalski, respectively.
3. Respondent William D. Fore is *Guardian ad Litem* for Mayra Michalski.
4. Respondent Tyler B. O'Shields is Successor *Guardian ad Litem* for Luis Michalski.
5. The Decedent, Frances Mary Michalski, died intestate in Greenville County, South Carolina on July 8, 2016. Her estate is currently being probated in the Greenville County Register of

Deeds Office under file number 2016ES2302077.

6. The Estate of Frances Mary Michalski owns real property located at 48 Maravista Avenue, Greenville County, State of South Carolina (29617), TMS: B008080111900 (the "property" or "residence")
7. As of recently, the property is vacant. The Decedent's two children, Luis and Mayra Michalski, have moved out of the residence permanently with no intention of returning.
8. Petitioner believes and alleges that it is in the best interest of the estate to sell the property and, upon closing the estate, distribute the proceeds of said sale to Mrs. Michalski's heirs.
9. After inspection of the property, it became clearly evident the house must be thoroughly cleaned and restored so as to obtain a reasonable offer for the sale of the residence.
10. Attached as Exhibit A is a quote/estimate from Servpro of East Greenville County for \$6,500.¹
11. Based on his research and inquiries, Petitioner believes that ServPro of East Greenville County is a very reputable company with high regards in the community and Petitioner believes that ServePro is the ideal contractor to do the work needed as set forth in this Petition.
12. Petitioner has received quotes from at least two companies in Greenville who specialize in the type of cleaning and work necessary to get the residence back to sellable condition, and Petitioner believes that it will cost no more than \$10,000.00 to restore the residence back to said condition.
13. There is currently less than \$1,000.00 left in the estate account to cover expenses, including

¹ Servpro's quote/estimate does not include the replacement of carpet. Petitioner believes that said replacement shall cost no more than \$3,000.00.

but not limited to the current mortgage payment, energy bill,² and the filing fees and out of pocket costs of this Petition.

14. The property has a tax market value with Greenville County Real Property Services of \$107,890; however, and despite this value figure, zillow.com provides an estimated value of \$134,776 (See attached Exhibit B); realtor.com provides an estimated value of \$153,900 (See attached Exhibit C); redfin.com provides an estimated value of \$173,569; and remax.com provides an estimated value of \$144,908. The average of these estimate value figures is approximately \$142,500. In addition, there is house with similar characteristics (size, number of bedrooms, number of bathrooms) in the same subdivision for sale for \$139,900. (See Exhibit D.)
15. Per the most recently statement from the mortgage holder, the unpaid principal balance on the loan is \$108,921.56.
16. The Petitioner believes and alleges that because of the circumstances stated above herein, he shall have the authority to obtain a loan or equity line from an insured banking institution to cover the costs of cleaning and repairing the home to restore it back to a sellable and habitable condition.
17. The Petitioner would also note that there is a pending medical malpractice action in the Greenville County Court of Common Pleas related to Mrs. Michalski's death, and the Petitioner expects that additional monies will be deposited into the estate upon settlement or trial of said action.

² Note that the mortgage payment is approximately \$639.76 per month

WHEREFORE, having fully pled, the Petitioner prays for an Order granting the following relief:

- A. That the Petitioner have the authority to obtain a loan or equity line from a reputable, insured banking or otherwise financial institution to obtain the funds to allow for the cleanup and restorations needed to restore the residence to a sellable and habitable condition, as set forth above;
- B. For whatever further relief the Court deems just and proper in this situation.

Respectfully submitted,

JOSEPH M. PLAXCO, LLC



Joseph M. Plaxco (SC Bar No. 100975)
707 East North Street
Greenville, South Carolina 29601
(864) 240-9112 (telephone)
(864) 232-7707 (fax)
joseph.plaxco@plaxcolaw.com

Greenville, South Carolina
Dated this 9th day of November, 2017

Exhibit A



BGM Services, LLC dba Servpro of East Greenville County

P.O. Box 925
Greer, SC 29652
Tax ID# 27-0297768
Phone: 864.292.3495/Fax: 864.968.9619
servpro9744@gmail.com

FILED

NOV - 9 2017

**GREENVILLE COUNTY
PROBATE COURT**

Client: Joseph Plaxco
Property: 48 Maravista Ave
Greenville, SC 29617

Home: (864) 240-9112

Operator: DYLAN SE

Estimator: Dylan Riddle
Company: BGM Services, LLC

Business: (864) 292-3495
E-mail: Dylan.Servpro9744@gmail.com

Type of Estimate: Other
Date Entered: 10/25/2017
Date Est. Completed: 10/25/2017

Date Assigned:
Date Job Completed;

Price List: SCGV8X_OCT17
Labor Efficiency: Restoration/Service/Remodel
Estimate: PLAXCO_JOSEP10-24-17

**BGM Services, LLC dba Servpro of East Greenville County**

P.O. Box 925
Greer, SC 29652
Tax ID# 27-0297768
Phone: 864.292.3495/Fax: 864.968.9619
servpro9744@gmail.com

PLAXCO_JOSEP10-24-17**PLAXCO_JOSEP10-24-17**

DESCRIPTION	QTY	UNIT PRICE	TOTAL
1. Full Service - Cat3 Cleanup / Trashout	1.00 EA @	6,500.00 =	6,500.00
This includes everything needed for the job including but not limited to;			
- Dumpsters for disposal			
- Removal of all floor coverings			
- Trash Out			
- Duct cleaning & fogging			
- Cleaning of the exposed affected areas			
- Sealing the substrate (If needed)			
- All PPE, (Tyvek, Respirator, Respirator Cartridges, etc.)			



BGM Services, LLC dba Servpro of East Greenville County

P.O. Box 925
Greer, SC 29652
Tax ID# 27-0297768
Phone: 864.292.3495/Fax:864.968.9619
servpro9744@gmail.com

Summary for Dwelling

Line Item Total	6,500.00
Replacement Cost Value	\$6,500.00
Net Claim	<u>\$6,500.00</u>

Dylan Riddle

**BGM Services, LLC dba Servpro of East Greenville County**

P.O. Box 925
Greer, SC 29652
Tax ID# 27-0297768
Phone: 864.292.3495/Fax:864.968.9619
servpro9744@gmail.com

Recap of Taxes

	Material Sales Tax (6%)	Laundry & D/C Tax (6%)	Manuf. Home Tax (2%)	Storage Rental Tax (6%)
Line Items	0.00	0.00	0.00	0.00
Total	0.00	0.00	0.00	0.00

**BGM Services, LLC dba Servpro of East Greenville County**

P.O. Box 925
Greer, SC 29652
Tax ID# 27-0297768
Phone: 864.292.3495/Fax:864.968.9619
servpro9744@gmail.com

Recap by Room

Estimate: PLAXCO_JOSEP10-24-17	6,500.00	100.00%
Subtotal of Areas	6,500.00	100.00%
Total	6,500.00	100.00%

**BGM Services, LLC dba Servpro of East Greenville County**

P.O. Box 925
Greer, SC 29652
Tax ID# 27-0297768
Phone: 864.292.3495/Fax:864.968.9619
servpro9744@gmail.com

Recap by Category

Items	Total	%
CLEANING	6,500.00	100.00%
Subtotal	6,500.00	100.00%

FILED

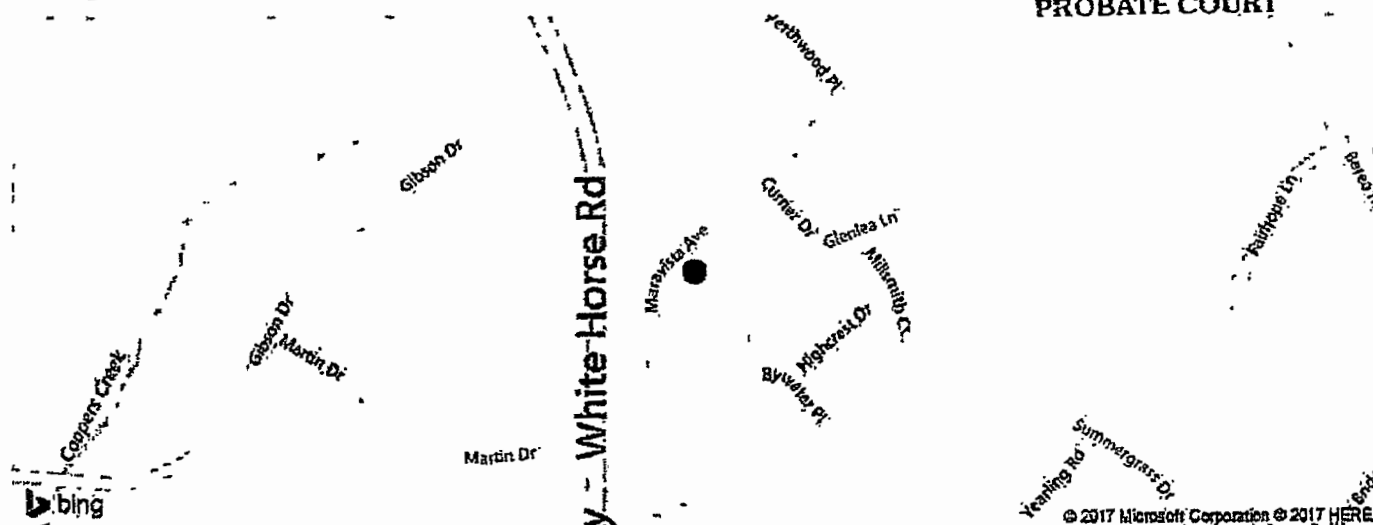
11/9/17, 4:17 PM

Exhibit B

48 Maravista Ave, Greenville, SC 29617

NOV - 9 2017

GREENVILLE COUNTY
PROBATE COURT



**48 Maravista Ave,
Greenville, SC 29617**

3 beds · 2 baths · 1,460 sqft

OFF MARKET

Zestimate®: \$135,890

Rent Zestimate®: \$1,295 /mo

Est. Refi Payment

\$530/mo

48 Maravista Ave, Greenville, SC is a single family home that contains 1,460 sq ft and was built in 2013. It contains 3 bedrooms and 2 bathrooms. This home last sold for \$125,925 in July 2013.

The Zestimate for this house is \$135,890, which has increased by \$3,799 in the last 30 days. The Rent Zestimate for this home is \$1,295/mo, which has increased by \$8/mo in the last 30 days. The property tax in 2016 was \$669. The tax assessment in 2016 was \$107,890.

Facts and Features



Type
Single Family



Year Built
2013



Heating
No Data



Cooling
No Data



Parking
No Data



Lot
6,229 sqft

INTERIOR FEATURES

Bedrooms

Beds: 3

Flooring

Floor size: 1,460 sqft

Home Value

Zestimate
\$135,890

ZESTIMATE RANGE
\$129,000 - \$143,000

LAST 30 DAY CHANGE
+\$3,799 (+2.9%)

ONE YEAR FORECAST
\$141,285 (+4.0%)

Owner Dashboard



Do you own this home? See your Owner Dashboard.

Price / Tax History

DATE	EVENT	PRICE	AGENTS	
06/28/13	Sold	\$125,340	.	✓
06/28/13	Sold	\$125,340	.	✓

Neighborhood: 29617

MEDIAN ZESTIMATE

MARKET TEMP

FORECLOSURES (per 10K)

\$126,000

Very Hot

1.6

⬆ 8.7%

0.7

0.3

Past 12 months

Buyers' Market

Sellers' Market

29617

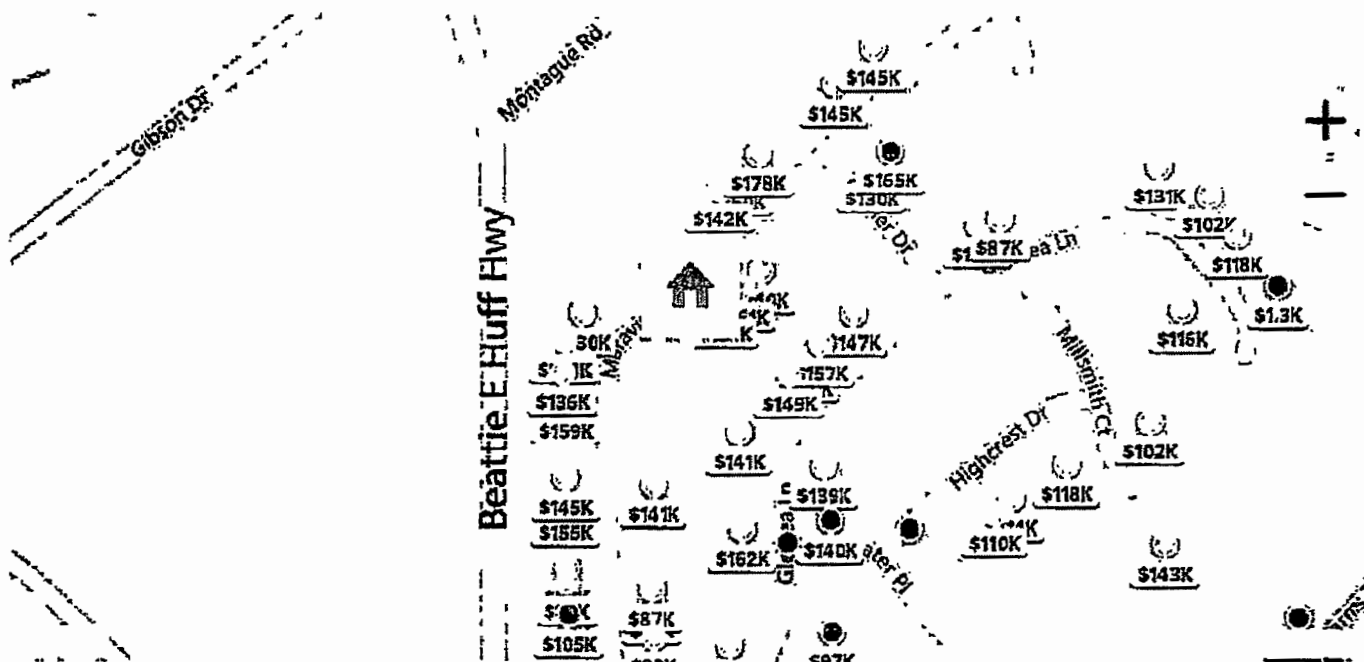
Greenville

United States

Zillow predicts will increase 3.7% next year, compared to a 3.1% rise for Greenville as a whole. Among 29617 homes, this home is valued 16.9% more than the midpoint (median) home, and is valued 12% more per square foot.

