

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY

THE HONORABLE MIKELL R. SCARBOROUGH
MASTER-IN-EQUITY

Circuit Court Case No.: 2023-CP-10-02883
Appellate Case No.: 2025-000209

Michele Graham, Appellant,

v.

Cooper River Love and Charity Society (1920) and Cooper River Love and Charity
Society (2015), Appellants,

State of South Carolina, Intervenor, Respondent.

**MOTION TO DISMISS APPEAL AND
MEMORANDUM IN SUPPORT OF MOTION TO DISMISS**

The Attorney General of the State of South Carolina moves this Court for an order dismissing the above-captioned appeal. Appellants appeal the Court's Order filed January 28, 2025. In their Notice of Appeal, Appellants¹ specifically appeal the denial of the

¹ Michele Graham and the Cooper River Love and Charity Society Successor (2023) are the only Appellants in this matter. The only remaining contested claim Graham brought in her Petition is whether the 2023 Society may assert a right to the property of the 1920 Society. As a *pro se* party, Graham may not represent the 2023 Society. "[A] non-lawyer cannot represent a corporation in circuit or appellate courts." *Renaissance Enterprises, Inc. v. Summit Teleservices, Inc.*, 334 S.C. 649, 651, 515 S.E.2d 257, 258 (1999). The 1920 Society and the 2015 Society have not appeared in this matter.

following motions: (1) Plaintiff's Rule 60(b), SCRCP Motion; (2) Plaintiff and Third-Party Defendant's Joint Motion for Summary Judgment; (3) Third-Party Defendant's Motion to Dismiss the Third-Party Complaint; and (4) Plaintiff and Third-Party Defendant's Request for Judicial Notice. *See Exhibit A*, Amended Notice of Appeal, filed January 31, 2025. None of these matters are final orders, and they are not immediately appealable. Accordingly, this Court should dismiss the appeal.

I. Relevant Background

The Cooper River Love and Charity Society (1920 Society) was a nonprofit incorporated in 1920. In 1944, it obtained a piece of real property located at 64 South Street in Charleston, South Carolina. The 1920 Society was administratively dissolved by the South Carolina Secretary of State in 1975, though it continued operating until at least the 1990s; the property at 64 South Street remains titled in the name of the 1920 Society. In 2023, Michele Graham (Graham) formed an entity she named the Cooper River Love and Charity Society Successor (2023 Society). Graham is the registered agent, president, and only member of the 2023 Society. The Cooper River Love and Charity Society (2015 Society) is another nonprofit corporation incorporated in 2015. According to the Plaintiff's Petition, this action was filed (1) to affirm the right of Graham to form a successor organization to the 1920 Society; (2) to declare the 2023 Society as the rightful successor to the 1920 Society; and (3) to declare any claims or interests of the 2015 Society to the 1920 Society as invalid. Graham was the sole Plaintiff in the original Petition, and the 1920 Society and the 2015 Society were the sole Defendants. *See Exhibit B*, Summons and Petition for Declaratory Relief, filed June 14, 2023.

The Petition was served by publication, and neither the 1920 Society nor the 2015 Society answered or otherwise appeared. Following a hearing, the Circuit Court issued a

Form 4 Order granting Graham’s Motion for Default Judgment. *See Exhibit C*, Order of April 22, 2024.

On April 25, 2024, Graham filed a Motion to Enforce Rights and Order Dissolution of the Cooper River Love and Charity Society (2015). *See Exhibit D*, Motion to Enforce Rights and Order Dissolution of Cooper River Love and Charity Society (2015). On May 24, 2024, upon Graham’s Motion, the Charleston Court of Common Pleas referred the matter to the Charleston County Master-in-Equity. *See Exhibit E*, Order for Reference, filed May 24, 2024. Following a status conference, the Master-in-Equity issued a Form Order, authorizing Graham to “notify the Attorney General’s Office of the relief she seeks, in order to obtain a waiver” pursuant to S.C. Code Ann. § 33-31-1202(f). *See Exhibit F*, Form Order, filed June 24, 2024.

Graham notified the Attorney General, and the Office declined to grant a waiver and filed a motion to intervene. *See Exhibit G*, South Carolina Attorney General’s Motion to Intervene, filed July 22, 2024. The Court granted the Motion to Intervene, finding the Attorney General should be allowed to intervene pursuant to his *parens patriae*, statutory, and common law authority. *See Exhibit H*, Order granting Motion to Intervene, filed July 25, 2024. Graham filed a motion for relief from the June 24, 2024, and July 25, 2024, Orders pursuant to Rule 60(b). *See Exhibit I*, Motion, filed September 3, 2024.

The Attorney General filed a Third-Party Complaint, naming the 2023 Society as a Third-Party Defendant. *See Exhibit J*, Summons and Third-Party Complaint, filed August 30, 2024. The 2023 Society filed a Motion to Dismiss Third-Party Complaint in Lieu of Answer. *See Exhibit K*, Motion filed October 17, 2024. Graham and the 2023 Society jointly filed a motion seeking summary judgment on several issues, including the classification of the 1920 Society at dissolution, the rights of the Plaintiffs, the authority and

standing of the Attorney General, the status of the 2023 Society, the claim of escheatment, the claim of ultra vires, and the status of the 2025 entity. *See Exhibit L*, Motion, filed November 6, 2024. The Attorney General moved for summary judgment and requested the appointment of a receiver. *See Exhibit M*, Motion, filed November 8, 2024. Plaintiff Graham and the 2023 Society subsequently filed a request for judicial notice of certain issues. *See Exhibit N*, Motion, filed December 2, 2024. In its Order filed January 28, 2025, the Court denied both motions for summary judgment, denied the 60(b) Motion, and denied the request for judicial notice. *See Exhibit O*, Order, filed January 28, 2025. This appeal follows.

II. Argument

Appellants appeal the Order of January 28, 2025, which decided several issues. S.C. Code Ann. § 14–3–330 limits the court’s ability to hear appeals. Only final judgments and certain interlocutory orders are appealable. “If there is some further act which must be done by the court prior to a determination of the rights of the parties, then the order is interlocutory.” *Richardson v. Halcyon Real Est. Servs., LLP*, 439 S.C. 419, 425, 887 S.E.2d 153, 156 (Ct. App. 2023) (citing *Mid-State Distribs., Inc. v. Century Imps., Inc.*, 310 S.C. 330, 335, 426 S.E.2d 777, 780 (1993)). “An interlocutory order is not immediately appealable unless it involves the merits of the case or affects a substantial right.” *Id.* (citing *Burkey v. Noce*, 398 S.C. 35, 37, 726 S.E.2d 229, 230 (Ct. App. 2012)). “An order which does not finally end a case or prevent a final judgment from which a party may seek appellate review usually is considered an interlocutory order from which no immediate appeal is allowed.” *Id.* (citing *Hagood v. Sommerville*, 362 S.C. 191, 195, 607 S.E.2d at 708, 709 (2005)). Because all the matters on appeal are not final and are not immediately appealable, this appeal should be dismissed.

A. The denial of a motion for summary judgment is not immediately appealable.

Appellants appeal the denial of their joint motion for summary judgment. “The denial of a motion for summary judgment is not appealable because it does not finally determine anything about the merits or strike a defense.” *Watson v. Underwood*, 407 S.C. 443, 457, 756 S.E.2d 155, 163 (Ct. App. 2014); *In re Rabens*, 386 S.C. 469, 472, 688 S.E.2d 602, 604 (Ct. App. 2010) (“A denial of summary judgment does not establish the law of the case and is not directly appealable.”). “[T]he denial of a motion for summary judgment is not immediately appealable.” *Olson v. Faculty House of Carolina, Inc.*, 354 S.C. 161, 167, 580 S.E.2d 440, 443 (2003); *see also Ballenger v. Bowen*, 313 S.C. 476, 476, 443 S.E.2d 379, 380 (1994) (“This Court has repeatedly held that the denial of summary judgment is not directly appealable.”). “[I]t is well settled that an order denying summary judgment is never reviewable on appeal.” *Bank of N.Y. v. Sumter Cnty.*, 387 S.C. 147, 154, 691 S.E.2d 473, 477 (2010). An appellate court is “prohibited from reviewing” the denial of a motion for summary judgment because it is “never subject to review, not in an interlocutory appeal nor even after final judgment.” *AJG Holdings, LLC v. Dunn*, 392 S.C. 160, 167, 708 S.E.2d 218, 222 (Ct. App. 2011).

In the present case, Appellants’ motion asked for summary judgment on several issues, including the authority and standing of the Attorney General, the status of the 2023 Society, the claim of escheatment, the claim of ultra vires, and the status of the 2015 entity. See *Exhibit L*. The Order denying the motion for summary judgment does not establish the law of the case on these issues, and this Order is not immediately appealable.

B. The denial of a motion to dismiss is not appealable.

Appellants appeal the denial of the 2023 Society’s Motion to Dismiss the Third-Party Complaint in Lieu of Answer. “Like the denial of a motion for summary judgment,

the denial of a motion to dismiss does not establish the law of the case and the issue raised by the motion can be raised again at a later stage of the proceedings. . . . Therefore, the denial of a motion to dismiss is not directly appealable. . . .” *McLendon v. S.C. Dep’t of Highways & Pub. Transp.*, 313 S.C. 525, 526 n. 2, 443 S.E.2d 539, 540 n. 2 (1994). “Courts ‘cannot review a decision that has not been made.’” *Levi v. N. Anderson Cnty. EMS*, 409 S.C. 374, 381–82, 762 S.E.2d 44, 48 (Ct. App. 2014) (quoting *Lee v. Bondex, Inc.*, 406 S.C. 97, 103, 749 S.E.2d 155, 158 (Ct. App. 2013)).

In the present case, the Motion asked that the Third-Party Complaint be dismissed “as it is legally deficient and time-barred.” *See Exhibit K*. Rule 12(b)(6) is a motion for dismiss for failure to state facts sufficient to constitute a cause of action. While the Motion here does not specifically mention this Rule, this is what the motion seeks, as the Motion argues that there are not sufficient facts, or legal framework, to constitute a cause of action. “The denial of a Rule 12(b)(6) motion does not establish the law of the case nor does it preclude a party from raising the issue at a later point or points in the case.” *Huntley v. Young*, 319 S.C. 559, 560, 462 S.E.2d 860, 861 (1995). “Since the order denying the Rule 12(b)(6) motion does not finally decide any issue, it is not directly appealable.” *See McLendon* at 526, 443 S.E.2d 540.

Appellant 2023 Society’s Motion to Dismiss the Third-Party Complaint also argued that the statute of limitations has run as to Appellee’s escheatment claim. “The denial of a motion to dismiss based on statute of limitations is not directly appealable.” *Burkey v. Noce*, 398 S.C. 35, 37, 726 S.E.2d 229, 230 (Ct. App. 2012) (citing *McLendon* at 526 n. 2, 443 S. at 540 n. 2)).

Because the denial of a motion to dismiss, including a 12(b)(6) motion to dismiss and a motion to dismiss on statute of limitations grounds, is not immediately appealable, the

issues in the present case are not immediately appealable, and the appeal should be dismissed.

C. The denial of a motion to take judicial notice is not immediately appealable.

In its Order filed January 28, 2025, the Court denied the Appellants' Request for Judicial Notice. The Motion was filed pursuant to Rule 201, SCRE. Appellants' motion asked for judicial notice of the following 9 items: (1) Procedural Requirement for Eleemosynary Charters - Act No. 448 and Act No. 561 of the Acts and Joint Resolutions of the General Assembly of 1920; (2) Broad Scope of Eleemosynary Corporations - Report of the Secretary of State to the General Assembly, 1920; (3) Statutes and Legal Standards Relied Upon by the Attorney General; (4) Specific Statutes Governing Nonprofit Corporations with Respect to the Attorney General; (5) Prospective Application of § 33-31-155; (6) The 1996 Property Tax Exemption Letter; (7) Charitable Character Determined by Operations, Not Incorporation Papers; (8) The Court's Affirmation of Plaintiff's Right to Form a Successor; and (9) The Effect of the April 22, 2024, Default Judgment. *See Exhibit N.*

“Courts will take judicial notice of subjects and facts of general knowledge, and also of facts in the field of any particular science which are capable of demonstration by resort to readily accessible sources of indisputable accuracy, and judges may inform themselves as to such facts by reference to standard works on the subject.” *State v. Odom*, 412 S.C. 253, 267, 772 S.E.2d 149, 155–56 (2015) (citing *In re Harry C.*, 280 S.C. 308, 309–10, 313 S.E.2d 287, 288 (1984) and *State v. Newton*, 204 S.E.2d 724, 725 (N.C. App. 1974)).

The Motion for Judicial Notice was made pursuant to an evidentiary rule, which makes it analogous to a Motion in Limine. “A motion in limine is generally not considered

a final order on the admissibility of evidence and, for that reason, is not immediately appealable.” *S.C. Dep’t of Transp. v. McDonald’s Corp.*, 375 S.C. 90, 92, 650 S.E.2d 473, 474 (2007) (citing *State v. Floyd*, 295 S.C. 518, 369 S.E.2d 842 (1988)).

The Motion asks the Court to take judicial notice of certain matters, and denial of the motion is not dispositive. A court’s failure to take judicial notice does not involve the merits of the case or affect a substantial right. It does not end the case, and it does not prevent a final judgment from being rendered later. Appellants will have a later opportunity to offer the items in evidence or to ask the court to rely on statutes for which judicial notice was requested. *See Burkey v. Noce*, 398 S.C. 35, 726 S.E.2d 229 (Ct. App. 2012) (“An interlocutory order is not immediately appealable unless it involves the merits of the case or affects a substantial right.”); *Ex parte Capital U-Drive-It, Inc.*, (S.C. 2006) 369 S.C. 1, 630 S.E.2d 464 (“An order ‘involves the merits,’ as that term is used in Section 14–3–330(1) and is immediately appealable when it finally determines some substantial matter forming the whole or part of some cause of action or defense.”).

Because the Court’s denial of Appellants’ Motion for Judicial Notice did not affect a substantial right, the matter is not immediately appealable and the appeal should be dismissed.

D. The denial of Plaintiff’s Rule 60(b) Motion is not immediately appealable.

Appellants appeal the Circuit Court’s order of January 28, 2025, that denied Plaintiff’s Rule 60(b), SCRCP Motion. Graham filed the 60(b) Motion seeking “relief under Rule 60(b), SCRCP, from the Court’s June 24, 2024, Order” and “relief under Rule 60(b) from the July 25, 2024, Order[.]” *See Exhibit I.*

To determine whether this matter is appealable, the Court must look at the underlying orders. The June 24, 2024, Order – the first Order which Graham sought relief

from – was a Form Order issued following a status conference. The Order did not make any specific findings of fact. The Order stated the Defendants (1920 and 2015 Societies) are public charities and that the South Carolina Attorney General’s Office is to be given written notice of any transaction not in the usual and regular course of business. The Order authorized Plaintiff to notify the Attorney General’s Office of the relief she sought. The Order also scheduled a virtual hearing. This Order authorized Graham to contact the Attorney General regarding the transfer of assets, and she did so. In this Order, the Court correctly noted that Section 33-31-1202(f) requires this notification. This Section states “A public benefit or religious corporation must give written notice to the Attorney General twenty days before it sells, leases, exchanges, or otherwise disposes of all, or substantially all, of its property if the transaction is not in the usual and regular course of its activities unless the Attorney General has given the corporation a written waiver of this subsection.” This Order did not affect a substantial right of a party, but instead simply required a party to provide notice as required by statute.

The July 25, 2024, Order – the second Order which Graham sought relief from – granted the Attorney General’s Motion to Intervene. In granting that Motion, the Court found this action involves a charitable interest, specifically that the motion should be granted pursuant to the Attorney General’s *parens patriae*, statutory, and common law authority.

Neither of the underlying matters which Graham sought relief from are final orders or affect a substantial right, and they are therefore not immediately appealable. “An order affects a substantial right and is immediately appealable when it ‘(a) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action . . .’” *Hagood v. Sommerville*, 362 S.C. 191, 195, 607 S.E.2d 707, 709 (2005)

(quoting S.C. Code § 14-3-330(2)).

The first Order directed Graham to contact the Attorney General and scheduled a virtual hearing. It did not make a final ruling as to the nature of the entities involved, and Appellants will have a full opportunity to argue their status as the matter proceeds.

As to the second order: “an order granting intervention is not immediately appealable.” *Duncan v. Gov't Emps. Ins. Co.*, 331 S.C. 484, 486, 449 S.E.2d 580, 580 (1994). *See Dorn v. Cohen*, 418 S.C. 126, 139, 791 S.E.2d 313, 320 (Ct. App. 2016) (order adding a party was not immediately appealable where it “had the effect of an order granting a motion to intervene”).

Because the Order denying Plaintiff’s 60(b) Motion is not a final order and does not impact the merits of the case or a substantial right, it is not immediately appealable. *See Pocisk v. Sea Coast Const. of Beaufort*, 380 S.C. 584, 589, 671 S.E.2d 98, 101 (Ct. App. 2008) (finding order granting 60(b) Motion was not immediately appealable where it did not meet the requirements of section 14–3–330(2) and did not fall within any of the other categories set forth in section 14–3–330)).

III. Conclusion

For these reasons, the matters before this Court are not immediately appealable, and this Court should dismiss the appeal. In the alternative, if the Court finds that some issues are appealable, the Court should dismiss the appeal as to those issues that are not immediately appealable.

Respectfully submitted,

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March 4, 2025

Exhibit List

Motion to Dismiss Appeal, Appellate Case No.: 2025-000209

Exhibit A, Amended Notice of Appeal, filed January 31, 2025

Exhibit B, Summons and Petition for Declaratory Relief, filed June 14, 2023

Exhibit C, Order of April 22, 2024

Exhibit D, Motion to Enforce Rights and Order Dissolution of Cooper River Love and Charity Society (2015), filed April 25, 2024

Exhibit E, Order for Reference, filed May 24, 2024

Exhibit F, Form Order filed June 24, 2024

Exhibit G, South Carolina Attorney General's Motion to Intervene, filed July 22, 2024

Exhibit H, Order granting Motion to Intervene, filed July 25, 2024

Exhibit I, Motion filed September 3, 2024

Exhibit J, Summons and Third-Party Complaint, filed August 30, 2024

Exhibit K, Motion filed October 17, 2024

Exhibit L, Motion filed November 6, 2024

Exhibit M, Motion filed November 8, 2024

Exhibit N, Motion filed December 2, 2024

Exhibit O, Order filed January 28, 2025

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Mikell R. Scarborough, Master-In-Equity

Circuit Court Case No. 2023-CP-10-02883

Michele Graham

Cooper River Love and Charity Society (2023) Appellants

v.

The Attorney General of the State of South Carolina Respondent

AMENDED NOTICE OF APPEAL

Michele Graham and the Cooper River Love and Charity Society (2023) (“Appellants”) appeal to the South Carolina Court of Appeals from the Order of the Honorable Mikell Scarborough, filed on January 28, 2025. The Appellants appeal the lower court’s denial of the following motions:

1. Plaintiff’s Rule 60(b), SCRCP Motion;
2. Plaintiff and Third-Party Defendant’s Joint Motion for Summary Judgment;
3. Cooper River Love and Charity Society (2023)’s Motion to Dismiss the Third-Party Complaint; and
4. Plaintiff and Third-Party Defendant’s Request for Judicial Notice.

Appellants received notice of the court's Order via the South Carolina Judicial Department's E-Filing System on January 28, 2025. This Notice of Appeal is timely filed and served within thirty (30) days of receipt of the Order.

The Appellants attach a copy of the orders being challenged on appeal, including the orders that were the subject of Appellant Michele Graham's 60(b) Motion.

Respectfully submitted,

/s/ Eduardo K. Curry
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COUNSEL FOR APPELLANT

*COOPER RIVER LOVE AND
CHARITY SOCIETY (2023)*

A handwritten signature in black ink, appearing to read 'Michele Graham', is written over a horizontal line.