🚶 Walk Score • 17 (Car-Dependent)

NEIGHBORHOOD MAP



NEARBY HOMES

Sold 11/10/2015



SOLD:

Price/sqft: -- · 3 bds · 2 ba · 1,350 sqft
50 Maravista Ave, Greenville, SC

OFF MARKET

\$137,978 3 bds · 2 ba · 1,309 sqft
46 Maravista Ave, Greenville, SC

Nearby Schools in Greenville

GREATSCHOOLS RATING ?

5

Armstrong Elementary

out of 10

4

Berea Middle

out of 30

GRADES	DISTANCE
1	100
2	200
3	300
4	400
5	500
6	600
7	700
8	800
9	900
10	1000
11	1100
12	1200
13	1300
14	1400
15	1500
16	1600
17	1700
18	1800
19	1900
20	2000
21	2100
22	2200
23	2300
24	2400
25	2500
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77	7700
78	7800
79	7900
80	8000
81	8100
82	8200
83	8300
84	8400
85	8500
86	8600
87	8700
88	8800
89	8900
90	9000
91	9100
92	9200
93	9300
94	9400
95	9500
96	9600
97	9700
98	9800
99	9900
100	10000

PK-5 0.5 mi

6-8 0,4 mi

4

Berea High

9-12

2.3 mi

out of 10

Data by GreatSchools.org

About the ratings: GreatSchools ratings are based on a comparison of test results for all schools in the state. It is designed to be a starting point to help parents make baseline comparisons, not the only factor in selecting the right school for your family.

Disclaimer: School attendance zone boundaries are provided by a third party and subject to change. Check with the applicable school district prior to making a decision based on these boundaries.

Similar Homes for Sale

**FOR SALE****\$207,900**3 beds, 3.0 baths, -- sqft
2 Hampton Farms Trl LOT 1**FOR SALE****\$215,000**4 beds, 3.0 baths, 2557 s...
603 Yearling Rd, Greenville

Nearby Similar Sales

SOLD: \$114,000

Sold on 3/30/2017

3 beds, 2.0 baths, 1200 sqft

710 Highcrest Dr, Greenville, SC 29617

SOLD: \$120,000

Sold on 8/10/2017

3 beds, 2.0 baths, 1000 sqft

5 Maravista Ave, Greenville, SC 29617

SOLD: \$121,000

Sold on 9/12/2017

2 beds, 2.0 baths, 1277 sqft

100 Glenlea Ln, Greenville, SC 29617

SOLD: \$124,900

Sold on 7/28/2017

3 beds, 2.0 baths, 1652 sqft

612 Bywater Pl, Greenville, SC 29617

SOLD: \$126,500

Sold on 8/9/2017

3 beds, 2.0 baths, 1211 sqft

25 Fairhope Ln, Greenville, SC 29617

Exhibit C
realtor.com®

Recommended nearby homes



Similar Price

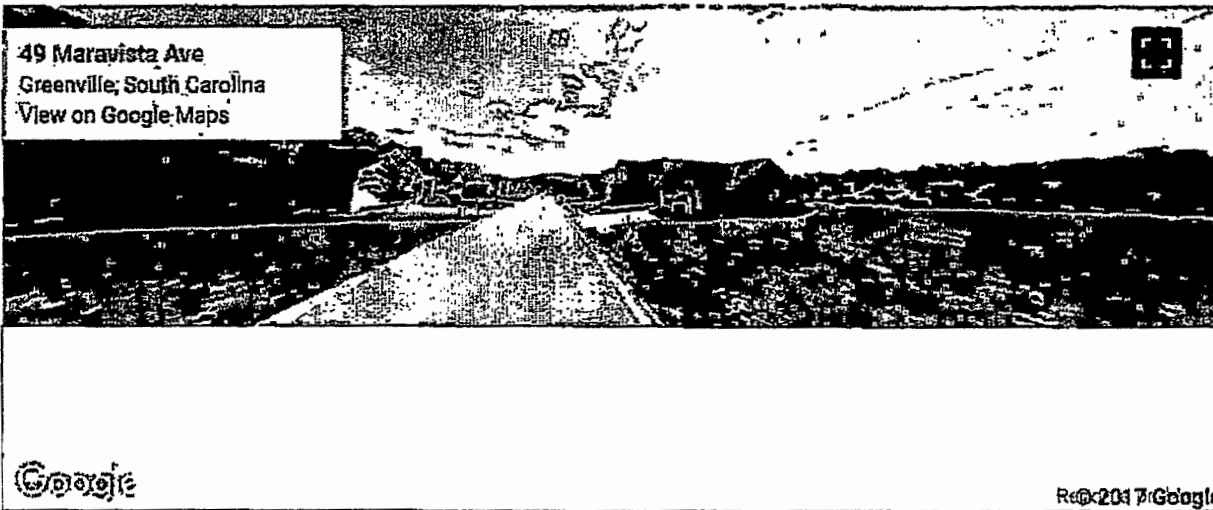
\$150,000

14 Katie Dr
3 bd • 2 ba

Trending

\$105,000

17 Maravista Ave
3 bd • 2+ ba



Est. **\$153,900** ⓘ

 Track Your Home Value

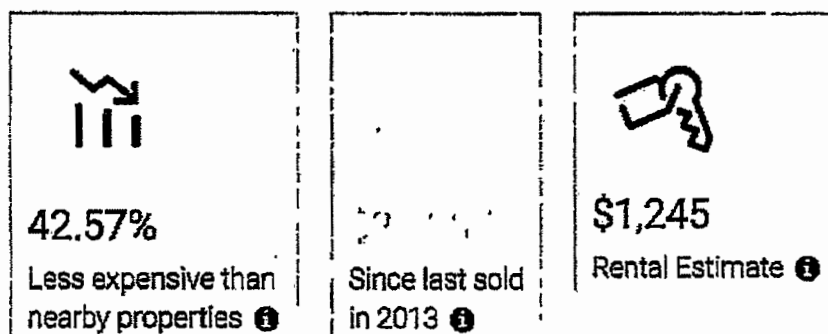


3	2	1,460	6,229
beds	baths	sq ft	sq ft lot

Commute Time **48 Maravista Ave,**
Greenville, SC 29617

Property Overview - 48 Maravista Ave, Greenville, SC 29617 is a single family home built in 2013. This property was last sold for \$125,925 in 2013 and currently has an estimated value of \$153,900.

According to the Greenville public records, the property at 48 Maravista Ave, Greenville, SC 29617 has approximately 1,460 square feet, 3 beds and 2 baths with a lot size of 6,229 square feet. Nearby schools include Armstrong Elementary School, Berea Middle School and Berea High School. Comparable nearby homes for sale include 7 Boykins Ct, 305 Glenlea Ln and 302 Stallion Rd.



Property History for 48 Maravista Ave

This property was sold once in the last 4 years.



Sold for \$125,925
Jul 2, 2013

History data displayed is obtained from public records and/or MLS feeds from the local jurisdiction. Contact your REALTOR® directly in order to obtain latest information.

Property Details for 48 Maravista Ave

			
Status	Price/Sq Ft	Type	Built
Off Market	\$105	Single family	2013

Public Records

- Beds: 3
- House size: 1,460 sq ft
- Lot size: 6229
- Heating: Unknown

- Cooling: Unknown
- Year built: 2013
- Property type: Single family
- Date updated: 01/20/2017

Nearby Schools

Rating*	School Name	Grades	Distance
5	Armstrong Elementary School	PK-5	0.5 mi
4	Berea Middle School	6-8	0.4 mi
4	Berea High School	9-12	2.5 mi
7	Duncan Chapel Elementary School	K-5	1.8 mi
1	Lakeview Middle School	6-8	2.2 mi
NR	Enoree Career Center School	9-12	0.9 mi
NR	Abundant Life Christian Private School	K-12	1.3 mi
NR	Paris Mountain Christian Private School	K-8	2.6 mi

* School data provided by National Center for Education Statistics, Pitney Bowes, and GreatSchools. Intended for reference only. GreatSchools Ratings compare a school's test performance to statewide results. To verify enrollment eligibility, contact the school or district directly.

Neighborhood

48 Maravista Ave is located in the city of Greenville, SC.

Homes in Greenville have a median sales price of \$182,500.

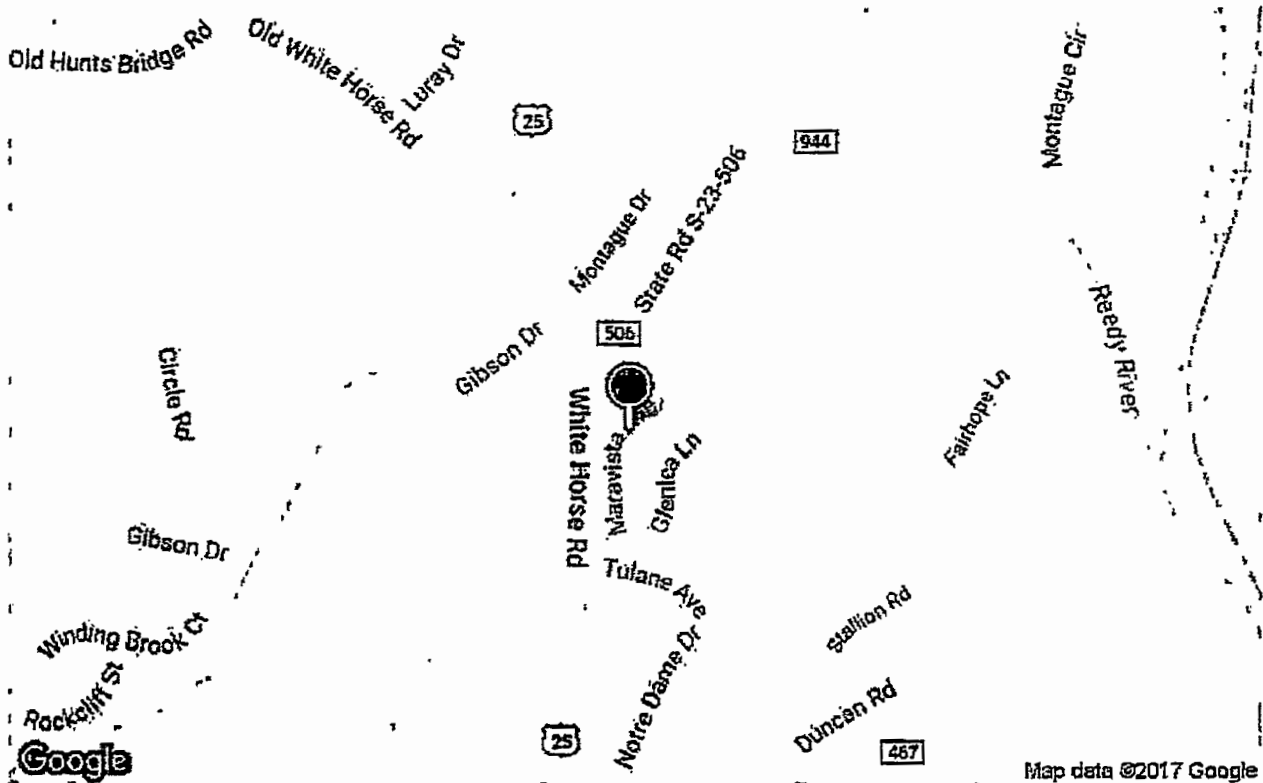
\$268,000

Median Listing Price

\$141

Price Per Sq Ft

Explore Schools, Safety, and Lifestyle around Maravista Ave



Price & Tax History for 48 Maravista Ave

Property Price

Date	Event	Price	Price/Sq Ft	Source
07/02/2013	Sold	\$125,925	\$86	

Property Tax

Year	Taxes	Land	Additions	Total Assessment
------	-------	------	-----------	------------------

2016	\$669	\$18,500	+	\$89,390	=	\$107,890
2015	\$1,088	\$18,500	+	\$89,390	=	\$107,890
2014	\$1,219	\$18,500	+	\$107,370	=	\$125,870

About History & Taxes Data

The price and tax history data displayed is obtained from public records and/or MLS feeds from the local jurisdiction. Contact your REALTOR® directly in order to obtain the most up-to-date information available.

Editors' Picks

HOME IMPROVEMENT	TRENDS	CELEBRITY REAL ESTATE	HOME IMPROVEMENT	SPONSORED CONTENT
10 Basic Things Every Homeowner	Under GOP Tax Plan, Some Would Win in	No Matter Her Reputation, We're Totally Into Taylor	5 Things to Never Buy at Home Depot, Lowe's, or Powered by Samsung	9 Home-Buying Costs Veterans and Active Powered by Veterans United

REDFIN

City, Address, School, Agent, ZIP

1-844-759-7732

Buy

Sell

Real Estate Agents

Sign In

Join



48 Maravista Ave Lot 1
Greenville, SC 29617

\$173,569

Redfin Estimate



Last Sold Price

3 Beds

2 Baths

1,460 Sq. Ft.

\$119 / Sq. Ft.

Built: 2013 Lot Size: 6,229 Sq. Ft.



Edit Facts



Favorite



X-Out

Redfin Estimate

Overview

Public Facts

Property Details

Property History

Schools

Neighborhood

Similar Homes

NOT FOR SALE



Learn more about this property and its history.

Sign up for our newsletter to get the latest news.



Is This Your Home?



Claim the Owner

Track this home's estimate in our Home Report email.