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*APPELLANT
PRO SE*

January 30, 2025

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STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS)

COUNTY OF Charleston)Michele Graham)

Plaintiff(s))

CIVIL ACTION COVERSHEET

2023-CP-10-02883

Cooper River Love & Charity Society)
(1926))
Cooper River Love & Charity Society (2015))
 Defendant(s))

Submitted By: Michele GrahamAddress: 56 Poplar St., Charleston, SC
29403

SC Bar #:

Telephone #: 843-532-7252

Fax #:

Other:

E-mail: Michele.graham031@gmail.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Certificate Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|---|--|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ General (130)
☐ Breach of Contract (140)
☐ Fraud/Bad Faith (150)
☐ Failure to Deliver/Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199) _____
Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) _____ | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intention Case #
20 ____ KI ____
☐ Notice/ File Med Mal (230)
☐ Other (299) _____
Administrative Law/Relief
☐ Retiree Dv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture—Consent Order (850)
☐ Other (899) _____ | Torts - Personal Injury
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☐ Slander/Label (380)
☐ Other (399) _____
Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers Compensation Settlement Approval (780)
☐ Incapacitated Adult Settlement (790)
☒ Other (799) <u>Declaration of Rights</u> | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☒ Other (499) <u>Declaration of Rights</u>
Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDCIT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999) _____ |
|---|--|---|--|
- Special/Complex /Other**
☐ Environmental (600) ☐ Pharmaceuticals (630)
☐ Automobile Arb (610) ☐ Unfair Trade Practices (640)
☐ Medical (620) ☐ Out-of-State Depositions (650)
☐ Other (699) _____ ☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Sexual Predator (510) ☐ Pre-Suit Discovery (670)
☐ Permanent Restraining Order (680)
☐ Interpleader (690)
- Submitting Party Signature: Michele Graham

Date: June 14, 2023

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON
PLEAS

MICHELE GRAHAM

Plaintiff

v.

COOPER RIVER LOVE AND CHARITY
SOCIETY (1920)

COOPER RIVER LOVE AND CHARITY
SOCIETY (2015)

Defendants

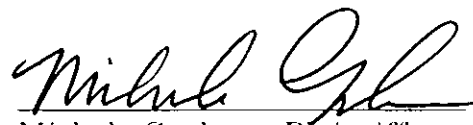
CASE NUMBER:

2023-CP-10-02883


SUMMONS

2023 JUN 14 PM 12:12

YOU ARE HEREBY SUMMONED and required to answer the following Complaint that is served upon you and to serve a copy of your answer to this Complaint on the Plaintiff at 56 Poplar Street, Charleston, SC 29403 within thirty (30) days after service. If you fail to answer the Complaint within the specified timeframe, the Plaintiff in this action will apply to the Court for the relief demanded, including the rendering of judgment by default against you.



Michele Graham, Plaintiff
56 Poplar Street
Charleston, SC 29403
843-532-7252
michele.graham0318@gmail.com

Dated: June 14, 2023

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON
PLEAS

MICHELE GRAHAM

Plaintiff

v.

COOPER RIVER LOVE AND CHARITY
SOCIETY (1920)

COOPER RIVER LOVE AND CHARITY
SOCIETY (2015)

Defendants

CASE NUMBER:

2023-CP-10-02883

FILED
2023 JUN 14 PM 12:12
CLERK OF COURT

PETITION FOR

DECLARATORY RELIEF

PETITION FOR DECLARATORY RELIEF

Plaintiff Michele Graham brings this action seeking a declaratory judgment to establish her right to form a successor organization to the original Cooper River Love and Charity Society (1920).

PARTIES

- I. Plaintiff Michele Graham is an individual residing in Charleston County and the great-granddaughter of one of the original members of the Cooper River Love and Charity Society (1920). Plaintiff is also the founder of the Cooper River Love and Charity Society Successor ("Successor Organization"), a nonprofit organization formed and incorporated on May 12, 2023 under the laws of the State of South Carolina

2. Defendant Cooper River Love and Charity Society (2015) is a nonprofit organization formed in 2015 by Timothy Weber. It is not affiliated with the original Cooper River Love and Charity Society.
3. Defendant Cooper River Love and Charity Society (1920) (“Original Organization”) is the administratively dissolved nonprofit organization incorporated in 1920 and dissolved in 1975, with its last known mailing address as 456 Race Street, Charleston, SC according to Charleston County tax records.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this matter, as it involves a dispute relating to property rights and the legal status of a nonprofit organization.
5. Venue is proper in Charleston County, as the property in question is located within this jurisdiction.

BACKGROUND FACTS

6. The original Cooper River Love and Charity Society was a nonprofit corporation organized on September 15, 1918 by Sam Riedy, Frank Simon and J. Green and incorporated on October 27, 1920 under the laws of the State of South Carolina.
7. The Original Organization was administratively dissolved on March 17, 1975. However, the Organization continued operating as an unincorporated nonprofit out of their address at 64 South Street, Charleston, SC 29403 into the early- to mid-1990s.

8. On September 4, 2015, Timothy Weber incorporated the exact name of the original Cooper River Love and Charity Society and listed 64 South Street as his organization's principal address.
9. Timothy Weber has no affiliation with the original Cooper River Love and Charity Society or the address at 64 South Street, Charleston, SC 29403.
10. The property at 64 South Street was deeded to the original Cooper River Love and Charity Society and its successors on September 18, 1944.
11. The property at 64 South Street (TMS No. 459-09-03-048) is described more fully as:

All that lot, piece or parcel of land situate, lying and being on the North side of South Street between Nassau and Hanover Street, in the City of Charleston, County of Charleston, State aforesaid, and known as No 64 South Street.

Being the same premises conveyed by the City Council of Charleston to C. Joan Grant Govan by deed dated September 21, 1940 and recorded in the R.M.C Office of Charleston County in Book Z-41, page 409.

12. According to the SC Nonprofit Corporations Act, the 64 South Street property remains subject to escheatment, as it was not properly distributed within five years of the Original Organization's dissolution.
13. The Original Society's tax-exempt status remains in effect as per the county tax records.
14. The Cooper River Love and Charity Successor was created on May 12, 2023, as a nonprofit corporation under the laws of the State of South Carolina for the purpose of continuing the charitable and community activities of the

Original Organization and to claim any property that would otherwise be escheated to the state.

15. The incorporator of the Successor Organization is the great-granddaughter of one of the original members of the Original Organization, Reverend John H. Baldwin.

16. The Successor Organization has the same mission and purpose as the Original Organization, and it is the intent of the Successor Organization to carry on the work of the Original Organization.

PRAYER FOR RELIEF

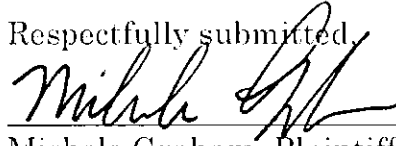
DECLARATION OF RIGHTS

Plaintiff respectfully requests that this Court:

- A. Issue a declaratory judgment affirming the right of the Plaintiff to form a successor organization to the original Cooper River Love and Charity Society.
- B. Declare the Cooper River Love and Charity Society Successor as the rightful successor organization to the Original Cooper River Love and Charity Society.
- C. Declare any claims or interests asserted by the unaffiliated Cooper River Love and Charity Society formed in 2015, Timothy Weber, Kyle Parker, Christopher David Clarke, Cooper River Love and Charity Society (1920), as invalid and without legal merit.

D. Award Plaintiff such other and further relief as the Court may deem just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michele Graham", is written over a horizontal line.

Michele Graham, Plaintiff

56 Poplar Street

Charleston, SC 29403

Michele.graham0318@gmail.com

843-532-7252

Dated: June 14, 2023

STATE OF SOUTH CAROLINA
COUNTY OF Charleston
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2023CP1002883

Michele Graham
PLAINTIFF(S)

Cooper River Love & Charity Society et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled);
☐ Other
- ☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

Plaintiff's motion for default judgment and hearing on the merits, filed October 24, 2023, was heard before this court on February 29, 2024. Notice of the hearing was served on defendants by publication, as allowed by Order of Judge R. Young. According to Plaintiff, notice of the hearing was provided to all parties as well and filed with the court. Plaintiff's motion is hereby granted.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 04/22/2024 .

Cooper Riveer Love & Charity Society 2015
Cooper River Love & Charity Society 1920
Michele Graham for Michele Graham
Cooper River Love & Charity Society
Michele Graham for Michele Graham

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Charleston Common Pleas

Case Caption: Michele Graham VS Cooper River Love & Charity Society ,
defendant, et al
Case Number: 2023CP1002883
Type: Order/Electronic Form 4

So Ordered

s/Jennifer B. McCoy #2764

STATE OF SOUTH CAROLINA

COUNTY OF CharlestonMichele Graham

Plaintiff,

Cooper River Love vs. Charity (2015)
Cooper River Love & Charity (1920)

Defendant.

IN THE COURT OF COMMON PLEAS

9th JUDICIAL CIRCUITCASE NO.: 2023-CP-100-2883MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

Plaintiff's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____
☐ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☒ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information	
Nature of Motion: _____ Estimated Time Needed: _____ Court Reporter Needed: ☐ YES / ☐ NO	
SECTION II: Motion/Order Type	
☐ Written motion attached ☒ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
<u>Michele Graham</u> Signature of Attorney for ☒ Plaintiff / ☐ Defendant	<u>4/25/2024</u> Date submitted
SECTION III: Motion Fee	
☒ PAID - AMOUNT: \$ <u>25</u> ☐ EXEMPT: (check reason)	
☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRPC) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☐ Other: _____	
JUDGE'S SECTION	
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____	JUDGE CODE _____ Date: _____
CLERK'S VERIFICATION	
Collected by: _____ Date Filed: _____ ☐ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED - AMOUNT DUE: \$ _____	

**STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON**

MICHELE GRAHAM

Plaintiff

v.

**COOPER RIVER LOVE AND
CHARITY SOCIETY (1920)**

**COOPER RIVER LOVE AND
CHARITY SOCIETY (2015)**

Defendants

**IN THE COURT OF COMMON
PLEAS**

CASE NUMBER:

2023-CP-100-2883

JULIE A. AUSTIN
CLERK OF COURT

2024 APR 25 PM 4:47

FILED

MOTION TO ENFORCE RIGHTS

AND ORDER DISSOLUTION OF

COOPER RIVER LOVE AND

CHARITY SOCIETY (2015)

Plaintiff Michele Graham moves this Court for an order granting judicial dissolution of Cooper River Love and Charity Society (2015) pursuant to Section 33-14-300(2)(ii) of the South Carolina Code of Laws.