Lisa Otto
Only Way Realty
Redfin Partner Agent

★★★★★
43 client reviews

Talk to Lisa About Selling

1 of 3 Partner Agents in this area

Exhibit D

FILED

NOV - 9 2017

GREENVILLE COUNTY
PROBATE COURT

Exhibit E

RE/MAX

GET THE APP



MY RE/MAX

SAVE ALERTS PLACES SHARE

FILED

NOV - 9 2017

GREENVILLE COUNTY
PROBATE COURT

ELECTRONICALLY FILED - 2024 JUL 22 8:10 PM - GREENVILLE - COMMON PLEAS - CASE#2024CP2303329

Bing

25 feet

© 2017 HERE © 2017

\$ 144,908

Not for Sale

Estimate

Homes.com Home Estimate*

3 beds | 2 baths | 1,460 sqft

Last Sale Price \$ 125,925



Ask About This
Home

48 MARAVISTA AVE, GREENVILLE, SC

Bedrooms: 3

Bathrooms: 2

House Size: 1,460

Lot Size: 6,229.00 sqft

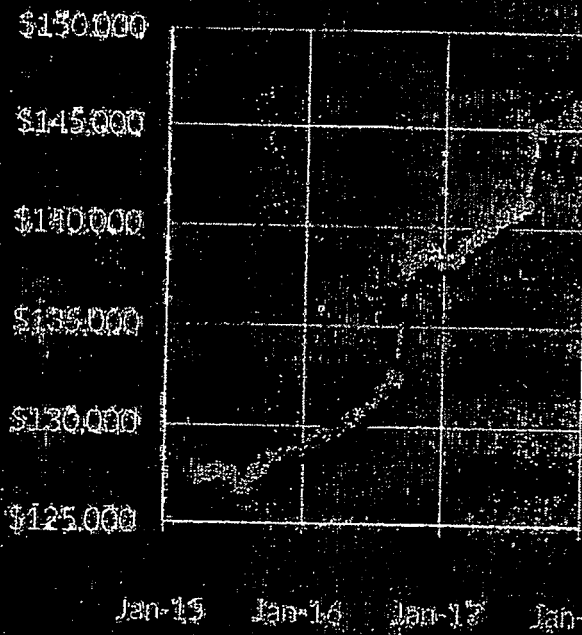
Year Built: 2013

Price History

Sold	For	Change
06/27/2013	\$125,925	+19.8%
02/18/2013	\$105,298	N/A

Home Estimate History

Estimated Value



Get Price Alerts on this home

Houses for Sale Nearby



\$ 162,000
305 Glenlea Lane
4 beds | 3 baths |

Courtesy of Katherine Bliss
Keller Williams DRIVE



\$ 139,900
300 Glenlea Lane
3 beds | 2 baths |

Courtesy of Daniel Lampinen
Greer Real Estate Company



\$ 165,000
102 Maravista Ave
3 beds | 2.5 baths |

Courtesy of Jacob Mar
Coldwell Banker Caine

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perfect home.

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Hospitals

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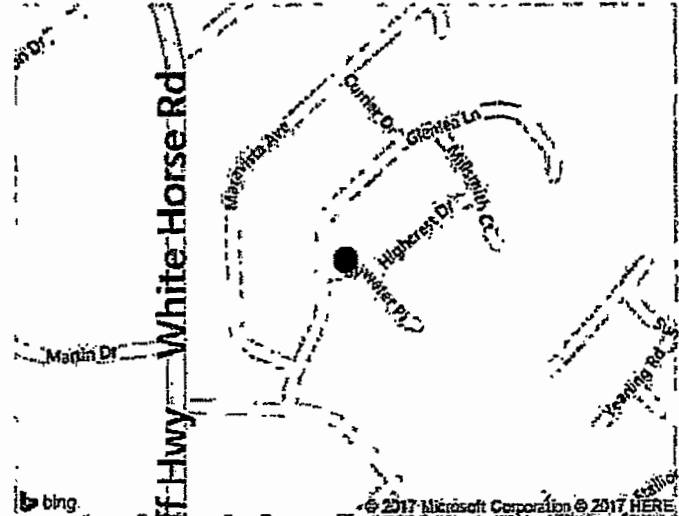
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Exhibit F.

NOV - 9 2017

300 Glenlea Ln, Greenville, SC 29617 | MLS #1353243

GREENVILLE COUNTY
PROBATE COURT



**300 Glenlea Ln,
Greenville, SC 29617**

3 beds · 2 baths · 1,300 sqft

PENDING

\$139,900

Zestimate: \$131,375

Est. Mortgage

\$546/mo

Wonderful 3 BR 2 BA single story home, Vaulted ceilings in LR and Master Ceiling fan with remote control in LR Ceiling fan in Dining Room Ceiling fan in Master Ceiling fan in Kitchen Jetted walk-in tub Walk-in closet in Master Built-in microwave Stove - glass surface Dishwasher Refrigerator 2 attics with pull-down stairs Storage/utility closet off back porch Screened porch with ceiling fan Double garage with electric opener Rocking-chair front porch Fenced back yard View of Paris Mountain from back porch Work bench/tool storage in garage Gas heat and water Auxillary gas heater (for power outages/extra warmth) Central Electric AC

WHAT I LOVE ABOUT THE HOME

Contract fell through....our loss is your gain because we've drastically lowered the price to SELL NOW! Nice 3 br, 2 ba home near Furman with features that will astound you for this price! Walk-in jetted tub, double attics with pull-down stairs, double garage with opener, glass surface range, built-in microwave, garbage disposal, dishwasher, refrigerator, remote controlled fans, rocking chair front porch, corner lot, screened back porch, fenced yard, view of Paris Mtn., ALL ON ONE OF THE LARGEST LOTS IN THE NEIGHBORHOOD!!! Sorry, we cannot offer agent commission at this price. We WILL NOT LIST, so please don't ask. No lease/purchase or rental.

Facts and Features

 Type Single Family	 Year Built 2002	 Heating No Data
 Cooling No Data	 Parking Attached Garage	 Lot 7,405 sqft

INTERIOR FEATURES

Bedrooms

Beds: 3

MRBED FEATURES: Master on Main Lvl, Walk-in Closet, Tub/Shower

Other Rooms

SPECIALTY ROOM: Other

Home Value

Zestimate
\$131,375

ZESTIMATE RANGE
\$125,000 - \$138,000

LAST 30 DAY CHANGE
-\$1,682 (-1.3%)

ONE YEAR FORECAST
\$137,839 (+4.9%)

Price History

DATE	EVENT	PRICE	\$/SQFT	SOURCE
10/06/17	Pending sale	\$139,900	\$107	Greer Real Est...
09/28/17	Listed for sale	\$139,900	\$107	Greer Real Est...
09/12/17	Price change	\$139,900 -3.5%	\$107	--
08/20/17	Price change	\$144,900 -2.8%	\$111	--
07/24/17	Listed for sale	\$149,000 +38.0%	\$114	Owner
12/02/05	Sold	\$108,000	\$83	

Tax History

YEAR	PROPERTY TAXES	CHANGE	TAX ASSESSMENT	CHANGE
2016	\$524 --	--	\$90,890	--
2015	\$524 +0.4%	+0.4%	\$90,890	-16.0%
2014	\$522 -20.8%	-20.8%	\$108,230	--
2013	\$659 +2.6%	+2.6%	\$108,230	--
2012	\$643 +0.9%	+0.9%	--	--
2011	\$637 +0.7%	+0.7%	--	--
2010	\$632 --	--	--	--

2009	--	--	--	--
2008	--	--	--	--
2007	--	--	--	--
2006	--	--	--	--
2005	--	--	--	--
2004	--	--	--	--
2003	--	--	--	--

Mortgages

Home price

\$ 139,900

Down payment

\$ 27,980

20

%

Loan program

30-year fixed

Interest rate

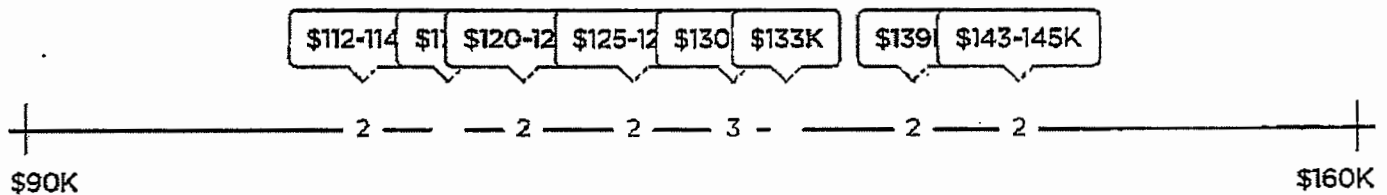
4.176

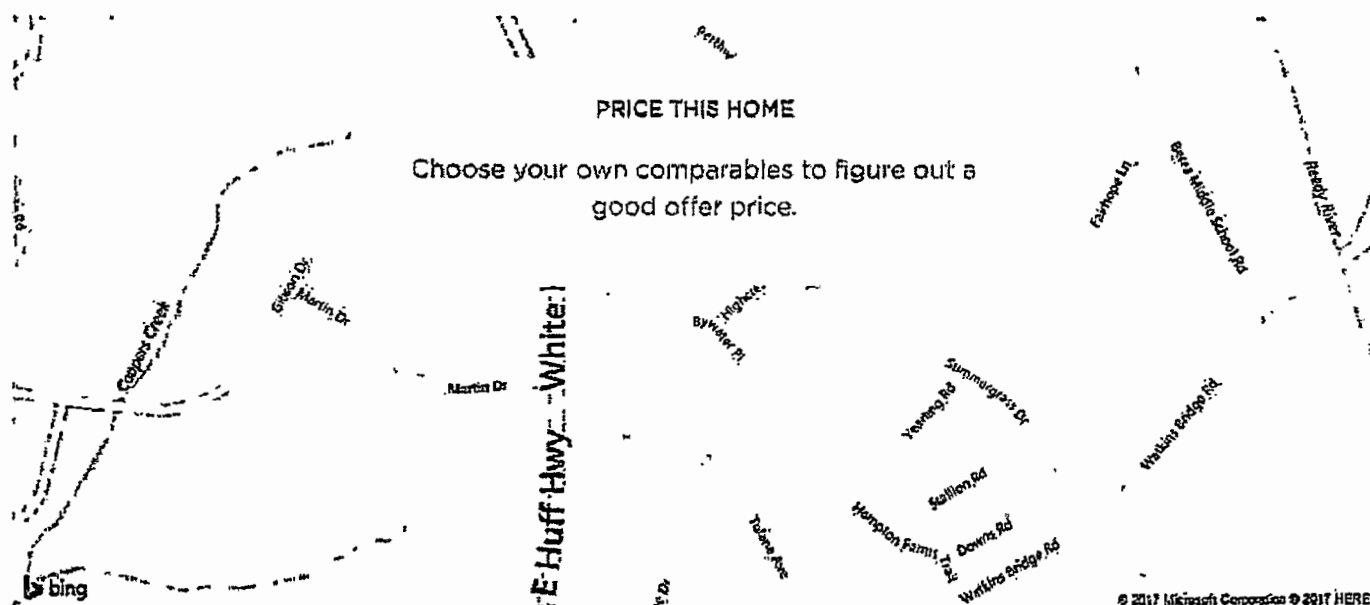
%



Price This Home

Homes like this sold for \$112-145K.





Competition for this Home

2K

Views since listing
2 all-time ()

15

Shoppers saved
this home to their favorites

Neighborhood: 29617

MEDIAN ZESTIMATE

\$126,000

↑ 8.7%

Past 12 months

MARKET TEMP

Very Hot

Buyers' Market

FORECLOSURES (per 10K)

0.7

0.3

1.6

Sellers' Market

29617

Greenville

United States

Zillow predicts will rise 3.7% next year, compared to a 3.1% rise for Greenville as a whole. Among 29617 homes, this home is 20.4% more expensive than the midpoint (median) home, and is priced 28.9% more per square foot.

Walk Score ⁺ 17 (Car-Dependent)

NEIGHBORHOOD MAP



NEARBY HOMES

Sold 03/14/2017



SOLD:

Price/sqft: -- · 4 bds · 2.5 ba · 1,450 sqft
308 Glenlea Ln, Greenville, SC

OFF MARKET

\$125,767 3 bds · 3 ba · 1,310 sqft
304 Glenlea Ln, Greenville, SC

Nearby Schools in Greenville

GREATSCHOOLS RATING ?

GRADES DISTANCE

5	Armstrong Elementary	PK-5	0.5 mi
out of 10			
4	Berea Middle	6-8	0.4 mi
out of 10			

4

Berea High

9-12

2.2 mi

out of 10

Data by GreatSchools.org

About the ratings: GreatSchools ratings are based on a comparison of test results for all schools in the state. It is designed to be a starting point to help parents make baseline comparisons, not the only factor in selecting the right school for your family.

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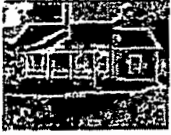
Listing Provided by

Daniel Lampinen, Greer Real Estate Company , (864) 877-2770, Source: Greater Greenville Association of REALTORS



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Similar Homes for Sale



FOR SALE
\$218,000
3 beds, 2.0 baths, 1440 sqft
44 Duke St, Greenville, SC 29617



FOR SALE
\$207,900
3 beds, 3.0 baths, -- sqft
2 Hampton Farms Trl LOT 1



FOR SALE
\$215,000
4 beds, 3.0 baths, 2557 sqft
603 Yearling Rd, Greenville

Nearby Similar Sales

SOLD: \$112,000
Sold on 9/1/2017
3 beds, 2.0 baths, 1260 sqft
21 Fairhope Ln, Greenville, SC 29617

SOLD: \$114,000
Sold on 3/30/2017
3 beds, 2.0 baths, 1200 sqft
710 Highcrest Dr, Greenville, SC 29617

SOLD: \$117,000
Sold on 8/16/2017
3 beds, 2.0 baths, 1312 sqft
10 Groovy Way, Greenville, SC 29617

SOLD: \$120,000
Sold on 8/10/2017
3 beds, 2.0 baths, 1000 sqft
5 Maravista Ave, Greenville, SC 29617

SOLD: \$121,000
Sold on 9/12/2017
2 beds, 2.0 baths, 1277 sqft
100 Glenlea Ln, Greenville, SC 29617

Exhibit J



SELLER SERVICE PLEDGE® CERTIFICATE*

As an independently owned and operated CENTURY 21® office, we are dedicated to providing you with service that is professional, courteous and responsive in helping you market your property. To fulfill this commitment, we agree to provide you with the following services:

1. Dedicate ourselves to making the process of selling your home as easy and successful as possible.
2. Respect you and your needs and be honest and forthright, in accordance with Fair Housing regulations and ethical real estate practices.
3. Hold your best interests in the highest regard throughout the process.
4. Value and respect your time, being as efficient and effective as possible.
5. Endeavor to always understand your needs and respond quickly.
6. Provide regular progress reports throughout the process, and discuss comments received about your property with you.
7. Explain each step of the process and act as a guide to help you make informed decisions.
8. Make recommendations to enhance the marketability of your property.
9. Utilize a written Competitive Market Analysis and local market information to help you set an appropriate listing price to sell your home and receive the value you deserve.
10. Introduce you to other professionals (mortgage lenders, title agents, etc.) for information or assistance as appropriate.
11. Develop, present and agree upon a Customized Marketing Plan that will detail specific promotional efforts to help best market your property.
12. Place the internationally recognized CENTURY 21 yard sign on your property, with your permission and subject to local ordinances.
13. Post your property on c21.com, a site which receives millions of visitors each month.
14. Promote your property to potential buyers.
15. Utilize the CENTURY 21 System's vast online resources to expose your property to potential buyers around the world.
16. Utilize the CENTURY 21 System to help you obtain the results you deserve, including leveraging our network of more than 7,000 offices worldwide.
17. Submit to you all written offers, assist with negotiations, and provide an estimate of your net sales proceeds, so you understand these implications prior to the acceptance or rejection of any offer.
18. Upon acceptance of an offer by you, pre-settlement (escrow) activities throughout the closing process will be monitored as permitted by law or local practice.
19. Assist you in finding your next home, or offer to refer you to another CENTURY 21 office in another location.
20. Use the full breadth of our collective experience, knowledge, tools and the most up-to-date training to best serve you.
21. **Return all calls promptly**

We appreciate your allowing us to help you with the marketing of your property. If at any time you have a question, concern, comment or suggestion, please contact:

Name: Annamarie Congemi-Ganttter

Phone 864 272-4044

This CENTURY 21® Seller Service Pledge Certificate applies only to an exclusive right to sell agreement of not less than 180 days. Please be advised that the nature of the agency relationship as contemplated by this Seller Service Pledge may change in the course of a transaction with your permission or by operation of state law. In this event, some of the services represented may change or become void. If any terms or conditions contained herein are prohibited by local law, they shall be considered severed from this pledge and of no force or effect. In the event of any alleged breach under the terms of this 21 Point Seller Service Pledge Certificate, the seller (as a sole and exclusive remedy) may terminate the exclusive right to sell agreement, provided that the local independently owned CENTURY 21 office is given ten days (10) written notice of the reason for termination and an opportunity to cure the default during the notice period.