BACKGROUND

The original Cooper River Love and Charity Society (1920) was established as a member-based nonprofit organization on October 27, 1920, under the laws of South Carolina with a mission focused on charitable and community activities in Charleston County. On September 18, 1944, C. Joan Govan deeded the 64 South Street address to the Cooper River Love and Charity Society (1920), its successors and assigns. On March 17, 1975, the Cooper River Love and Charity Society (1920)

was administratively dissolved. However, the organization continued operating as an unincorporated nonprofit throughout the 1990s.

On September 4, 2015, Timothy Weber incorporated the exact name of the Cooper River Love and Charity Society and listed 64 South Street as its principal address, despite having no affiliation with the original organization, its members, or the address at 64 South Street.

The Plaintiff first became aware of the uncertain legal ownership status of the property in November 2022 when Kenneth J. Edmondson attempted to list the property for sale under the Plaintiff's real estate license. Mr. Edmondson claimed ownership based on the fact that his father had been one of the organization's past presidents. Upon discovering her connection to the original organization through her great-grandfather, John H. Baldwin, the Plaintiff decided to carry on the organization's original mission.

In June 2023, the Plaintiff filed a petition seeking a declaratory judgment to affirm her right to form a successor organization to the Cooper River Love and Charity Society (1920). Due to unsuccessful attempts to serve the Cooper River Love and Charity Society (2015) and the unclear position held by Alma Mack of the original Cooper River Love and Charity Society (1920), the Court granted the Plaintiff's motion to serve by publication. Notice of the hearing on the Plaintiff's Motion for Default Judgment was mailed to the Defendants' last known address and published in the Charleston City Paper.

Following the Defendants' failure to respond or object, the Court granted the Plaintiff's Motion for Default Judgment and Hearing on the Merits on April 22, 2024. This ruling affirmed the Plaintiff's right to form a successor organization and declared the Plaintiff's organization, the Cooper River Love and Charity Society Successor, as the legal successor to the original organization. (Exhibits 1 and 2).

GROUND

Section 33-14-300 of the South Carolina Code of Laws provides grounds for the dissolution of a corporation. Subsection (2)(ii) provides as follows:

The circuit courts may dissolve a corporation by a shareholder if it is established that: the directors or those in control of the corporation have acted, are acting, or will act in a manner that is illegal, fraudulent, oppressive, or unfairly prejudicial either to the corporation or to any shareholder (whether in his capacity as a shareholder, director, or officer of the corporation)

The grounds for seeking judicial dissolution are as follows:

1. Fraudulent Misappropriation of Name, Authority and

Misrepresentation of Ownership: Timothy Weber, without any legitimate affiliation or authority, incorporated the Cooper River Love and Charity Society (2015) using the exact name of the original organization and purporting to operate from the same address (64 South Street, Charleston, SC). This misappropriation of the organization's name and purported authority constitutes fraudulent conduct. Cooper Rive Love and Charity Society (2015), under Timothy Weber's leadership, has misrepresented

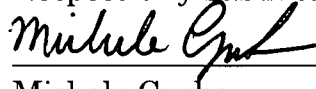
ownership of the property at 64 South Street, Charleston, SC, which rightfully belongs to the successors of the original Cooper River Love and Charity Society (1920). (Exhibit 3).

2. **Oppressive Actions Against Shareholders' Interests:** The continued existence of Cooper River Love and Charity Society (2015) poses a significant hindrance to the unencumbered operations of the legitimate successor of the original organization. By misrepresenting itself as the original organization, the Cooper River Love and Charity Society (2015) undermines the lawful efforts of the legitimate successor to carry on the charitable and community activities intended by the original Cooper River Love and Charity Society (1920). This misrepresentation not only deceives the public but also jeopardizes the rightful claim to the organization's assets and property, namely the property located at 64 South Street, Charleston, SC. The existence of Cooper River Love and Charity Society (2015) is detrimental and oppressive to the interests of shareholders and stakeholders associated with the original organization and its lawful successors.

CONCLUSION

Based on the foregoing, the Plaintiff respectfully requests that this Court issue an order dissolving the Cooper River Love and Charity Society (2015), in accordance with the provisions of Section 33-14-300(2)(ii) of the South Carolina Code of Laws.

Respectfully submitted,



Michele Graham

Plaintiff

56 Poplar Street

Charleston, SC 29403

843-532-7252

michele.graham0318@gmail.com

Dated: April 25, 2024

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Charleston
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2023CP1002883

Michele Graham
PLAINTIFF(S)

Cooper River Love & Charity Society et al
DEFENDANT(S)

Exhibit 1

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled);
☐ Other
- ☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

Plaintiff's motion for default judgment and hearing on the merits, filed October 24, 2023, was heard before this court on February 29, 2024. Notice of the hearing was served on defendants by publication, as allowed by Order of Judge R. Young. According to Plaintiff, notice of the hearing was provided to all parties as well and filed with the court. Plaintiff's motion is hereby granted.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 04/22/2024 .

Cooper Riveer Love & Charity Society 2015
Cooper River Love & Charity Society 1920
Michele Graham for Michele Graham
Cooper River Love & Charity Society
Michele Graham for Michele Graham

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Charleston Common Pleas

Case Caption: Michele Graham VS Cooper River Love & Charity Society ,
defendant, et al
Case Number: 2023CP1002883
Type: Order/Electronic Form 4

So Ordered

s/Jennifer B. McCoy #2764



Exhibit 2

Michele Graham <michele.graham0318@gmail.com>

Re: 2023CP1002883

McCoy, Jennifer B. Secretary (Brooke Slade) <jmccoysc@sccourts.org>

Wed, Apr 24, 2024 at 11:47 AM

To: Michele Graham <michele.graham0318@gmail.com>, "McCoy, Jennifer B. Law Clerk (Madeline Fletcher)" <jmccoyle@sccourts.org>

Good afternoon,

I have relayed your message to Judge McCoy. All of the relief you sought in your motion was granted. We cannot advise you any further because Judge McCoy cannot give out legal advice. If any further matters need to be addressed, they can be addressed via motion at a scheduled hearing. Again, all of the relief sought in your motion was granted.

Thank you.

Best,

Brooke S. Slade

Administrative Assistant

The Honorable Jennifer B. McCoy

100 Broad Street, Suite 348

Charleston, SC 29401

Phone: (843) 958-5066

Fax: (843) 958-5067

From: Michele Graham <michele.graham0318@gmail.com>**Sent:** Tuesday, April 23, 2024 8:08 AM**To:** mccoyle@sccourts.org; McCoy, Jennifer B. Secretary (Brooke Slade) <jmccoysc@sccourts.org>**Subject:** Re: 2023CP1002883

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

Good morning, Ms. Fletcher and Ms. Slade

I hope this email finds you both well.

I recently reviewed the Form 4 order related to my Motion for Default and Hearing on the Merits. While I am pleased that

the court has granted my request for entry of default judgment against the defendants, I noticed that the order did not address the declaratory relief requested in my motion.

Could you please advise on the appropriate next steps? Should I file an additional motion specifically requesting a declaratory judgment to address the remaining issues?

Thank you for your guidance on this matter. I appreciate your assistance.

Best regards,

Michele Graham

--

Michele Graham

843-532-7252

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

CERTIFIED TO BE A TRUE AND CORRECT COPY  
AS TAKEN FROM AND COMPARED WITH THE  
ORIGINAL ON FILE IN THIS OFFICE

May 22 2023  
REFERENCE ID: 1313156

  
SECRETARY OF STATE OF SOUTH CAROLINA

|                                                                                    |                                   |
|------------------------------------------------------------------------------------|-----------------------------------|
| 150904-0030                                                                        | Filed: 9/4/2015                   |
| COOPER RIVER LOVE AND CHARITY SOCIETY                                              |                                   |
| Filing Fee: \$25.00 ORIG                                                           |                                   |
|  |                                   |
| Mark Hammond                                                                       | South Carolina Secretary of State |

Exhibit + 3

STATE OF SOUTH CAROLINA  
SECRETARY OF STATE  
NONPROFIT CORPORATION  
ARTICLES OF INCORPORATION

Pursuant to Section 33-31-202 of the South Carolina Code of Laws, as amended, the undersigned corporation submits the following information:

- The name of the proposed corporation is COOPER RIVER LOVE AND CHARITY SOCIETY
- The initial registered office of the corporation is 64 SOUTH ST  
Street Address  

|                   |                   |           |                  |
|-------------------|-------------------|-----------|------------------|
| <u>CHARLESTON</u> | <u>CHARLESTON</u> | <u>SC</u> | <u>294036216</u> |
| City              | County            | State     | Zip              |

and the initial registered agent at such address is CHRISTOPHER DAVID CLARKE  
Print Name

I hereby consent to the appointment as registered agent of the corporation:

Electronically filed on SCBOS. Signature not required.  
Agent's Signature

- Check "a", "b", or "c" whichever is applicable. Check only one box:
  - ☒ The nonprofit corporation is a public benefit corporation.
  - ☐ The nonprofit corporation is a religious corporation.
  - ☐ The nonprofit corporation is a mutual benefit corporation.
- Check "a" or "b", whichever is applicable.
  - ☐ The corporation will have members.
  - ☒ The corporation will not have members.

CERTIFIED TO BE A TRUE AND CORRECT COPY  
AS TAKEN FROM AND COMPARED WITH THE  
ORIGINAL ON FILE IN THIS OFFICE

COOPER RIVER LOVE AND CHARITY  
SOCIETY

Name of Corporation

5 May 22 2023  
The address of the principle office of the nonprofit corporation is:  
REFERENCE ID: 1313156  
64 SOUTH ST CHRISTOPHER CLARKE

*Mark Hammond*  
SECRETARY OF STATE OF SOUTH CAROLINA  
CHARLESTON

CHARLESTON SC US 294036216  
City County State Zip

6. If this nonprofit corporation is either a public benefit or religious corporation (when box "a" or "b" of paragraph 3 is checked), complete either "a" or "b", whichever is applicable, to describe how the remaining assets of the corporation will be distributed upon dissolution of the corporation.

a. ☒ Upon dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future Federal tax code, or shall be distributed to the Federal government, or to a state or local government, for a public purpose. Any such asset not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principle office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

b. ☐ Upon dissolution of the corporation, consistent with the law, the remaining assets of the corporation shall be distributed to:

7. If the corporation is a mutual benefit corporation (when box "c" of paragraph 3 is checked), complete either "a" or "b", whichever is applicable, to describe how the (remaining) assets of the corporation will be distributed upon dissolution of the corporation.

a. ☐ Upon dissolution of the mutual benefit corporation, the (remaining) assets shall be distributed to its members, to those persons to whom the corporation holds itself out as benefiting or serving.

b. ☐ Upon dissolution of the mutual benefit corporation, the (remaining) assets, consistent with the law, shall be distributed to

8. The optional provisions, which the nonprofit corporation elects to include in the articles of incorporation, are as follows (See 33-31-202(c) of the 1976 South Carolina Code of Laws, as amended, the applicable comments thereto, and the instructions to this form).

9. The name, address, and signature of each incorporator is as follows (only one is required):

TIMOTHY WEBER 56 SOUTH ST CHARLESTON SC US 294036216  
Name Address Zip Code

10. Each original director of the nonprofit corporation must sign the articles but only if the directors are named in these articles:

CERTIFIED TO BE A TRUE AND CORRECT COPY  
AS TAKEN FROM AND COMPARED WITH THE  
ORIGINAL ON FILE IN THIS OFFICE

11 Each incorporator must sign the articles.  
May 22 2023

REFERENCE ID: 1313156

  
\_\_\_\_\_  
SECRETARY OF STATE OF SOUTH CAROLINA

COOPER RIVER LOVE AND CHARITY  
SOCIETY

\_\_\_\_\_  
Name of Corporation

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE COURT OF COMMON  
PLEAS

MICHELE GRAHAM

CASE NUMBER:

Plaintiff

**2023CP1002883**

v.

COOPER RIVER LOVE AND CHARITY  
SOCIETY (1920)

COOPER RIVER LOVE AND CHARITY  
SOCIETY (2015)

Defendants

**ORDER FOR REFERENCE TO**

**MASTER-IN-EQUITY**

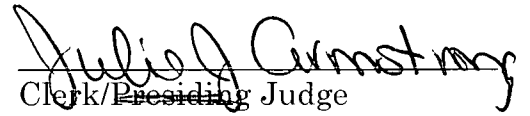
IT APPEARING THAT the matter herein involves title to real estate, therefore this action should be referred to the Honorable Mikell R. Scarborough, Master-in-Equity for Charleston County, with such Master-in-Equity being empowered to fully dispose of all issues in accordance with the law.

The Master-in-Equity shall enter final judgment with any appeal to be taken in accordance with S.C. Code Ann. Sec. 14-11-85. The reference fee shall be paid directly to the office of the Master-in-Equity.

NOW, on motion of Plaintiff Michele Graham, IT IS ORDERED that this action is referred to the Honorable Mikell R. Scarborough, Master-in-Equity for Charleston County, with authority to dispose of all issues.

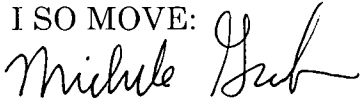
2024 MAY 24 PM 2:23  
JULIE J. ARISTON  
CLERK OF COURT

FILED

  
Clerk/~~Presiding~~ Judge  
Ninth Judicial Circuit

Dated: \_\_\_\_\_  
Charleston, South Carolina

I SO MOVE:



\_\_\_\_\_  
Michele Graham  
Plaintiff

STATE OF SOUTH CAROLINA  
COUNTY OF Charleston  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2023CP1002883

Michele Graham  
PLAINTIFF(S)

Cooper River Love & Charity Society et al  
DEFENDANT(S)

**DISPOSITION TYPE (CHECK ONE)**

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled);  
☐ Other
- ☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;  
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX):  
☐ Affirmed; ☐ Reversed; ☐ Remanded;  
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:** ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

This matter came before the Court for a status conference on Plaintiff's Petition for Declaratory Relief to establish her right to form a successor organization to the original Cooper River Love and Charity Society. Plaintiff has filed a Motion to Enforce Rights and Order Dissolution of Cooper River Love and Charity Society (2015). Because the Defendants are named as public charities, the South Carolina Attorney General's Office is to be given written notice of any transaction not in the usual and regular course of business and may give a written waiver pursuant to S.C. Code Ann. Section 33-31-1202(f). Accordingly, Plaintiff is authorized to notify the Attorney General's Office of the relief she seeks, in order to obtain a waiver. A virtual hearing is scheduled for Monday August 12, 2024 at 2:30 p.m.

**ORDER INFORMATION**

This order ☐ ends ☒ does not end the case.

☐ See Page 2 for additional information.

**For Clerk of Court Office Use Only**

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 06/24/2024 .

Cooper Riveer Love & Charity Society 2015  
Cooper River Love & Charity Society 1920  
Michele Graham for Michele Graham  
Cooper River Love & Charity Society  
Michele Graham for Michele Graham

**NAMES OF TRADITIONAL FILERS SERVED BY MAIL**

## Court Reporter:

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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Charleston Common Pleas

**Case Caption:** Michele Graham VS Cooper River Love & Charity Society ,  
defendant, et al  
**Case Number:** 2023CP1002883  
**Type:** Order/Electronic Form 4

So Ordered

s/Mikell R. Scarborough 3062

|                               |   |                              |
|-------------------------------|---|------------------------------|
| STATE OF SOUTH CAROLINA       | ) | IN THE COURT OF COMMON PLEAS |
|                               | ) |                              |
| COUNTY OF CHARLESTON          | ) | C.A. No.: 2023-CP-10-02883   |
|                               | ) |                              |
| Michele Graham,               | ) |                              |
|                               | ) |                              |
| Plaintiff,                    | ) |                              |
|                               | ) |                              |
| v.                            | ) |                              |
|                               | ) |                              |
| Cooper River Love and Charity | ) |                              |
| Society (1920)                | ) |                              |
|                               | ) |                              |
| Coper River Love and Charity  | ) |                              |
| Society (2015)                | ) |                              |
|                               | ) |                              |
| Defendants.                   | ) |                              |
|                               | ) |                              |

---

**Motion of the Attorney General of the State of South Carolina to Intervene  
and Memorandum In Support**

Pursuant to Rule 24, SCRCP, the Attorney General of the State of South Carolina moves to intervene in this matter as a necessary party defendant pursuant to his statutory authority under S.C. Code Ann. §1-7-130 and §62-7-405 and common law authority under the South Carolina Nonprofit Corporation Act of 1994, including S.C. Code Ann. § 33-31-1202. The Defendant Cooper River Love and Charity Society (1920) is a nonprofit corporation incorporated in 1920. It was administratively dissolved in 1975, though it continued operating until at least the 1990s. The Defendant Cooper River Love and Charity Society (2015) is a purported nonprofit corporation incorporated in 2015. This action sought to dissolve the Cooper River Love and Charity Society (2015). A third entity, the Cooper River Love and Charity Society Successor was incorporated in 2023. The real property located at 64 South Street in Charleston is owned by the Cooper River Love and Charity Society (1920), and has been since 1944. According to the Petition, this action was filed (1)

to affirm the right of the Plaintiff to form a successor organization to the Cooper River Love and Charity Society (1920); (2) to declare the Cooper River Love and Charity Society Successor as the rightful successor to the Cooper River Love and Charity Society (1920); and (3) to declare any claims or interests of the Cooper River Love and Charity Society (2015) to the Cooper River Love and Charity Society (1920) as invalid. Following service by publication, the Court granted Plaintiff's Motion for Default Judgment by Order of April 22, 2024. On April 25, 2024, the Plaintiff filed a Motion to Enforce Rights and Order Dissolution of the Cooper River Love and Charity Society (2015). The matter was referred to the Charleston County Master-in-Equity. Following notice by publication of the time and date of a status conference, the Court held a status conference on June 24, 2024. In its Order of June 24, 2024, the Court cited S.C. Code Ann. § 33-31-1202(f). This section states that "A public benefit or religious corporation must give written notice to the Attorney General twenty days before it sells, leases, exchanges, or otherwise disposes of all, or substantially all, of its property if the transaction is not in the usual and regular course of its activities unless the Attorney General has given the corporation a written waiver of this subsection." The order authorized Plaintiff to notify the Attorney General's Office "of the relief she seeks, in order to obtain a waiver."

When the Attorney General's Office receives notice of a sale pursuant to section 33-31-1202(f), the Office will review the materials it receives. If there are no concerns, the Office will typically send a letter stating that the Office has no objection to the sale. In the present case, given that there is a pending action related to this matter, the Attorney General desires to intervene in the action.

The Attorney General, in his *parens patriae* capacity and under the authority granted to him by the state constitution, statute, and common law, has the duty to protect the public interest. Concerning nonprofit corporations, the Attorney General has the statutory and common law duty to represent the interests of the unspecified charitable beneficiaries and the interests of the public at large. The Attorney General may intervene in a proceeding regarding a nonprofit as a matter of statutory and common law right. As a party to the action, the Attorney General fulfills his duties to represent the unspecified charitable beneficiaries and the public interest. See S.C. Code Ann. § 33-31-170(b)(2); *see also* S.C. Code Ann. § 1-7-130 (2005) (“The Attorney General shall enforce the due application of funds given or appropriated to public charities within the State.”). The South Carolina Supreme Court has stated “[t]he AG undoubtedly has the authority to intervene to protect the public interest of a charitable trust.” *Wilson v. Dallas*, 403 S.C. 411, 743 S.E.2d 746 (2013); *see also* *Watson v. Wall*, 229 S.C. 500, 93 S.E.2d 918 (1956) (affirming the Attorney General’s role to protect charitable devisees in a matter questioning the existence of a purportedly created charitable trust). In *Shields et al. v. Jolly*, 1 Rich.Eq. 99 (Ct. App. 1844), the Court found that the Attorney General should be a party to an action where charitable matters were involved, stating as follows: “To a bill for setting up a charitable use of this sort [where gifts are vague and indefinite]... Attorney General ought to be a party, to aid the court in devising the specific scheme for carrying it out.”