A Copy of this Seller Service Pledge Certificate has been received on (date): 07/24/2018

From CENTURY 21

By Seller(s):

Associate: Ross Bryson

Current Address:

License #: 93701

Current Phone:

Broker(s): Annamarie Congemi-Ganttter

Email

joseph.plaxco@plaxcolaw.com

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Exhibit K



EXCLUSIVE RIGHT TO SELL AGREEMENT LISTING AGREEMENT



ELECTRONICALLY FILED - 2024 JUL 22 8:10 PM - GREENVILLE - COMMON PLEAS - CASE#2024CP2303829

In consideration of the covenants herein contained, Joseph Plaxco P.R. of Frances Michalski Estate
Sole Property Owner(s) (hereinafter called "**OWNER**") and Century 21 Blackwell Greenville,
Real Estate Company (hereinafter called "**BROKER**"), agree as follows:

For the period of time beginning on _____, _____, and ending at midnight on _____,
_____, Owner hereby grants to Broker the sole and exclusive right to sell the real property known as:

Lot 531 Block _____ Section _____ Subdivision Village at Glenlea

Address 48 Maravista Ave

Tax Map # B008.08-01-119.00 City Greenville Zip 29617-1231

County of Greenville, State of South Carolina.

The real estate described herein includes all improvements, fixtures, appurtenances, and the additional property, if any,
described here. _____

1. **CONSENT TO DISCLOSED DUAL AGENCY/DESIGNATED AGENCY: (INITIAL APPLICABLE CHOICES)**

JP Seller acknowledges receiving an explanation of the types of agency relationships that are offered by the brokerage
and a South Carolina Disclosure of Real Estate Brokerage Relationships form at the first practical opportunity at
which substantive contact occurred between the agent and the seller.

Owner acknowledges that after entering into this written agency contract, Broker might request a modification in order to act
as a **dual agent** or a **designated agent** in a specific transaction.

If asked:

- JP Permission to act as a dual agent will not be considered.
- JP Permission to act as a dual agent may be considered at the time I am provided with information about the other
party to a transaction. If Owner agrees, Owner will execute a separate written **Dual Agency Agreement**.
- JP Permission to act as a designated agent will not be considered.
- JP Permission to act as a designated agent may be considered at the time I am provided with information about the
other party to a transaction. If Owner agrees, Owner will execute a separate written **Designated Agency
Agreement**.

2. **COMPENSATION TO OTHER BROKERAGES:**

Owner acknowledges Broker has advised Owner of Broker's general company policy regarding cooperating with and
compensating other Brokerages. Owner authorizes listing Broker to compensate other Brokerages as legally required in the
following amounts of U.S. dollars and or percentage of gross sales price:

Buyer Agency 3.000 % and or \$ _____; Transaction Brokerage (Non Agency) 3.000 % and or \$ _____;
Sub Agency _____ % and or \$ _____; Other _____.

3. **TERMS:** As follows:

- A. Broker agrees to employ Broker's best efforts to sell or to secure a contract for the sale of the property for a price of
One hundred and fifty three thousand and 00/100 Dollars
(\$ 153,000.00) and in return Owner agrees to pay Broker a fee of \$ _____ or a commission of
6.000 % of gross sales price if Broker, Owner, another broker, or any other person or company produces a
Buyer who is ready, willing, and able to purchase the property on the terms described above or on any terms acceptable to
Owner. Owner understands that Broker shall pay cooperating brokers a fee of \$ _____ or a commission of
3.000 % of gross sales price. Owner and Broker agree that there shall be no variation or exception in the
amount of the fee or commission to be paid, unless specified under Paragraph 27. The brokerage fee shall be earned, due
and payable when an agreement to purchase, option, exchange, lease or trade is signed by Owner. However, if Owner
shall fail or refuse to sell the described property for the price and terms set forth herein, or if Owner shall fail or refuse to
complete the sale of such property under any written Agreement to Buy and Sell Real Estate to which Owner has agreed,
Broker's full fee shall be due and payable by Owner.

JP **OWNER**, JP **OWNER**, AND JP **BROKER** HAVE READ THIS PAGE.

Form 220
PAGE 1 OF 5

Owner agrees to pay all costs, including reasonable attorney's fees, which may be incurred by Broker in the collection of a fee due by Owner under this Agreement.

Broker agrees to defer the commission until the closing date or extension thereof stated in the agreement or until default by Owner. Deferral is agreed to solely as an accommodation to Owner and such deferral shall in no way be construed as a waiver of the brokerage fee. Closing Attorney is hereby irrevocably directed to deduct and pay said Broker's fee from the proceeds of the sale.

If the property is sold within 180 days of the expiration or termination of this Agreement (which shall be the "protection period") to a Buyer to whom the property was shown by Owner, Broker, another broker, or any other person or firm during the term of this Agreement, Broker's full fee shall be payable by Owner. The protection period shall be terminated if Owner enters into a listing agreement with another broker during the protection period.

B. For purposes of this Agreement, a sale shall be defined as any transfer of a legal, equitable or beneficial interest in the subject property, whether for money or in exchange of other property, and shall include, but not be limited to, any transfer of the ownership interest in any corporation, limited partnership, partnership, or other entity.

4. **EARNEST MONEY:** Owner authorizes and designates Escrow Agent, as designated by the sales agreement, to accept and hold on behalf of Owner any earnest money or escrow deposit made in accordance with the terms of any agreement to buy and sell real estate for the property. In the event of default or forfeiture by a prospective buyer, Owner will reimburse Escrow Agent any costs incurred by Escrow Agent including attorney's fees as a result of the release of payment to Owner of any of the earnest money deposited, and such reimbursement may be made by Broker from the earnest money deposit. All earnest money will be deposited in Escrow Agent's escrow account.

OWNER UNDERSTANDS THAT, UNDER ALL CIRCUMSTANCES, INCLUDING DEFAULT, BROKER WILL NOT DISBURSE EARNEST MONEY TO EITHER PARTY UNTIL BOTH PARTIES HAVE EXECUTED AN AGREEMENT AUTHORIZING THE DISBURSEMENT OR UNTIL A COURT OF COMPETENT JURISDICTION HAS DIRECTED A DISBURSEMENT.

5. **SIGNS:** Owner grants to Broker the exclusive right to display "For Sale," "Under Contract," "Sale Pending," (or other similar) signs on the property and to remove other such signs.

6. **BROKER'S DUTY:** Broker agrees to employ the best efforts of Broker and Broker's agents and staff to secure a contract of sale for the described property upon such terms as may be agreeable to Owner. Broker's efforts shall include directing the efforts of Broker's organization to bring about the sale, advertising the described property as Broker deems advisable in those advertising media of merit customarily used in the area, furnishing such additional information as is necessary to cooperating real estate brokers and assisting such brokers in effecting a sale of property, and keeping Owner informed as to the progress of Broker's efforts in finding a Buyer for the described property. Owner understands the Broker makes no representation or guarantee as to the sale of the property. Upon the termination or completion of this Agreement, Broker shall keep confidential all information received during the course of this Agreement which was made confidential by written request or instructions from the client, except as provided for under South Carolina law.

7. **BROKER LIABILITY LIMITATION:** *Owner agrees Broker provided Owner with benefits, services, assistance, and value in bringing about this Contract. In consideration and recognition of the risks, rewards, compensation and benefits arising from this transaction to Broker, Owner agrees that he shall pay Broker's attorney fees and that Broker, shall not be liable to Owner, in an amount exceeding that Broker's Compensation by reason of any act or omission, including negligence, misrepresentation, errors and omission, or breach of undertaking, except for intentional or willful acts. This limitation shall apply regardless of the cause of action or legal theory asserted against Broker, unless the claim is for an intentional or willful act. This limitation of liability shall apply to all claims, losses, costs, damages or claimed expenses of any nature from any cause(s), except intentional or willful acts, so that the total liability of Broker shall not exceed the amount set forth herein. Owner will indemnify and hold harmless and pay attorneys fees for Broker from breach of contract, any negligent or intentional acts or omissions by any Parties, Inspectors, Professionals, Service Providers, Contractors, etc. including any introduced or recommended by Broker. Owner agrees that there is valid and sufficient consideration for this limitation of liability and that Broker is the intended third-party beneficiary of this provision.*

8. **OWNER'S DUTY:** Owner agrees as follows:

- A. To furnish Broker with complete and reliable information concerning ownership and the operation of the property, and any encumbrances or liens affecting the property; and
- B. To inform Broker of any inquiries (including inquiries from other brokers) or negotiations concerning the sale of the property; and
- C. To permit inspection and showing of the property by Broker, Broker's Agents, Subagents, Buyer's Agent, and by such agents, subagents and prospective buyers as deemed reasonably necessary by Broker, and to cooperate in the scheduling and carrying out of such showings and inspections as is necessary; and
- D. To permit the offering for sale of the property to prospective buyers without regard to age, sex, race, creed, color, religion, national origin, handicap or familial status; and
- E. To permit Broker to incur, or pay on behalf of Owner reasonable expenses for repairs, inspection, utilities, maintenance, or similar expenses not to exceed \$ _____ for each separate expense, and to reimburse Broker, as necessary, upon receipt of the statement of expenses; and

 OWNER,  OWNER, AND  BROKER HAVE READ THIS PAGE.

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- F. To allow closing attorney to pay Broker's compensation in an amount equal to the compensation provided above from Owner's proceeds at time of closing; and
- G. To grant to Broker the authority and approval to list and publish all sales data pertaining to the sale and closing of the hereinabove described property. Owner understands and acknowledges that sales data are published for the use and information of the members of all the Boards/Associations of REALTORS® and the Multiple Listing Services (MLS) of which Broker is a member; for their use of same in marketing and selling of all properties listed in said publication; and
- H. To permit Broker to take photographs of the Owner's property described herein for advertising and marketing purposes in any advertising medium of the Broker's choice. Owner understands and acknowledges that all marketing materials, including but not limited to photographs, brochures, and websites, developed for the sale of the subject property shall remain the property of the Broker; and
- I. To convey marketable title to the buyer in fee simple free from all liens except those stipulated herein, subject to existing zoning and government restrictions, applicable owner's association assessments and restrictive conditions and covenants of record which do not materially affect the present use of the property; and
- J. To authorize Owner's attorneys and the settlement agent to furnish to Broker copies of the final HUD-1 settlement statement for the transaction prior to the closing date; and
- K. Not to deal directly with prospective buyers of this property during the period of this agency and shall refer any inquiries received directly and immediately to the Broker; and
- L. To authorize the Broker, in response to inquiries from buyers or cooperating brokers, to divulge the existence of offers on the property; and
- M. To furnish Broker with written instructions regarding the confidentiality of information upon termination or completion of this Agreement which was received during the course of this Agreement in accordance with South Carolina law.

9. PROPERTY INFORMATION/SELLER'S PROPERTY DISCLOSURE STATEMENT: Owner warrants that, to Owner's knowledge, there are no material defects, hidden or obvious, in or on the property, which have not been disclosed to Broker in writing. Owner further warrants that Owner has reviewed and completed a Seller's Property Disclosure Statement, as required by South Carolina Code of Laws, as amended, Section 27-50-10, et seq., attached to and made a part of this Agreement, and that all such information is accurate to the best of Owner's knowledge. If the Owner discovers, after his delivery of a disclosure statement to a Buyer, a material inaccuracy in the disclosure statement or the disclosure is rendered inaccurate in a material way by the occurrence of some event or circumstance, the owner shall correct promptly the inaccuracy by delivering a corrected disclosure statement to the Buyer or make reasonable repairs necessitated by the occurrence before closing. An owner who knowingly violates or fails to perform any duty prescribed by any provision of this article or who discloses any material information on the disclosure statement that he knows to be false, incomplete, or misleading is liable for actual damages proximately caused to the Buyer and court costs. Owner agrees to defend, indemnify, and hold harmless the Broker, Broker's agents, or subagents, including indemnification for attorney's fees and court costs, from any and all claims arising out of any information or omission of information presented to Broker by Owner. Owner agrees to disclose to the Broker any known latent defects of the herein described property which are not readily ascertainable upon view including land, improvements, and personal property to be conveyed, and to hold said Broker harmless for any liabilities or damages arising from such defects. Owner will not hold Broker liable for the Owner's refusal or failure to provide a prospective purchaser with a disclosure statement. Owner agrees to allow Broker to provide copies of the disclosure statement to prospective buyers. The Owner understands and agrees that Broker has fully met the requirements of Section 27-50-70 of the South Carolina Code of Laws, as amended.

10. DISCLOSURE: Owner authorizes Broker to disclose information about the property to Broker's agents, subagents, prospective buyers, and all inquiring parties. Such disclosure shall be in accordance with Broker's company policy. Owner hereby authorizes anyone having a lien against the property including the mortgage holder, to disclose complete information about the lien to Broker and Closing Attorney or Agent.

11. TAXES: Owner covenants and agrees to comply with the provisions of the South Carolina Code Section 12-8-580 (as amended) regarding withholding requirements of owners who are not residents of South Carolina as defined in the said statute. The payment of rollback taxes, if applicable, and past personal property taxes, if applicable, shall be negotiated between the Owner and any prospective buyer.

12. COASTAL TIDELANDS & WETLANDS ACT: In the event the property is affected by the provisions of the South Carolina Coastal Tidelands & Wetlands Act (Section 48-39-10, et seq., South Carolina Code of Laws), an addendum will be attached to the sales agreement incorporating the required disclosures. The payment of any necessary surveys shall be negotiated between the Owner and any prospective buyer.

13. MULTIPLE LISTING SERVICE: The property ☒ shall be ☐ shall not be entered into the Multiple Listing Services of which Broker is a member, which shall constitute an offer of cooperating brokerage to all members of the listing service. Owner agrees that Broker may compensate an agent representing the buyer from the fee described above.

14. LOCKBOX: Owner ☒ agrees ☐ does not agree for a MLS lock box to be installed on the property to facilitate showing and inspection of the property. Owner acknowledges and agrees that neither Broker, nor Broker's agents, subagents, or anyone showing the property through the MLS, shall be responsible for any damage to, or loss of personal property, or to the realty, except such damage or loss as may be caused by the negligence of such party.

 OWNER, ☐ OWNER, AND  BROKER HAVE READ THIS PAGE.

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Plaxco

Owner further acknowledges that Broker nor MLS is an insurer against the loss of personal property and agrees to release Broker and MLS from any responsibility therefore.

15. INTERNET MARKETING: Owner ☒ agrees ☐ does not agree that the listing may be placed in electronic marketing mediums including, but not limited to, the internet, MLS Internet Data Exchange (IDX) program or other similar on-line computer services and to share listing data, including the property address, with other members of MLS for marketing and advertising purposes only. Owner further agrees to permit other real estate firms who belong to any listing service of which Broker is a member to advertise the listing on the internet in accordance with the listing service rules and regulations.

16. OTHER OFFERS: Owner understands that the Broker's responsibility to present offers to purchase to the Owner for Owner's consideration terminates at the closing of the subject property or expiration of this Agreement, whichever occurs first.

17. MARKETING THE PROPERTY: The Broker shall not continue marketing the property after an offer has been accepted, unless requested in writing by the Owner to do so.

18. NO CONTROL OF COMMISSION RATES OR FEES: The Broker's compensation for services rendered in respect to any listing is solely a matter of negotiation between the Broker and the Owner and is not fixed, controlled, suggested, recommended, or maintained by the board/association, the MLS, or by any persons not a party to the listing agreement. The subagency compensation paid by the Listing Broker to a Cooperating Broker or Buyer's Broker in respect to any listing is established by the Listing Broker in Broker's offer of subagency, and is not fixed, controlled, suggested, recommended or maintained by the board/association, the MLS or by any persons other than the Listing Broker.

19. MAINTENANCE: Owner agrees to maintain the property, including lawn, shrubbery, and grounds until the day of closing or possession, whichever occurs first. Owner also warrants that all heating, air conditioning, electrical, and plumbing systems as well as built-in or appurtenant equipment or appliances shall be in operative condition on the day of closing or possession, whichever occurs first. Unless otherwise agreed herein, Owner shall deliver the premises to the Buyer with no broken panes; no torn or missing door screens or window screens; and with no missing or broken hardware, lighting, or plumbing fixtures.

20. AGREEMENT TO SELL: When a Buyer is found for said property, the Owner shall enter into a written sales agreement which will contain the terms and conditions of sale, the customary provisions as to the examination of the title, the curing of any defects in title, the prorations of taxes, rents, and applicable property expenses.

21. LEAD-BASED PAINT: For dwellings built before 1978, and as required by applicable law, a Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards (the "Disclosure" must be signed by Owner and attached to this Agreement. Owner represents that either (1) the improvements on the property were all constructed after December 31, 1977, or (2) the Disclosure has been fully completed and is attached to this Agreement. Owner agrees to provide Broker with any such additional information or reports as may come to Owner's possession during the term of this Agreement. Owner acknowledges that Broker has informed Owner of the Owner's obligations to provide a buyer of the property with the pamphlet "Protect Your Family from Lead in Your Home," to provide information to a buyer of the property with copies of available records and reports with respect to the property and lead-based paint and lead-based paint hazards, all pursuant to 42USC4582(d), as amended.

22. MEDIATION CLAUSE: Any dispute or claim arising out of or relating to this Agreement, the breach of this Agreement or the services provided in relation to this Agreement, shall be submitted to mediation in accordance with the Rules and Procedures of the Dispute Resolution System of the NATIONAL ASSOCIATION OF REALTORS®. Disputes shall include representations made by Owner or Broker in connection with the services to which this Agreement pertains, including without limitation, allegations of concealment, misrepresentation, negligence and/or fraud. Any agreement signed by the parties pursuant to the mediation conference shall be binding. This mediation clause shall survive for a period of 120 days after the date of the closing.

23. FAIR HOUSING: Owner and Broker agree that this property is offered without regard to race, color, religion, sex, handicap, familial status, or national origin and is listed in full compliance with local, state, and federal fair housing laws.

24. FACSIMILE: The parties agree that this Agreement may be communicated by use of a fax, or other secure electronic means, including but not limited to the internet, and the signatures, initials and handwritten or typewritten modifications to any of the foregoing shall be deemed to be valid and binding upon the parties as if the original signatures, initials and handwritten or typewritten modifications were present on the documents in the handwriting of each party.

25. ENFORCEMENT: The parties agree that Broker may take action to enforce this Agreement or collect any associated costs, fees, and damages. Owner agrees to reimburse or indemnify or pay all Broker costs in enforcing this Agreement or collecting costs, fees, and damages including any incidental expenses or attorneys fees.

 OWNER,  OWNER, AND  BROKER HAVE READ THIS PAGE.

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26. **SEX OFFENDER/CRIMINAL INFORMATION:** Seller agrees that Broker is not responsible for obtaining or disclosing information in the SC Sex Offender Registry and no course of action may be brought against the Broker for failure to obtain or disclose sex offender or criminal information. Seller agrees that they have sole responsibility to obtain their own sex offender, death, psychological stigma, clandestine laboratory, and crime information from sources (e.g. law enforcement, P.I., web). The Seller may obtain information about the Sex Offender Registry and persons registered with the Registry by contacting the local county Sheriff or other appropriate law enforcement officials.

27. **OTHER TERMS AND CONDITIONS:** _____

THE UNDERSIGNED HEREBY WARRANT THAT THEY OWN THE PROPERTY AND/OR HAVE THE AUTHORITY TO EXECUTE THIS AGREEMENT. THIS IS A LEGALLY BINDING AGREEMENT. OWNER SHALL SEEK FURTHER ASSISTANCE IF THE CONTENTS ARE NOT UNDERSTOOD. OWNER ACKNOWLEDGES RECEIPT OF A COPY OF THIS AGREEMENT AND COPY OF THE SC DISCLOSURE OF REAL ESTATE BROKERAGE RELATIONSHIPS FORM. OWNER AGREES TO RECEIVE COMMUNICATIONS FROM BROKER AT THE EMAIL ADDRESS, PHONE AND FAX NUMBER LISTED BELOW.

IN WITNESS WHEREOF, this Agreement has been duly executed by the parties.

Owner: Joseph Plaxco, PR of the Estate of Frances Micholiski Date 7-29-18 Time 1:00 PM
Joseph Plaxco P.R. of Frances

Email: joseph.plaxco@plaxcolaw.com Phone: 864-240-9112 Fax: 864-232-7704

Witness: Donna B. Fiddle Date 7/29/18 Time 1:00 PM

Owner: _____ Date _____ Time _____

Email: _____ Phone: _____ Fax: _____

Witness: _____ Date _____ Time _____

Owner's Mailing Address: _____

Real Estate Firm: Century 21 Blackwell Greenville Phone: (864) 370-7000

By: Ross Bryson Date 7/25/18 Time _____

The foregoing form is available for use by the entire real estate industry. The use of the form is not intended to identify the user as a REALTOR®. REALTOR® is the registered collective membership mark which may be used only by real estate licensees who are members of the NATIONAL ASSOCIATION OF REALTORS® and who subscribe to its Code of Ethics. Expressly prohibited is the duplication or reproduction of such form or the use of the name "South Carolina Association of REALTORS®" in connection with any written form without the prior written consent of the South Carolina Association of REALTORS®. The foregoing form may not be edited, revised, or changed without the prior written consent of the South Carolina Association of REALTORS®.

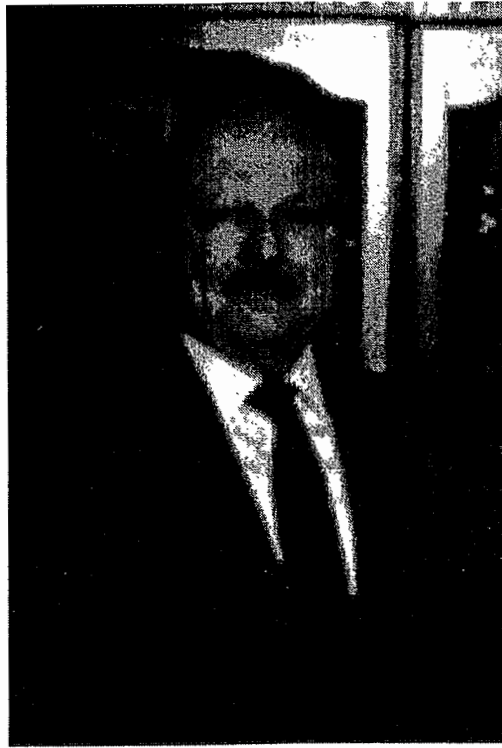
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Exhibit L

TOTAL		HIGH	LOW	AVG	MED											
LISTING COUNT: 9		DAYS ON MARKET: 43		3	13	10										
Statistics		LIST PRICE:	\$165,000	\$114,000	\$144,588	\$149,000	\$1,301,300									
		SOLD PRICE:	\$163,000	\$114,125	\$144,589	\$149,000	\$1,012,125									
	Action Icons	Photo	MLS #	Class	Status	Area	Address	City	List Price	# BR	# FB	Sq Ft	Price Per S	Days On	Sold Price	Zip
1			1360375	RE	SLD	061	109 Millsmith Court	Greenville	\$114,000	3	2	1200-1399	\$86.99	14	\$114,125	29617
2			1358416	RE	SLD	061	316 Glenlea Lane	Greenville	\$121,000	3	2	1200-1399	\$102.40	19	\$128,000	29617
3			1372163	RE	CTG	061	521 Glenlea Lane	Greenville	\$135,000	3	2	1000-1199		8		29617-1240
4			1369091	RE	SLD	061	607 Bywater Place	Greenville	\$149,000	3	2	1200-1399	\$116.95	4	\$147,000	29617
5			1360727	RE	SLD	061	602 Bywater Place	Greenville	\$139,000	3	2	1000-1199	\$131.28	5	\$149,000	29617
6			1362947	RE	SLD	061	318 Glenlea Lane	Greenville	\$159,900	3	2	1200-1399	\$120.63	12	\$152,000	29617
7			1359567	RE	SLD	061	105 Perthwood Place	Greenville	\$158,500	3	2	1400-1599	\$108.31	3	\$159,000	29617
8			1369661	RE	CTG	061	102 Millsmith Court	Greenville	\$159,900	3	2	1200-1399		43		29617
9			1365599	RE	SLD	061	31 Maravista Avenue	Greenville	\$165,000	3	2	1600-1799	\$99.03	10	\$163,000	29617

Exhibit M



William L. Dodson Jr.

Bill Dodson has been a trial lawyer for over 40 years, and has successfully represented clients who have suffered serious injury and death in all types of cases, including medical malpractice, traffic accidents and industrial accidents. He believes that there is no substitute for experience and personal attention to his clients' needs.

A lifelong resident of South Carolina, Bill grew up in Ware Shoals. He holds a Bachelor of Arts degree in English from the University of South Carolina and a Juris Doctor degree from the University of South Carolina School of Law. Bill was admitted to the United States District Court in 1981 and to the United States Court of Appeals in 1988. He is a member of the South Carolina Bar Association and the Greenville County Bar Association.

Bill is a member of the South Carolina Association of Justice and the American Board of Trial Advocates. He has been awarded the AV Preeminent rating by Martindale-Hubbell, the highest possible rating in both legal ability and ethical standards. He received the Super Lawyers designation in 2012.

Bill and his wife, Susan, have been married for 38 years and have two children and two grandchildren. He is a member of First Baptist Greenville and sings in the Sanctuary Choir. When he is not practicing law, Bill enjoys golf and fishing.

Education

- University of South Carolina School of Law, Columbia, South Carolina
 - J.D. Degree - 1977
- University of South Carolina
 - B.A. - 1974

Bar Admission

- South Carolina, 1977
- U.S. District Court District of South Carolina, 1981
- U.S. Court of Appeals 4th Circuit, 1988

Professional Associations

- Greenville County Bar Association, Member
- South Carolina Bar, Member
- South Carolina Association for Justice, Member
- American Board of Trial Advocates (ABOTA), Member
- Haynesworth / Perry Chapter of the American Inns of Court

Representative Cases

- Simmons v. Greenville Hospital System, 355 S.C. 581, 586 S.E. 2d 569 (2003)
- Boone v. Huntington and Guerry Elec. Co., 311 S.C. 550, 430 S.E. 507 (1993)
- Beck v. Clarkson, 300 S.C. 293, 387 S.E. 2d 681 (Ct. App. 1989)
- Patterson v. I.H. Services Inc., 295 S.C. 300, 368 S.E. 2d 215 (1988)
- State v. Gambrell, 274 S.C. 587, 266 S.E. 2d 78 (1980)
- State v. Duncan, 274 S.C. 379, 264 S.E. 2d 421 (1980)

Started Here By Filling Out Our
Contact Form

number

press

put your situation here.