Based upon the foregoing, the Attorney General respectfully requests that this Court grant this Motion and allow the Attorney General to intervene in this action as a necessary party. The Attorney General’s proposed Answer in this matter is attached as Exhibit A.

Rule 11 Certification: I certify the prior to filing this Motion, the Attorney General's Office has communicated with Michele Graham by telephone. The Attorney General's understanding is that Ms. Graham consents to the Attorney General intervening in this action.

Respectfully submitted,

ALAN M. WILSON  
Attorney General  
C. HAVIRD JONES, JR.  
Senior Assistant Deputy Attorney General  
MARY FRANCES JOWERS  
Assistant Deputy Attorney General  
KRISTIN M. SIMONS  
Senior Assistant Attorney General  
DANIELLE ROBERTSON  
Assistant Attorney General  
P. O. Box 11549  
Columbia, SC 29211  
(803) 734-3680

BY: s/Mary Frances Jowers  
Attorneys for South Carolina Attorney General  
Alan Wilson

July 22, 2024

## Exhibit A

|                               |   |                              |
|-------------------------------|---|------------------------------|
| STATE OF SOUTH CAROLINA       | ) | IN THE COURT OF COMMON PLEAS |
|                               | ) |                              |
| COUNTY OF CHARLESTON          | ) | C.A. No.: 2023-CP-10-02883   |
| Michele Graham,               | ) |                              |
|                               | ) |                              |
| Plaintiff,                    | ) |                              |
|                               | ) |                              |
| v.                            | ) | <b>Answer</b>                |
|                               | ) |                              |
| Cooper River Love and Charity | ) |                              |
| Society (1920)                | ) |                              |
|                               | ) |                              |
| Coper River Love and Charity  | ) |                              |
| Society (2015)                | ) |                              |
|                               | ) |                              |
| Defendants.                   | ) |                              |
|                               | ) |                              |

---

Intervenor Alan M. Wilson, Attorney General of the State of South Carolina, in answer to the Petition for Declaratory Relief, will respectfully show the Court that:

1. The Intervenor denies every allegation contained in the Petition not hereinafter specifically admitted, modified, or explained.

2. In response to paragraph 1, Intervenor craves reference to the filings of the South Carolina Secretary of State's Office and the public record and denies any allegations inconsistent with the filings of the South Carolina Secretary of State's Office or the public record.

3. In response to paragraph 2, Intervenor craves reference to the filings of the South Carolina Secretary of State's Office and denies any allegations inconsistent with the filings of the South Carolina Secretary of State's Office.

4. In response to paragraph 3, Intervenor craves reference to the filings of the South Carolina Secretary of State's Office and denies any allegations inconsistent with the filings of the South Carolina Secretary of State's Office.

5. In response to paragraph 4, Intervenor admits that this Court appears to have jurisdiction over this matter.

6. In response to paragraph 5, Intervenor admits that venue appears to be proper in Charleston County.

7. In response to paragraph 6, Intervenor craves reference to the filings of the South Carolina Secretary of State's Office and denies any allegations inconsistent with the filings of the South Carolina Secretary of State's Office.

8. In response to paragraph 7, Intervenor craves reference to the filings of the South Carolina Secretary of State's Office and denies any allegations inconsistent with the filings of the South Carolina Secretary of State's Office. Any remaining allegations of paragraph 7 are denied upon lack of sufficient information to form a belief.

9. In response to paragraph 8, Intervenor craves reference to the filings of the South Carolina Secretary of State's Office and denies any allegations inconsistent with the filings of the South Carolina Secretary of State's Office.

10. The allegations of paragraph 9 are denied upon lack of sufficient information to form a belief.

11. In response to paragraph 10, Intervenor craves reference to the filings of the Charleston County Register of Deeds Office and denies any allegations inconsistent with these filings.

12. In response to paragraph 11, Intervenor craves reference to the filings of the Charleston County Register of Deeds Office and denies any allegations inconsistent with these filings.

13. In response to paragraph 12, Intervenor craves reference to the South Carolina Nonprofit Corporation Act and denies any allegations inconsistent with the Act.

14. In response to paragraph 13, Intervenor craves reference to the county tax records and denies any allegations inconstant with the county tax records.

15. In response to paragraph 14, Intervenor craves reference to the filings of the South Carolina Secretary of State's Office and denies any allegations inconsistent with the filings of the South Carolina Secretary of State's Office.

16. The allegations of paragraphs 15 and 16 are denied upon lack of sufficient information to form a belief.

WHEREFORE, Intervenor Alan Wilson prays that the Court inquire into this matter and protect the interest of the charitable trust and for such other relief that the Court deems appropriate.

Respectfully submitted,

ALAN M. WILSON  
Attorney General  
C. HAVIRD JONES, JR.  
Senior Assistant Deputy Attorney General  
MARY FRANCES JOWERS  
Assistant Deputy Attorney General  
KRISTIN M. SIMONS  
Senior Assistant Attorney General  
DANIELLE ROBERTSON  
Assistant Attorney General  
P. O. Box 11549  
Columbia, SC 29211  
(803) 734-3680

BY: s/Mary Frances Jowers  
Attorneys for South Carolina Attorney General  
Alan Wilson

July 22, 2024

|                               |   |                              |
|-------------------------------|---|------------------------------|
| STATE OF SOUTH CAROLINA       | ) | IN THE COURT OF COMMON PLEAS |
|                               | ) |                              |
| COUNTY OF CHARLESTON          | ) | C.A. No.: 2023-CP-10-02883   |
|                               | ) |                              |
| Michele Graham,               | ) |                              |
|                               | ) |                              |
| Plaintiff,                    | ) |                              |
|                               | ) |                              |
| v.                            | ) | <b>ORDER TO INTERVENE</b>    |
|                               | ) |                              |
| Cooper River Love and Charity | ) |                              |
| Society (1920)                | ) |                              |
|                               | ) |                              |
| Coper River Love and Charity  | ) |                              |
| Society (2015)                | ) |                              |
|                               | ) |                              |
| Defendants.                   | ) |                              |
|                               | ) |                              |

---

This matter is before the Court pursuant to the Attorney General's Motion to Intervene pursuant to Rule 24, SCRCPP, and pursuant to his statutory and common law authority to enforce the due application of those funds given or appropriated to a charitable trust or to a specific charity. The Attorney General has the statutory and common law authority to supervise charitable entities so that he may fulfill his duty to protect unascertained charitable beneficiaries' interests and the public interest at large.

As stated in the Petition, this action was filed (1) to affirm the right of the Plaintiff to form a successor organization to the Cooper River Love and Charity Society (1920); (2) to declare the Cooper River Love and Charity Society Successor as the rightful successor to the Cooper River Love and Charity Society (1920); and (3) to declare any claims or interests of the Cooper River Love and Charity Society (2015) to the Cooper River Love and Charity Society (1920) as invalid.

I find this action involves a charitable interest. I further find that pursuant to the Attorney General's *parens patriae*, statutory (see S.C. Code Ann. § 1-7-130 and § 62-7-405), common law, and case law authority (see *Epworth Children's Home v. W. F. Beasley, et al.*, 365 S.C. 157, 616 S.E.2d 710 (2005); *Furman Univ. v. McLeod*, 238 S.C. 475, 482, 120 S.E.2d 865, 868 (1961); and *W. C. Watson v. W. F. Wall, et al.*, 229 S.C. 500, 93 S.E.2d 918 (1956)), the Motion to Intervene should be granted.

Accordingly, for the reasons set forth herein, the Court grants the Attorney General's Motion to Intervene.

AND IT IS SO ORDERED.

---

Mikell R. Scarborough  
Master-In-Equity

July \_\_, 2024



Charleston Common Pleas

**Case Caption:** Michele Graham VS Cooper River Love & Charity Society ,  
defendant, et al  
**Case Number:** 2023CP1002883  
**Type:** Master/Order/Other

So Ordered

s/Mikell R. Scarborough 3062

STATE OF SOUTH CAROLINA )

COUNTY OF Charleston )Michele Graham )

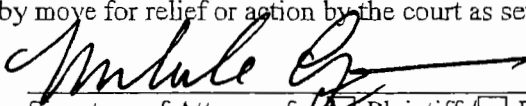
Plaintiff, )

Cooper River Love vs. Charity Society )  
et al. )

Defendant. )