Exhibit N

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Joseph M. Plaxco as Personal Representative
of the Estate of Frances Michalski,

Plaintiff,

-VS-

Bon Secours St. Francis Health System, Inc.,
St. Francis Physician Services, Inc. and
Gregory W. San, MD.

Defendant.

IN THE COURT OF COMMON PLEAS

C.A. No.: 2017-CP-23-04295

2024 MAR 5 PM 2:22
Pat. Michalski 002.511.95**ORDER APPROVING
SETTLEMENT**

This matter is before the Court by way of a Verified Petition brought by the above named Plaintiff, pursuant to code S.C. Code Ann. § 15-51-42, for approval of the settlement of Survival and Wrongful Death claims. A hearing was held before me and the Greenville County courthouse on March 5, 2020, at which time the Plaintiff was present and represented by William L. Dodson, Jr.. The Defendants were represented by Bo Boman of Roe, Cassidy, Coates & Price. Having carefully considered the Petition, the testimony presented, and the presentations of counsel, I make the following findings of facts and conclusions of law:

I.

I find that the Plaintiff is the duly appointed Personal Representative of the Estate of Francis Michalski, and that he has the authority to settle this action, and further, that this Court has jurisdiction to approve such settlement.

II.

I find that, pursuant to the Last Will and Testament of Francis Michalski, her children, Mayra Michalski and Luis Michalski are the sole heirs of the estate. And further, Mayra

copy to all attys @ counter
Dismiss Case

1 *[Signature]*

Michalski and Luis Michalski are the sole beneficiaries under the South Carolina Wrongful Death Act, S.C. Code Ann. § 15-51-10 et seq.

III.

The Plaintiff is an attorney and I find that he fully understands his right to have this case tried by a jury and that approval of this settlement will end all claims of every kind and nature against the Defendants. I further find that the Plaintiff fully understands all of the provisions of the settlement, as set forth in his Petition, and that he has decided to enter into this settlement agreement freely and voluntarily in the belief that such settlement is in the best interest of the estate and the statutory beneficiaries.

IV.

I find that no medical expenses were incurred as a result of the alleged negligent act involved in this case, that no medical expenses incurred prior to the rupture of the deceased's pulmonary artery could be considered legitimate damages related to this case. I further find that no medical expenses were ever claimed as damages in this litigation, and that no medical expenses are being paid as part of this settlement. I further find that no part of this settlement represents punitive damages.

V.

I find that the settlement agreement, as set forth in the Petition, is fair and reasonable under the circumstances of this case, and is in the best interests of the estate and the statutory beneficiaries, and that such settlement agreement should be approved in its entirety, including the payment of attorney's fees and costs, both of which I find to be reasonable.

11/1/22 #2

VI.

I find that it is fair and equitable to the estate and to the statutory beneficiaries that the net proceeds of this settlement, after the payment of attorney's fees and costs be allocated \$10,000.00 to the Survival Action and the balance to the settlement to the Wrongful Death Action.

Now therefore, it is Ordered as follows:

- a. The settlement agreement as set forth in the verified petition is hereby approved in its entirety, including the payment of attorney's fees and costs;
- b. The net proceeds of this settlement, after payment of the attorney's fee and costs, shall be allocated \$10,000.00 to the survival action settlement and the balance to the settlement of the wrongful death action. The amount allocated to the survival action shall be held in trust by Plaintiff's attorney pending further order of the Probate Court. The amount allocated to the wrongful death action shall be divided between and paid equally to Mayra Michalski and Luis Michalski.
- c. Upon payment of the full settlement, the Plaintiff is authorized and directed to execute a release in favor of the Defendants, their Personal Representatives successors, assigns and insurance carriers, releasing them from any and all claims arising from the death of Francis Michalski, and all matters alleged in the above captioned action.

 #3
SIGNATURE ON PAGE FOUR

2/5/20

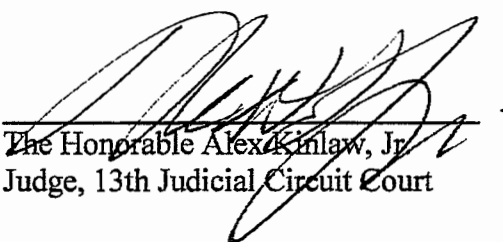

The Honorable Alex Kinlaw, Jr.
Judge, 13th Judicial Circuit Court

Exhibit O



Acknowledgment of Voluntary Surrender of Collateral

Being unable to continue payment, or having defaulted on the terms of the retail installment contract, you, Frances M. Michalski voluntarily surrender and return to CarMax the following described collateral: 2009 (Year) Smart (Make) FORTWO (Model) WMEG J31X99K26A500 "Collateral". By signing below you, and CarMax, acknowledge delivery to CarMax of the Collateral. You acknowledge inspecting the Collateral and removing all personal property from it, and you release CarMax, CarMax Auto Finance, and their agents from all claims, demands, actions, and damages for any personal property remaining in the Collateral.

With your voluntary surrender of the Collateral, we will proceed with selling it. We will send you any notices required by law associated with a sale. The money that we get from the sale (after paying our costs) will reduce the amount you owe under your retail installment contract. If we get less money than you owe under the contract, you will still owe us the difference and you understand that we may contact you to collect any remaining balance. If we get more money than you owe, you will get the extra money, unless we must pay it to someone else. By surrendering the Collateral, you are not waiving any rights you may have to redeem the Collateral or reinstate the contract.

If you are a Wisconsin resident and/or you purchased the Collateral in Wisconsin:

In addition to the above, please be advised you are not required to voluntarily surrender the Collateral and we are not asking you to do so. You acknowledge that you may have the right to a court hearing to determine whether you are in default under the contract and whether CarMax is entitled to possession of the Collateral at this time. By surrendering the Collateral, you understand that you are waiving your right to a hearing. With your signature below, you acknowledge that this surrender is voluntarily given without breach of the peace and that you have the authority to surrender the Collateral.

Acknowledged and agreed to:

Frances M. Michalski by Joseph M. Plaxco, PR
Buyer Signature
Frances M. Michalski by
Printed Name

Joseph M. Plaxco, PR
Co-Buyer Signature
Joseph M. Plaxco, PR
Printed Name

Address

Address

Address

Address

Receipt of the Collateral is hereby acknowledged:

CarMax Store Number: 7177

By: [Signature]

Store Address: 2800 Lanes rd greenville

Title: RDW

Number of keys with vehicle: 2

Date: 2-22-17

Witness: [Signature]

Date: 2-22-17

Business Office Administrator

Exhibit B

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
	)	Case No. 2024-CP-23-03329
	)	
Joseph M. Plaxco,	)	
	)	
Plaintiff	)	
vs.	)	MOTION TO DISMISS AMENDED
	)	COMPLAINT
	)	
Paul Hulsey, Cherie Durand, Kimberly	)	
Thomason, Devon Puriefoy,	)	
Desa Ballard, Mayra Michalski, Luis	)	
Michalski, and John & Jane Does 1-14,	)	
Defendants	)	

Defendant Desa Ballard, reserving all rights to answer or otherwise plead in this matter, including raising of all affirmative defenses and requests for sanctions including attorney's fees and striking of pleadings, hereby moves to dismiss this action pursuant to Rule 12(b)(6). In support of her motion, Defendant will show:

1. Plaintiff's claims for Libel and Libel *Per Se* are barred due to absolute immunity.
2. All named Defendants in this action are practicing attorneys. This case arose because Defendants drafted and disseminated a pre-suit demand letter to potential defendants, which Plaintiff contends contained false and defamatory statements.
3. The statements that Plaintiff asserts are defamatory are privileged as part of a judicial proceeding. "[P]reliminary steps leading to judicial action of any official nature" prefatory to suit are absolutely privileged. *Crowell v. Herring*, 301 S.C. 424, 392 S.E.2d 464 (Ct.App. 1990). This law is well recognized in this jurisdiction and undisputed.
4. Plaintiff's Amended Complaint also asserts a claim for abuse of process. Abuse of process requires pleading an ulterior purpose and a willful act in the use of the process not proper in the regular conduct of the proceeding. *Huggins v. Winn Dixie*, 249 S.C. 206, 153 S.E.2d 693 (1967).

5. Plaintiff's claim for abuse of process, as set forth in the Amended Complaint, fails to state a cause of action for which relief can be granted. Additionally, Plaintiff's claim for abuse of process fails as "there is no liability where the defendant has done nothing more than carry out the process to its authorized conclusion, even though with bad intentions." *Hainer v. Am. Med. Int'l, Inc.*, 328 S.C. 128, 136, 429 S.E.2d 103, 107 (1997).
6. Plaintiff's claim for intentional infliction of emotional distress/outrage also fails. To state a prima facie case for an IIED claim and avoid summary judgment, a plaintiff has the burden of showing that the defendant: (1) "intentionally or recklessly inflicted severe emotional distress, or was certain, or substantially certain, that such distress would result from his conduct," (2) that the conduct was so outrageous it exceeded "all possible bounds of decency" and so "atrocious" it was "utterly intolerable in a civilized community," (3) such actions actually cause plaintiff's emotional distress; and (3) the emotional distress was so severe "no reasonable man could be expected to endure it." *Hansson v. Scalise Builders of S.C.*, 374 S.C. 352, 356-358, 650 S.E.2d 68, 70-71 (2007). Additionally, as recognized in *Hansson*, a cause of action for IIED carries a "heightened burden of proof." 374 S.C. at 356, 650 S.E.2d at 71.
7. Plaintiff's Amended Complaint fails to set forth factual allegations that meet the demanding standard required by South Carolina law.
8. Plaintiff's Amended Complaint also includes a claim for civil conspiracy, which fails as a matter of law.
9. To maintain a cause of action for civil conspiracy a Plaintiff must establish "(1) the combination or agreement of two or more persons, (2) to commit an unlawful act or a lawful act by unlawful means, (3) together with the commission of an overt act in

furtherance of the agreement, and (4) damages proximately resulting to the plaintiff.”

Paradis v. Charleston Cnty. Sch. Dist., 433 S.C. 562, 861 S.E. 2d. 744 (S.C. 2021).

10. Plaintiff’s Amended Complaint is devoid of any factual allegations supporting any of the elements required to support a civil conspiracy claim.
11. Plaintiff has failed to allege any facts to support a claim for intentional interference with prospective contracts and/or business relations.
12. Finally, Plaintiff’s request for declaratory judgment is wholly unwarranted and without merit.
13. As such, Plaintiff has failed to state a cause of action for which relief can be granted, and this matter should be dismissed pursuant to Rule 12(b)(6), SCRCF.

Defendant’s motion is based upon the South Carolina Rules of Civil Procedure, upon the common and statutory laws of South Carolina, upon any Memorandum of Law to be filed in support prior to the Motion being called for hearing, and such other and further argument or information as may be properly presented to the Court. Defendant Ballard reserves the right to supplement this motion as appropriate.

Respectfully submitted,

s/ Haley Hubbard

Harvey M. Watson III (S.C. Bar No. 74053)

Haley Hubbard (S.C. Bar No. 103195)

BALLARD & WATSON

226 State Street

West Columbia, South Carolina 29169

Telephone 803.796.9299

harvey@desaballard.com

haley@desaballard.com

ATTORNEYS FOR DEFENDANTS

DESA BALLARD

August 6, 2024

Exhibit C

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE	)	THIRTEENTH JUDICIAL CIRCUIT
	)	
Joseph M. Plaxco,	)	
	)	
Plaintiff,	)	
	)	INITIAL ORDER REGARDING
vs.	)	MOTION TO RECONSIDER
	)	
Paul Hulsey, Cherie Durand, Kimberly	)	
Thomason, Devon Puriefoy, Desa	)	
Ballard, Mayra Michalski, Luis	)	
Michalski, and John & Jane Does #1-14,	)	
	)	
Defendants.	)	Case No.: 2024-CP-23-03329

A Rule 59 (e) SCRCPP motion to alter or amend has been filed with the Court on October 14 2024, and emailed to the Court on October 24, 2024. Pursuant to Rule 59(f), SCRCPP, the Court, in its discretion, may decide this motion based on briefs without oral argument. The Court will decide this motion on written submissions. Written submissions are not required by the non-moving party, but will be considered. The moving party may rely upon what has been filed or may supplement.

No additional briefs are required and Counsel may rely the current record, however, the deadline to file written submissions **from the movant regarding this motion is 4:00 PM on Monday, November 4, 2024.** Any submissions in **reply must be filed by 4:00 p.m. on Tuesday, November 12, 2024.** A copy of any documents filed must be forwarded immediately to the undersigned judge and to opposing counsel. The copies to the judge shall be sent via US Postal Service to 305 E. North Street, Greenville, SC 29601, and/or by electronic mail to jsalvinisc@sccourts.org and jsalvinilc@sccourts.org.

AND IT IS SO ORDERED.

October 28th, 2024

Jessica Ann Salvini, Judge
Circuit Court



Greenville Common Pleas

Case Caption: Joseph M Plaxco vs. Paul Hulsey , defendant, et al

Case Number: 2024CP2303329

Type: Order/Other

So Ordered

Jessica A. Salvini

Exhibit D

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Jennifer L. Browning and
Browning Geriatric Consulting, LLC,

Plaintiffs,

v.

Paul Hulsey, Cherie Durand, Kimberly
Thomason, Devon Puriefoy, Desa Ballard,
Mayra Michalski, Luis Michalski, Margaret
Miniard, Stacey Grist, and John and Jane
Does 1-14,

Defendants.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Clayton L. Jennings,

Plaintiff(s),

v.

Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon
Puriefoy, Desa Ballard, Stacey Grist, Margaret Miniard
and John & Jane Does ##1-14,

Defendant(s).

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Joseph M. Plaxco,

Plaintiff(s),

v.

Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon
Puriefoy, Desa Ballard, Mayra Michalski, Luis Michalski,
and John & Jane Does 1-14,

Defendant(s).

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Case No. 2024-CP-23-03730

**AFFIDAVIT OF
BRANDI LAROBARDIERE**

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL DISTRICT
C.A. FILE NO. 2024-CP-23-03271

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL DISTRICT
C.A. FILE NO. 2024 -CP- 23-0329

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Fred W. "Trey" Suggs, III,
Plaintiff(s),

v.

Paul Hulse, Cherie Durand, Kimberly Thomason,
Devon Puriefoy, Desa Ballard,
Defendant(s).

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL DISTRICT
C.A. FILE NO. 2024 -CP- 23-03258

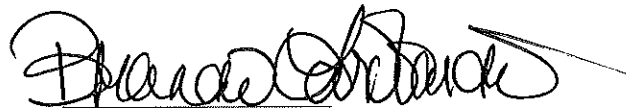
PERSONALLY, APPEARED BEFORE ME, the undersigned, who being first duly sworn, deposes and states as follow:

1. My name is Brandi Larobardiere, I am a paralegal for Truluck Thomason, LLC.
2. I am over the age of eighteen years old, and am competent to state the matters set forth herein.
3. I am a resident of Greenville County, State of South Carolina.
4. On September 25, 2024 I attended a hearing on Motion to Dismiss regarding all matters referenced above, with co-counsel for Defendants.
5. In attendance, appearance was made by Beattie Ashmore, Carter Massingill, Lane Davis, and Samuel Outten, attorneys for Plaintiffs.
6. At the onset of the hearing, the Court indicated off the record, how the allegations hurt her heart, and that knowing all lawyers in this case, she hopes the issue can be worked out.
7. At the start of argument, Co-counsel proceeded with the legal basis for the motions to dismiss that were filed and supporting case law for the same.
8. Defendants' Counsel presented arguments for dismissal for each case above mentioned, as one argument per the Court's preference.
9. Plaintiff's Counsel responded one after another making their argument including how upstanding and wonderful their client was while simultaneously stating what they deemed to be character flaws of Defendants.
10. Defendant's counsel included points such as;

- a. Defendants are losing in state court, and they didn't like how things turned out, so they decided to make up RICO accusations.
 - b. Plaintiffs' Counsel is personally offended by the letter sent.
 - c. Defendants' simply utilized a RICO letter and a complaint template from some RICO guy they found online; and,
 - d. Defendants engaged in "litigation-losing backlash bullying."
 - e. Counsel for Defendant Browning, began weeping and requested a moment to compose himself, due to being so distraught by the claims made by Plaintiffs. He indicated he was personal friend with Defendant Browning and he is heartbroken.
11. Prior to Mr. Ashmore proceeding with his argument, the Court stopped to inform the entire courtroom that the Court had read, in its entirety, the pre-suit letter that was the basis of all the suits. The Court then proceeded to indicate the following:
 - a. The Court had to read it numerous times, had the clerks and assistants read it, and did not understand the intent of the letter;
 - b. The Court did not understand why Defendants did not simply pick up the phone and go to drinks with the numerous Plaintiffs and ask them why they did what they did as that is way it has always done in the Greenville Bar;
 - c. The Court did not understand why there was no monetary demand in the letters; and
 - d. The Court did not understand why it was sent to co-conspirators together.
12. Further the Court reiterated to Defendants' Counsel that again, this was hurting her heart and soul that this is in Greenville and she does not understand what we are doing here.
13. The Court's comments were so one-sided that Mr. Ashmore even stated that he should just sit down right then.
14. After which, the Court raised the letter in question, showing the entire courtroom a single typographical error in the body of the letter that she had circled, and asked Defendants' Counsel if they had even proofread the letter, drawing laughs from the entire courtroom. The Court concluded with a statement directly at Defendants' Counsel stating "y'all have got to think about that because you've got to convince me otherwise."

15. Again, Mr. Ashmore's confidence showed when he stated he would be shortening his arguments based on the Court's comments. During Mr. Ashmore's argument, he began weeping and requested a moment to compose himself, due to being so distraught by the claims made by Plaintiffs. He indicated he was a personal friend of his client, Plaintiff Browning, and the other Plaintiffs, and he was heartbroken. He also proceeded to point at each attorney for the Plaintiffs, ensuring the Court that not one of them had ever sued a South Carolina lawyer and that "this has got to end, Judge". Which has no bearing on the case.
16. After coming back to counsel for Defendants, the Court reiterated her disapproval of the letter by stating that the letters brought forth pretty serious allegations against lawyers in Greenville with very good reputations, but also reiterated her confusion as to the intent of the letter.

Further affiant saith not.


Brandi Larobardiere

Sworn to and subscribed before me this
29th, day of October 2024.

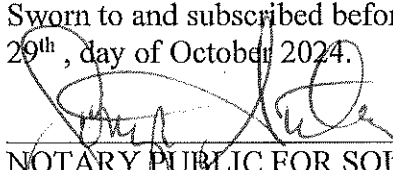

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 2/10/2033

Exhibit E

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE) THIRTEENTH JUDICIAL CIRCUIT

Case No. 2024-CP-23-03730

Jennifer L. Browning and
Browning Geriatric Consulting, LLC,
Plaintiffs

vs.

Paul Hulsey, Cherie Durand, Kimberly
Thomason, Devon Puriefoy, Desa Ballard,
Mayra Michalski, Luis Michalski,
Margaret Miniard, Stacey Grist, and John
and Jane Does 1-14,

Defendants

AFFIDAVIT OF HALEY HUBBARD

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE) THIRTEENTH JUDICIAL CIRCUIT

Case No. 2024-CP-23-03271

Clayton L. Jennings,
Plaintiff,

vs.

Paul Hulsey, Cherie Durand, Kimberly
Thomason, Devon Puriefoy, Desa Ballard,
Stacey Grist, Margaret Miniard and John &
Janes Does 1-14,

Defendants

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE) THIRTEENTH JUDICIAL CIRCUIT

Case No. 2024-CP-23-03329

Joseph M. Plaxco,
Plaintiff,

vs.

Paul Hulsey, Cherie Durand, Kimberly
Thomason, Devon Puriefoy, Desa Ballard,
Mayra Michalski, Luis Michalski, and John
& Janes Does 1-14,

Defendants

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
	)	Case No. 2024-CP-23-03236
	)	
Roland O’Neal Rabon, Jr.,	)	
Plaintiff,	)	
vs.	)	
	)	
Paul Hulsey, Cherie Durand, Kimberly	)	
Thomason, Devon Puriefoy, Desa Ballard,	)	
Stacey Grist, Mayra Michalski, Margaret	)	
Ann Miniard, and John & Janes Does 1-14,	)	
Defendants	)	
STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
	)	Case No. 2024-CP-23-03258
	)	
Fred W. “Trey” Suggs III,	)	
Plaintiff	)	
vs.	)	
	)	
Paul Hulsey, Cherie Durand, Kimberly	)	
Thomason, Devon Puriefoy, &	)	
Desa Ballard,	)	
Defendants	)	

Personally, appeared before me, Haley Hubbard, who being duly sworn, deposes and says that:

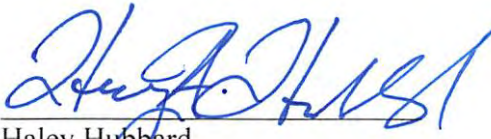
1. I am over the age of 18 year and am competent to state the matters set forth herein. I have personal knowledge of the matters stated, except as to those matters stated on information and belief, and as to those, I have a good faith basis for believing them to be true.
2. I serve as counsel for Defendants Desa Ballard, Cherie Durand, and Paul Hulsey in the matters bearing Case Nos. 2024-CP-23-03730, 2024-CP-23-3271, 2024-CP-23-03329, 2024-CP-23-03236, and 2024-CP-23-03258.

3. While I do not know the Plaintiffs personally, it is my understanding that the majority of the Plaintiffs in the above-referenced cases are well-known attorneys who practice in Greenville and are members of the Greenville County Bar.
4. I filed Motions to Dismiss on behalf of my clients in each of the above-referenced cases.
5. A hearing on all Motions to Dismiss was held on September 25, 2024, with the Honorable Jessica A. Salvini presiding.
6. I attended this hearing on behalf of my clients along with co-counsel, Jessica Carroll, who represents Defendants Thomason, Puriefoy, Michalski, Miniard, and Grist.
7. I am informed and believe that Judge Salvini made several comments during the hearing that indicate unfair bias towards the Plaintiffs involved. Attached to this affidavit as **Exhibit A** are excerpts from the hearing transcript containing Judge Salvini's statements and comments which I am informed and believe are demonstrative of unfair bias towards the Plaintiffs.
8. The motions hearing primarily concerned pre-litigation letters sent to the Plaintiffs concerning federal RICO actions filed against them by the Defendants, and whether the statements in those letters were protected by judicial proceeding immunity.
9. At the outset of the hearing, Judge Salvini commented that she was "shocked" to hear that such a case was happening in Greenville and hoped that all parties could work things out at some point. (Tr. September 25, 2024, p. 4, lines 18-22).
10. Judge Salvini also specifically stated that she expected this sort of case or situation in other counties, but not in Greenville, and she was shocked to know that this was

happening in Greenville, especially since she knew all parties involved. (Tr. September 25, 2024, p. 4, lines 22-25).

11. During the hearing, it was clear to me which way the Judge would decide especially when opposing counsel jokingly stated that he did not need to proceed with his argument after Judge Salvini's comments about the letters. (Tr. September 25, 2024, p. 57, lines 17-19).
12. Specifically, when asked if she had read the letters, Judge Salvini confirmed that she had read the letter multiple times and further responded "I don't know what we're doing here, but...this is hurting my heart and my soul that we're here in Greenville doing this. I don't know if I expect it here." (Tr. September 25, 2024, p. 57, lines 6-11).
13. Near the end of the hearing, Judge Salvini commented that attorneys in Greenville normally resolve their issues by picking up the phone and calling each other, especially when an attorney believes that opposing counsel may have mishandled a case. Judge Salvini then proceeded to ask me and co-counsel why our clients did not just pick up the phone and call the Plaintiffs instead of sending out the letter at issue in each of the above-captioned matters. (Tr. September 25, 2024, pp. 55-57).
14. Following the hearing, on October 2, 2024, I received Form 4 Orders for each matter denying all motions to dismiss without any reasoning or basis for the denials.
15. It is my belief that the risk of judicial bias is a serious concern due to the parties involved, and for that reason, I believe that it would be most appropriate to appoint a neutral judge who can more judiciously and fairly treat the parties going forward.

Further deponent sayeth not.


Haley Hubbard

Sworn and Subscribed before me this
29th day of October, 2024


Elizabeth Cogan
Notary Public for South Carolina
My commission expires: 11-2-2033

Exhibit A

P R O C E E D I N G S

(WHEREUPON, proceedings commenced at 9:41 AM.)

THE COURT: I'm going on the record in Case Numbers 2024-CP-23-03236, which will be Items 2 through 6 on my docket. I'm going also through the motions that are scheduled under 2024-CP-23-03258 which would be Items 7 through 13 on my docket which includes an amended complaint that, I believe, was filed yesterday. And then I'm also here on Items 14 through 20 which would be case ending in 03271.

Okay. Thank you. My law clerk told me that amended complaint was filed yesterday in the first case number which I don't think makes a difference for purposes of today.

We're also here in the cases going -- there was an amended complaint I thought filed in the case. And then that also brings me to those cases ending in 03329.

Y'all, let me just say at the outset I really hope that y'all are able to maybe work things out at some point. It's just very shocking for this to occur in Greenville. No offense to any other county in the State, by the way. Just Greenville is sort of, you know, near and dear to my heart. I've been here forever. I think I know every single attorney in this case. So I just hope y'all work things out.

1 basis for all ---

2 THE COURT: Okay. Just so that you all know, and
3 I'm going to let them do a brief reply, I told myself I
4 wasn't going to ask questions. But when Judge Morgan
5 assigned this to me, one, I think my first reaction was,
6 okay. And I'm saying that because of this. And y'all
7 need to be thinking about this because I'm going to ask
8 you, when I read this letter, I had to set it aside and
9 reread it and ask my law clerk to read it and I asked my
10 administrative assistant to read it and then reread it
11 again because, really, the question in my mind, and I'm
12 going to ask you all this -- and I'm not saying I've made
13 up my mind because I said I'm going to keep an open mind
14 and hear what you all are doing.

15 In Greenville, right, what normally happens, and
16 I've been here a long time, okay, is when I have thought
17 that a lawyer has done something wrong or is doing
18 something wrong, I pick up the phone and I say, hey, can
19 we talk? Let's go get some lunch or have a drink because
20 I've got a really big concern about what you did in this
21 case. Okay. And sometimes that was met with, really?
22 I'm wholly offended. I'm not going to talk to you. And
23 then eventually it would -- you know, I might have gotten
24 some profanity.

25 But nevertheless, I can't think of a single time

1 that I didn't say that and then went and had a drink with
2 the lawyer and said, okay, what are you doing? I mean,
3 are you really going to make me report you to the bar?
4 This is the problem. And it's -- we resolve it.

5 So I kind of, when I looked at this letter,
6 wondered, and I'm going to ask you, tell me what the
7 intent is. If this is all true, okay, this letter, why
8 wouldn't you just send it to, for example, the first
9 person listed on here is Mr. Suggs, you know, to him but
10 nobody else in an envelope?

11 And I'm not sure what the intent is, but there's
12 nothing in here specifically that says you did this, this
13 and this. We're going to file a lawsuit, and it's going
14 to be a RICO case in Federal Court. Number one, here's
15 the demand. We think you -- I don't know. I don't care
16 what it is. Stole \$2 million, and you better -- you
17 know, we need to resolve this because this is what you
18 did wrong and put your carrier on notice because we're
19 getting ready to ask you for a whole lot of money to make
20 this okay. It doesn't say that. All it says at the end,
21 and I reread to see what the demand was because that's
22 kind of what these letters are for, it just says call us
23 if you want to talk about it.

24 So be thinking because I'm going to ask you what was
25 the intent of this letter that named all these people.

1 Because normally, even if you didn't want to pick up the
2 phone and call any of these individuals, you would send
3 it separately to say here is the problem, we're still
4 going to sue you, but this is how you could make it right
5 for this person or this -- on these cases.

6 So I've read it, Mr. Ashmore. I just -- I don't
7 know. Y'all, I don't know what we're doing here, but
8 this is like -- listen, I play poker with my cards face
9 up. This is like hurting my heart and my soul that we're
10 here in Greenville doing this. I expect this in other
11 counties. I don't know if I expect it here. And no
12 offense to other counties. I love other counties in
13 South Carolina. But, you know, these are -- it could be
14 that all this is true. I don't know. But nevertheless,
15 I don't know what at 12(b)(6) stage if y'all are -- you
16 know.