IN THE COURT OF COMMON PLEAS

9th JUDICIAL CIRCUITCASE NO.: 2023-CP-10-02883MOTION AND ORDER INFORMATION  
FORM AND COVERSHEET

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                            |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                                                |  |                                                                            |  |                               |  |                                       |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|---------------------------------------------------------|--------------------------------------------------------------|-------------------------------------------------|------------------------------------------|--------------------------------------------------------|--------------------------------------------------------|----------------------------------------------------------------|--------------------------------------------------------------------------------|--|----------------------------------------------------------------------------|--|-------------------------------|--|---------------------------------------|--|
| Plaintiff's Attorney:<br>_____, Bar No. _____<br>Address:<br><u>56 Poplar St., Chas, SC 29403</u><br>Phone: _____ Fax _____<br>E-mail: _____ Other: <u>Michele.graham0318@gmail.com</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Defendant's Attorney:<br>_____, Bar No. _____<br>Address:<br>_____<br>Phone: _____ Fax _____<br>E-mail: _____ Other: _____ |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                                                |  |                                                                            |  |                               |  |                                       |  |
| <input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)<br><input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)<br><input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                            |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                                                |  |                                                                            |  |                               |  |                                       |  |
| SECTION I: Hearing Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                            |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                                                |  |                                                                            |  |                               |  |                                       |  |
| Nature of Motion: _____<br>Estimated Time Needed: _____ Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                            |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                                                |  |                                                                            |  |                               |  |                                       |  |
| SECTION II: Motion/Order Type                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                            |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                                                |  |                                                                            |  |                               |  |                                       |  |
| <input checked="" type="checkbox"/> Written motion attached<br><input type="checkbox"/> Form Motion/Order<br>I hereby move for relief or action by the court as set forth in the attached proposed order.<br><div style="text-align: center; margin-top: 20px;"> <br/>         Signature of Attorney for <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant Date submitted _____       </div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                            |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                                                |  |                                                                            |  |                               |  |                                       |  |
| SECTION III: Motion Fee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                            |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                                                |  |                                                                            |  |                               |  |                                       |  |
| <input checked="" type="checkbox"/> PAID - AMOUNT: \$ <u>25.00</u><br><input type="checkbox"/> EXEMPT: (check reason) <table style="width: 100%; margin-top: 5px;"> <tr> <td><input type="checkbox"/> Rule to Show Cause in Child or Spousal Support</td> <td><input type="checkbox"/> State Agency v. Indigent Party</td> </tr> <tr> <td><input type="checkbox"/> Domestic Abuse or Abuse and Neglect</td> <td><input type="checkbox"/> Post-Conviction Relief</td> </tr> <tr> <td><input type="checkbox"/> Indigent Status</td> <td><input type="checkbox"/> Motion for Stay in Bankruptcy</td> </tr> <tr> <td><input type="checkbox"/> Sexually Violent Predator Act</td> <td><input type="checkbox"/> Motion for Execution (Rule 69, SCRCP)</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Proposed order submitted at request of the court; or,</td> </tr> <tr> <td colspan="2">reduced to writing from motion made in open court per judge's instructions</td> </tr> <tr> <td colspan="2">Name of Court Reporter: _____</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Other: _____</td> </tr> </table> |                                                                                                                            | <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support | <input type="checkbox"/> State Agency v. Indigent Party | <input type="checkbox"/> Domestic Abuse or Abuse and Neglect | <input type="checkbox"/> Post-Conviction Relief | <input type="checkbox"/> Indigent Status | <input type="checkbox"/> Motion for Stay in Bankruptcy | <input type="checkbox"/> Sexually Violent Predator Act | <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP) | <input type="checkbox"/> Proposed order submitted at request of the court; or, |  | reduced to writing from motion made in open court per judge's instructions |  | Name of Court Reporter: _____ |  | <input type="checkbox"/> Other: _____ |  |
| <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/> State Agency v. Indigent Party                                                                    |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                                                |  |                                                                            |  |                               |  |                                       |  |
| <input type="checkbox"/> Domestic Abuse or Abuse and Neglect                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> Post-Conviction Relief                                                                            |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                                                |  |                                                                            |  |                               |  |                                       |  |
| <input type="checkbox"/> Indigent Status                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> Motion for Stay in Bankruptcy                                                                     |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                                                |  |                                                                            |  |                               |  |                                       |  |
| <input type="checkbox"/> Sexually Violent Predator Act                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP)                                                             |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                                                |  |                                                                            |  |                               |  |                                       |  |
| <input type="checkbox"/> Proposed order submitted at request of the court; or,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                            |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                                                |  |                                                                            |  |                               |  |                                       |  |
| reduced to writing from motion made in open court per judge's instructions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                            |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                                                |  |                                                                            |  |                               |  |                                       |  |
| Name of Court Reporter: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                            |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                                                |  |                                                                            |  |                               |  |                                       |  |
| <input type="checkbox"/> Other: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                            |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                                                |  |                                                                            |  |                               |  |                                       |  |
| JUDGE'S SECTION<br><input type="checkbox"/> Motion Fee to be paid upon filing of the attached order.<br><input type="checkbox"/> Other: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | JUDGE CODE _____<br>Date: _____                                                                                            |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                                                |  |                                                                            |  |                               |  |                                       |  |
| CLERK'S VERIFICATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                            |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                                                |  |                                                                            |  |                               |  |                                       |  |
| Collected by: _____ Date Filed: _____<br><input type="checkbox"/> MOTION FEE COLLECTED: \$ _____<br><input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                            |                                                                         |                                                         |                                                              |                                                 |                                          |                                                        |                                                        |                                                                |                                                                                |  |                                                                            |  |                               |  |                                       |  |

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

MICHELE GRAHAM

Plaintiff

v.

COOPER RIVER LOVE AND  
CHARITY SOCIETY (1920)

COOPER RIVER LOVE AND  
CHARITY SOCIETY (2015)

Defendants

Alan Wilson, as Attorney General of  
South Carolina

Intervenor

IN THE COURT OF COMMON PLEAS

CASE NUMBER:

2023-CP-10-02883

**PLAINTIFF'S MOTION TO HOLD IN**  
**ABEYANCE ATTORNEY GENERAL'S**  
**MOTION TO VACATE DEFAULT**  
**JUDGMENT AND THIRD-PARTY**  
**COMPLAINT PENDING RULING ON THE**  
**PROPER CLASSIFICATION OF THE**  
**COOPER RIVER LOVE AND CHARITY**  
**SOCIETY (1920) AND PLAINTIFF'S RULE**  
**60(b) MOTION**

Plaintiff Michele Graham respectfully moves this Court to hold in abeyance the Attorney General's *Motion to Vacate and Suspend Order and Third-Party Complaint* pending a ruling on Plaintiff's Rule 60(b) Motion, which seeks to correct the accidental misclassification of the Cooper River Love and Charity Society (1920) as a public charity. The Society is a mutual benefit corporation, not a public charity, and this misclassification impacts the application of statutory provisions concerning the Society and its successor that

do not apply to mutual benefit corporations. The Court's acknowledgment of this classification is central to the issues of this case and the rights of the Plaintiff. Therefore, it is essential that the Court first confirm the true nature of the Society before considering any further actions.

Recent filings by the Attorney General's Office hinge on the classification of the Cooper River Love and Charity Society (1920) as a public benefit organization. The statutory provisions the Office relies upon within their filings do not apply to mutual benefit corporations. The Court's clarification that the 1920 Society is indeed a mutual benefit organization would render the Office's arguments, third-party complaint, and motion to vacate the default judgment irrelevant, inapplicable and inappropriate.

Holding the Office's most recent filings in abeyance is necessary to ensure that any further actions in this case are based on an accurate understanding of the legal classification of the 1920 Society. Proceeding without resolving this foundational issue risks unnecessary litigation, potential misapplication of the law, and significant prejudice to the Plaintiff.

### **Background Context**

The Cooper River Love and Charity Society (1920) was originally formed as a mutual benefit organization, dedicated to providing financial assistance and support to its members in times of sickness, distress, and death. Despite administrative dissolution in 1975, the Society persisted in serving its members, and its property at 64 South Street, Charleston, South Carolina, remains under the ownership and control of the Society. According to utility records, service was provided to the building through 2006.

In 2015, a third party with no affiliation to the original Society incorporated an organization under the same name, falsely claiming rights to the property at 64 South Street. This fraudulent action necessitated court intervention to enable the Society to properly manage its assets. The Plaintiff sought affirmation of her right to form a successor organization, the legal recognition of the 2023 Cooper River Love and Charity Society Successor as the legitimate continuation of the original Society's mission, and the nullification of any claims by the fraudulent 2015 entity. The Plaintiff was granted this relief through default judgment. The matter was then transferred to the Master-in-Equity.

During the August 12, 2024 status conference, the Court addressed the Plaintiff's pending *Motion to Affirm Plaintiff's Right to Convert Successor Organization from Public Benefit to Mutual Benefit Corporation In Accordance with the Structure of the Original Organization* and recognized the necessity of first determining whether the Cooper River Love and Charity Society (1920) is a public charity or a mutual benefit corporation before proceeding with any further legal actions. The Court issued a scheduling order to allow for discovery on this crucial issue. However, before this determination could be made, the Attorney General's Office filed a motion to vacate the default judgment and a third-party complaint against the Successor, seeking a declaration that the 64 South Street property has escheated to the State<sup>1</sup>. These filings would only be relevant if the Cooper River Love

---

<sup>1</sup> The Attorney General's Office initially took no issue with the relief granted by the default judgment, as indicated in their Memo filed August 9, 2024, acknowledging that the Office was not involved in the original proceedings but did not oppose the outcome. However, this position starkly contrasts with the subsequent motion and third-party complaint, where the Office now seeks to vacate that same judgment and asserts that the 64 South Street property has already escheated to the State. This contradictory stance raises serious concerns about the consistency and motivations of the Office's legal arguments, suggesting a shift in priorities that may not align with the equitable administration of justice.

and Charity Society (1920) is a public charity. As a mutual benefit, the Office would lack standing to present these arguments or request this relief.

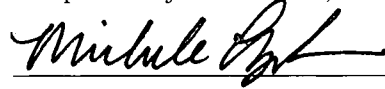
Additionally, the Office's recent filings contradict its prior actions, statements, and filings before the Court. These actions raise genuine concerns about the motivation behind the continued advancement of arguments that the Cooper River Love and Charity Society (1920) is a public charity, despite clear evidence to the contrary. Meanwhile, the Office has neglected to address the fraudulent activities of the incorporator of the 2015 entity—a public charity whose actions amount to a real estate scam, prompting this legal action. The Office's failure to act against the 2015 entity, contrasted with its overzealous obstruction of the lawful actions of the Plaintiff, suggests an agenda not grounded in relevant law or facts. The Court should consider whether the Office's involvement is truly serving the interests of justice or if it is being used to unnecessarily complicate this litigation and obstruct the Plaintiff's rightful control over 64 South Street.

Given these developments, it is critical that the Court first confirm the true nature of the Cooper River Love and Charity Society (1920) before any further proceedings concerning the Office's filings continue. This determination will ensure that the legal framework applied to this case is accurate and that the rights of the Plaintiff are protected.

### **Conclusion**

In light of the above, Plaintiff Michele Graham respectfully requests that this Court grant the motion to hold the Office's *Motion to Vacate and Suspend Order* and *Third-Party Complaint* in abeyance pending a ruling on the Plaintiff's Rule 60(b) Motion, in order to prevent unnecessary litigation, expense and further prejudice to the Plaintiff.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michele Graham", written over a horizontal line.