17 Mr. Ashmore? Sorry.

18 MR. ASHMORE: Thank you, Your Honor. I should sit
19 down, but I can't.

20 THE COURT: No. I just -- y'all, I want to know if
21 y'all proofread this letter. I do see that little blue
22 circle in the center. There's parentheses that says "add
23 this" with a question mark. Shouldn't that have been
24 deleted by the paralegal or the lawyer that proofread
25 this letter? Y'all, I don't know. At the 12(b)(6)

Exhibit F

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Jennifer L. Browning and
Browning Geriatric Consulting, LLC,

Plaintiffs,

v.

Paul Hulsey, Cherie Durand, Kimberly
Thomason, Devon Puriefoy, Desa Ballard,
Mayra Michalski, Luis Michalski, Margaret
Miniard, Stacey Grist, and John and Jane
Does 1-14,

Defendants.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Clayton L. Jennings,

Plaintiff(s),

v.

Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon
Puriefoy, Desa Ballard, Stacey Grist, Margaret Miniard
and John & Jane Does ##1-14,

Defendant(s).

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Joseph M. Plaxco,

Plaintiff(s),

v.

Paul Hulsey, Cherie Durand, Kimberly Thomason, Devon
Puriefoy, Desa Ballard, Mayra Michalski, Luis Michalski,
and John & Jane Does 1-14,

Defendant(s).

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Case No. 2024-CP-23-03730

**AFFIDAVIT OF
JESSIE CARROLL**

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL DISTRICT
C.A. FILE NO. 2024-CP-23-03271

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL DISTRICT
C.A. FILE NO. 2024 -CP- 23-0329

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Fred W. "Trey" Suggs, III,
Plaintiff(s),

v.

Paul Hulsey, Cherie Durand, Kimberly Thomason,
Devon Puriefoy, Desa Ballard,
Defendant(s).

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL DISTRICT
C.A. FILE NO. 2024 -CP- 23-03258

PERSONALLY, APPEARED BEFORE ME, the undersigned, who being first duly sworn, deposes and states as follow:

1. My name is Jessie Carroll, I am an attorney for Truluck Thomason, LLC.
2. I am over eighteen years old and competent to state the matters set forth herein.
3. I am a resident of Greenville County, State of South Carolina.
4. On September 25, 2024 I attended a hearing on Motion to Dismiss regarding all matters referenced above, as co-counsel for Defendants.
5. In attendance, was Beattie Ashmore, Esq. as counsel for Jennifer Browning and Browning Geriatrics Consulting, LLC, Carter Massingill, Esq. as counsel for Clayton Jennings and Joseph Plaxco, Lane Davis as counsel for Roland Oneil Rabon, Jr., and Samuel Outten, Esq. as counsel for Fred W. 'Trey' Suggs.
6. At the onset of the hearing, the Court indicated on the record how the allegations hurt her heart and that she knows every lawyer in the case and hopes the matter can be worked out.
7. At the start of arguments, Co-counsel and I proceeded with the legal basis for the motions to dismiss that were filed and supporting case law in favor of dismissal.
8. After co-counsel and I concluded our legal arguments which touched only on the legal basis for dismissal and nothing more, Plaintiff's counsel began one after another making their "arguments" as one unit, per the Court's preference.
9. Each attorney for the various Plaintiffs were allowed to editorialize how upstanding and wonderful their client was while simultaneously stating what they deemed to be character flaws of Defendants.
10. Plaintiffs' counsel included points such as:
 - a. Defendants are losing in state court, and they did not like how things turned out, so they decided

to make up RICO accusations;

- b. Plaintiffs' Counsel is personally offended by the letter sent;
- c. Defendants' simply utilized a RICO letter and complaint template from some RICO guy they found online; and,
- d. Defendants engaged in "litigation-losing backlash bullying."

11. Prior to Mr. Ashmore proceeding with his argument, the Court stopped to inform the entire courtroom that the Court had read, in its entirety, the pre-suit letter that was the basis of all the suits. The Court then proceeded to indicate the following:

- a. The Court had to read it numerous times, had the clerks and assistants read it, and did not understand the intent of the letter;
- b. The Court did not understand why Defendants did not simply pick up the phone and go to drinks with the numerous Plaintiffs and ask them why they did what they did as that is way it has always done in the Greenville Bar;
- c. The Court did not understand why there was no monetary demand in the letters; and
- d. The Court did not understand why it was sent to co-conspirators together.

12. Further the Court reiterated to Defendants' Counsel that again, this was hurting her heart and soul that this is in Greenville and she does not understand what we are doing here.

13. The Court's comments were so one-sided that Mr. Ashmore even stated that he should just sit down right then.

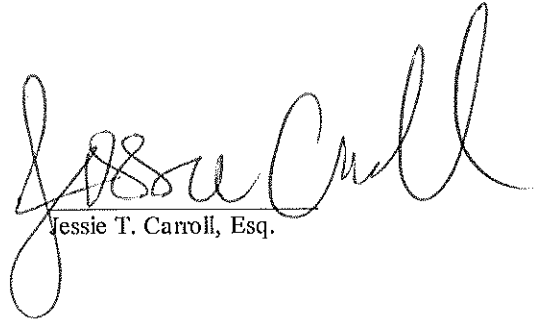
14. After which, the Court raised the letter in question, showing the entire courtroom a single typographical error in the body of the letter that she had circled, and asked Defendants' Counsel if they had even proofread the letter, drawing laughs from the entire courtroom. The Court concluded with a statement directly at Defendants' Counsel stating "y'all have got to think about that because you've got to convince me otherwise."

15. Again, Mr. Ashmore's confidence showed when he stated he would be shortening his arguments based on the Court's comments. During Mr. Ashmore's argument, he began weeping and requested a moment to compose himself, due to being so distraught by the claims made by Plaintiffs. He indicated he was a personal friend of his client, Plaintiff Browning, and the other Plaintiffs, and he was heartbroken. He also proceeded to point at each attorney for the Plaintiffs, ensuring the Court that not one of them had ever sued

a South Carolina lawyer and that "this has got to end, Judge". Which has no bearing on the case.

16. After coming back to counsel for Defendants, the Court reiterated her disapproval of the letter by stating that the letters brought forth pretty serious allegations against lawyers in Greenville with very good reputations, but also reiterated her confusion as to the intent of the letter.

Further affiant saith not.


Jessie T. Carroll, Esq.

Sworn to and subscribed before me this
28th, day of October 2024.

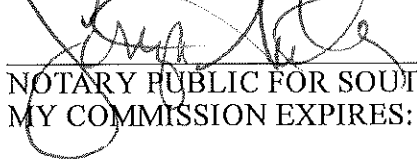

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 9/10/2033

Exhibit G

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE) THIRTEENTH JUDICIAL CIRCUIT
) Case No. 2024-CP-23-03730
)

Jennifer L. Browning and)
Browning Geriatric Consulting, LLC,) **AFFIDAVIT OF PAUL HULSEY**
Plaintiffs)

vs.)

Paul Hulsey, Cherie Durand, Kimberly)
Thomason, Devon Puriefoy, Desa Ballard,)
Mayra Michalski, Luis Michalski,)
Margaret Miniard, Stacey Grist, and John)
and Jane Does 1-14,)
Defendants)

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE) THIRTEENTH JUDICIAL CIRCUIT
) Case No. 2024-CP-23-03271
)

Clayton L. Jennings,)
Plaintiff,)
vs.)

Paul Hulsey, Cherie Durand, Kimberly)
Thomason, Devon Puriefoy, Desa Ballard,)
Stacey Grist, Margaret Miniard and John &)
Janes Does 1-14,)
Defendants)

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE) THIRTEENTH JUDICIAL CIRCUIT
) Case No. 2024-CP-23-03329
)

Joseph M. Plaxco,)
Plaintiff,)
vs.)

Paul Hulsey, Cherie Durand, Kimberly)
Thomason, Devon Puriefoy, Desa Ballard,)
Mayra Michalski, Luis Michalski, and John)
& Janes Does 1-14,)
Defendants)

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
	)	Case No. 2024-CP-23-03236
	)	
Roland O'Neal Rabon, Jr.,	)	
Plaintiff,	)	
vs.	)	
	)	
Paul Hulsey, Cherie Durand, Kimberly	)	
Thomason, Devon Puriefoy, Desa Ballard,	)	
Stacey Grist, Mayra Michalski, Margaret	)	
Ann Miniard, and John & Janes Does 1-14,	)	
Defendants	)	
STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
	)	Case No. 2024-CP-23-03258
	)	
Fred W. "Trey" Suggs III,	)	
Plaintiff	)	
vs.	)	
	)	
Paul Hulsey, Cherie Durand, Kimberly	)	
Thomason, Devon Puriefoy, &	)	
Desa Ballard,	)	
Defendants	)	

Personally, appeared before me, Paul Hulsey, who being duly sworn, deposes and says that:

1. I am over the age of eighteen (18) years and am competent to state the matters set forth herein. I have personal knowledge of the matter so stated, except as to those matters stated on information and belief, and as to those I have a good faith belief that they are true.
2. I am lead counsel for the plaintiffs in the Federal Court RICO actions. Among the areas in which I consider myself an expert is the preparation and trial of complex Plaintiffs' cases, including those involving the Crime Control Act of 1970, Pub.L.No. 91-452, Title

IX, "Racketeer Influenced and Corrupt Organizations Act" (codified at 18 U.S.C. §§1961-1968) (hereinafter "RICO Act"). I have more jury verdicts in toxic tort cases across the nation than any other lawyer currently in practice. I have tried to successful verdict the largest consolidation of asbestos cases (10,000 plus plaintiffs) in the nation against more than 200 defendants. I established the precedent setting RICO ruling in the tobacco cases which helped promote a multi-billion-dollar settlement on behalf of multiple state, territory and Commonwealth clients, as well as participating in those settlement discussions. I am one of the few trial lawyers in the country to have tried to verdict a class action based upon the RICO Act. I still hold the highest single verdict ever obtained in a RICO case, \$124 million. Of particular significance is my long-term experience with Professor G. Robert Blakey, known as the Father of RICO, who, at the request of President John F. Kennedy and Attorney General Robert F. Kennedy authored the RICO Act in an effort to address rampant organized crime within the five Mafia families in Chicago and New York. Professor Blakey has consulted with me, as well as acted as co-counsel with me, on numerous RICO cases that I have personally handled over more than twenty-five years. I have considered him my mentor as we worked together on RICO cases involving the tobacco industry, pharmaceutical fraud, consumer fraud, insurance fraud, health care fraud, banking fraud and various cases against professionals, such as lawyers and accountants, engaging in racketeering conduct outside their capacities as professional advisors.

3. Desa Ballard and I have worked together for more than thirty (30) years. We were law partners at a law firm in South Carolina for approximately ten years, until she left to open

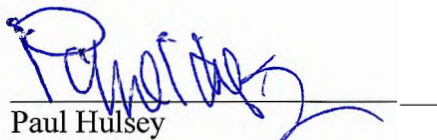
her own office in 1997. She and I have served as co-counsel in multiple matters, not just in South Carolina, but other jurisdictions as well.

4. Desa served as an expert witness in a RICO case in which I was the plaintiff against multiple parties, including lawyers, accountants and bankers. This RICO case, which coincidentally involved various parties who fraudulently brought defamation actions against me in state court as a part of a longstanding racketeering scheme, was resolved prior to trial to my complete satisfaction through confidential settlement agreements, the terms of which cannot be disclosed, but the details of which can be found at Hulsey v. Cisa et al., Civil Action No. 2:17-cv-03095-JD (United States District Court for the District of South Carolina).
5. Desa consulted me about the facts of three cases in which she was involved with Kimberly Thomason and Devon Purifoy in Greenville to ask whether I would serve as lead counsel for the purpose of reviewing and, if I agreed, pursuing RICO actions against at-fault parties in three different matters. I agreed.
6. When I reviewed the facts and documents in the Grist, Miniard and Michalski cases, I was shocked to see the behavior of the potential defendants and decided without doubt that all of these cases represented some of the worst behavior by actors I have ever seen and all presented compelling cases for civil liability under the RICO Act.
7. I am informed and believe that it has been alleged that I (characterized as “some RICO guy”) sold templates to Desa and other co-counsel to assist them in filing RICO actions in federal court. This is a baseless lie. Not only am I offended that someone would think I would engage in such subterfuge, I am embarrassed that a member of the South

Carolina Bar, who I consider a colleague, would make such a scandalous allegation without any basis in fact.

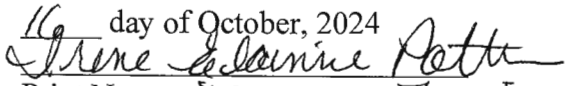
8. Lest there be any doubt, I am lead counsel with my partner and wife, Cherie K. Durand of Hulsey Law Group, LLC, and co-counsel with Desa Ballard, Kimberly Thomason and Devon Purifoy in the RICO cases identified here, all of which are pending in the United States District Court for the District of South Carolina:
 - a. Stanford W. Grist, individually, by and through his attorney-in-fact Stacey Grist, and Stacey Grist individually, Civil Action No. 6:24-cv-03853-BHH;
 - b. Margaret Miniard, individually and as Personal Representative of the Estate of Geraldine T. Schnabel, Civil Action No. 6-24-cv-04132-BHH; and
 - c. Luis Michalski and Mayra Michalski, both individually and as beneficiaries of the Estate of Frances Michalski, Civil Action No. 6:24-cv-4820-BHH
9. The behavior of the now-defendants in the identified cases, some of which includes filing defamation cases against me, my co-counsel and our clients, merely amplifies the liability of those defendants under the RICO Act, and I fully intend to actively move the RICO litigation forward despite the amateurish and childish behavior of the lawyers and parties who have filed the defamation cases in an effort to shield their own liability.
10. It gives me no pleasure to call out the inappropriate and actionable behavior of the defendants in the RICO cases, but the acts and omissions I observed from the record in these cases gives me no doubt of the liability of the defendants in the RICO cases.

Further deponent sayeth not.


Paul Hulsey

Sworn and Subscribed before me this

16 day of October, 2024


Print Name: Irene Elaine Potter
Notary Public for Arizona
My commission expires: 3/12/26