Michele Graham

Plaintiff

56 Poplar St.

Charleston, SC 29403

843-532-7252

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Dated: September 3, 2024

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| <b>STATE OF SOUTH CAROLINA</b>                                                                                                                                                                                                                                                          | <b>IN THE COURT OF COMMON PLEAS</b> |
| <b>COUNTY OF CHARLESTON</b>                                                                                                                                                                                                                                                             | <b>CASE NO: 2023-CP-10-02883</b>    |
| <div><div>Michele Graham,</div><div>Plaintiff,</div><div>v.</div><div>Cooper River Love and Charity Society (1920), Cooper River Love and Charity Society (2015),</div><div>Defendants,</div><div>Alan Wilson, as Attorney General of South Carolina,</div><div>Intervenor.</div></div> | <div>SUMMONS</div>                  |
| <div><div>Alan Wilson, as Attorney General of South Carolina,</div><div>Third-Party Plaintiff,</div><div>v.</div><div>Cooper River Love and Charity Society Successor (2023)<sup>1</sup>,</div><div>Third-Party Defendant.</div></div>                                                  |                                     |

**TO: COOPER RIVER LOVE AND CHARITY SOCIETY SUCCESSOR (2023), ABOVE-NAMED:**

<sup>1</sup> Third-Party Defendant Cooper River Love and Charity Society Successor does not have “2023” in its formal name; however, for purposes of clarity and consistency with the underlying matter, it has been designated as such in this action.

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is attached and served upon you, and to serve a copy of your Answer to this Complaint upon the subscriber, at the address shown below, within Thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint, judgment by default will be rendered against you for the relief demanded in the Complaint.

Respectfully Submitted,

s/Danielle A. Robertson

ALAN WILSON  
Attorney General  
C. HAVIRD JONES, JR.  
Senior Assistant Deputy Attorney General  
MARY FRANCES JOWERS  
Assistant Deputy Attorney General  
KRISTIN M. SIMONS  
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ATTORNEYS FOR PETITIONER  
ALAN WILSON,  
ATTORNEY GENERAL OF THE  
STATE OF SOUTH CAROLINA

August 30, 2024

|                                                                                                                                                                                                                                                                                                  |                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>STATE OF SOUTH CAROLINA</b>                                                                                                                                                                                                                                                                   | <b>IN THE COURT OF COMMON PLEAS</b> |
| <b>COUNTY OF CHARLESTON</b>                                                                                                                                                                                                                                                                      | <b>CASE NO: 2023-CP-10-02883</b>    |
| <b>Michele Graham,</b><br><br><b>Plaintiff,</b><br><br><b>v.</b><br><br><b>Cooper River Love and Charity Society (1920), Cooper River Love and Charity Society (2015),</b><br><br><b>Defendants,</b><br><br><b>Alan Wilson, as Attorney General of South Carolina,</b><br><br><b>Intervenor.</b> | <b>THIRD-PARTY COMPLAINT</b>        |
| <b>Alan M. Wilson, as Attorney General of South Carolina,</b><br><br><b>Third-Party Plaintiff,</b><br><br><b>v.</b><br><br><b>Cooper River Love and Charity Society Successor (2023),</b><br><br><b>Third-Party Defendant.</b>                                                                   |                                     |

Plaintiff, Alan M. Wilson, as Attorney General of South Carolina, would respectfully show the Court:

1. Third-Party Plaintiff commences these proceedings pursuant to his Constitutional, statutory, and common law duties to protect the public interest and regulate nonprofit corporations of South Carolina.

2. Third-Party Plaintiff South Carolina Attorney General brings this action pursuant to SCRCP 14 and SCRCP 19 to properly join an entity not previously party to these proceedings: Cooper River Love and Charity Society Successor (2023).
3. Third-Party Plaintiff South Carolina Attorney General brings this action for the additional purpose of obtaining declaratory relief and clearing title to real property located at 64 South Street in Charleston, South Carolina.
4. Third-Party Defendant Cooper River Love and Charity Society Successor (2023) (“Defendant 2023 Society”) is a public benefit nonprofit organization incorporated in South Carolina. Defendant 2023 Society has a registered agent, Michele Graham, addressed at 1985 Riviera Drive, 1001 Mount Pleasant, South Carolina 29464 and is therefore subject to personal jurisdiction in this Court. Defendant 2023 Society was incorporated with the South Carolina Secretary of State on May 12, 2023.
5. Venue is proper in this Court under Order of Reference to Master-in-Equity, entered May 24, 2024, *Michele Graham v. Cooper River Love and Charity Society (1920), et al.*, 2023-CP-10-02883 (S.C. 9th Cir., June 14, 2023), and because all occurrences giving rise to the issues presented in this Matter happened in Charleston County, South Carolina.

#### **PROCEDURAL HISTORY**

6. The underlying action commenced June 14, 2023, when Plaintiff Michele Graham, in her individual capacity filed a Summons and Petition for Declaratory Relief in Charleston Court of Common Pleas seeking, among other relief, declaration of her right to form a successor organization to Defendant Cooper River Love and Charity Society (1920) (“1920 Society”) and declaration that the Cooper River Love and Charity Society Successor (2023) organization was rightful successor to the 1920 Society. Defendants to the underlying

action, 1920 Society and Cooper River Love and Charity Society (2015), ultimately defaulted and the Court granted the relief Plaintiff Michele Graham requested through a Form 4 Order entered April 22, 2024.

7. The 1920 Society holds legal title to a property located at 64 South Street in Charleston, South Carolina “64 South Street”. The property is improved with a one-story non-residential structure.
  - a. S.C. Code Ann. § 33-31-1421 states that an administratively dissolved organization “continues its corporate existence but may not carry on any activities except those necessary to wind up and liquidate its affairs under Section 33-31-1406...”
  - b. The Cooper River Love and Charity Society (1920) retains ownership of 64 South Street, since dissolution itself does not transfer title to nonprofit property, Section 33-31-1406(b)(1).
8. Third-Plaintiff South Carolina Attorney General is informed and believes 64 South Street is the only asset owned by the 1920 Society.
9. The underlying action was referred to the Master-In-Equity on May 24, 2024, and the Master-In-Equity entered an Order on June 24, 2024, instructing Plaintiff Michele Graham to inform the Attorney General of the proceedings under S.C. Code Ann. § 33-31-1202(f), as the underlying action pertains to nonprofit entities.
10. Third-Party Plaintiff South Carolina Attorney General was not afforded notice of the underlying action prior to June 24, 2024, and Moved to Intervene on July 22, 2024. Intervention was granted by the Court on July 25, 2024.
11. On August 12, 2024, the Court entered a Scheduling Order governing the underlying matter and providing leave to add parties until August 30, 2024.

## CAUSES OF ACTION

### FOR A FIRST CAUSE OF ACTION REQUEST FOR DECLARATORY JUDGMENT AND RELIEF ESCHEATMENT

**S.C. Code Ann. § 33-31-155**

**As to Third-Party Defendant, Cooper River Love and Charity Society Successor (2023)**

12. All allegations and facts set forth above are fully incorporated herein.
13. Third-Party Plaintiff South Carolina Attorney General asserts 64 South Street has escheated to the State under S.C. Code Ann. § 33-31-155.
14. S.C. Code Ann. § 33-31-155 works in conjunction with S.C. Code Ann. § 33-31-1401 to 1440 to provide authority to a dissolved organization's directors or trustees to distribute assets upon dissolution and specifies that, "if persons serving as directors or trustees at the time of dissolution are deceased or have not taken action to dispose of assets of a dissolved nonprofit eleemosynary organization within five years of dissolution, any remaining assets escheat to the general fund of the State." S.C. Code Ann. § 27-19-10 to 120 governs escheatment of real property and provides provisions for "supposedly escheated" lands to be adjudicated actually escheated. Those sections also provide provisions for pronouncing land escheated and subsequent disposal of the property or funds by the government. S.C. Code Ann. § 33-31-155 states "assets escheat," suggesting the assets are not "supposedly escheated" and do not have to go through the escheatment adjudication process but rather may be declared escheated directly.
15. Third-Party Plaintiff asserts since the 1920 Society was administratively dissolved in March 1975 and never distributed its nonprofit assets in accordance with S.C. Code Ann.

§ 33-31-1406 or any other applicable statute, § 33-31-155 applies and 64 South Street is actually already escheated to the State of South Carolina.

16. Third-Party Plaintiff alleges the relief granted to Plaintiff Michele Graham by the Court through its April 22, 2024, Order is not legally available to Third-Party Defendant 2023 Society for several reasons:

- a. Defendant 2023 Society was not party to the underlying action. Plaintiff Michele Graham, appearing in the underlying action in her individual capacity, did not have standing to pursue rights to 64 South Street. Therefore, Defendant 2023 Society cannot have been granted successor status to the 1920 Society and cannot hold legal title to 64 South Street.
- b. Defendant 2023 Society does not have a legal or equitable claim to title of 64 South Street. Third-Party Plaintiff alleges, upon information and belief, Defendant 2023 Society has no lien on the property, has not given consideration to obtain the property, and has no right to make a claim on the property.
- c. Moreover, 64 South Street has already escheated to the State of South Carolina under S.C. Code Ann. § 33-31-155.

**FOR A SECOND CAUSE OF ACTION  
REQUEST FOR DECLARATORY JUDGMENT AND RELIEF  
ULTRA VIRES**

**As to Third-Party Defendant, Cooper River Love and Charity Society Successor (2023)**

17. All allegations and facts set forth above are fully incorporated herein.

18. “The term ‘ultra vires’ is used to designate the acts of corporations beyond the scope of their powers as defined by their charters or by law.” United States Rubber Products, Inc. v. Town of Batesburg, 183 S.C. 49, 190 S.E. 120, 125 (1937). Ultra vires, as a generally

common law concept, applies to nonprofit corporations through S.C. Code Ann. § 33-31-304, which provides, “a corporation’s power to act may be challenged in a proceeding against the corporation to enjoin an act where a third party has not acquired rights,” and goes on to provide the Attorney General may bring an action challenging an ultra vires act.

19. Third-Party Plaintiff alleges Third-Party Defendant Cooper River Love and Cooper River Love and Charity Society Successor (2023) did not properly acquire rights to 64 South Street.

20. Therefore, Third-Plaintiff Attorney General seeks to enjoin the Defendant 2023 Society’s improper attempts to assert ownership of 64 South Street.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Alan M. Wilson, Attorney General of South Carolina, prays the Court:

21. Inquire into this matter in effort to preserve and protect the public interest;
22. Join Third-Party Defendant Cooper River Love and Charity Society Successor (2023) as an indispensable party to these proceedings pursuant to the Court’s Scheduling Order, filed August 12, 2024, and to serve the aims of justice under SCRCP 14 and SCRCP 19;
23. Grant declaratory judgment finding 64 South Street has escheated to the State of South Carolina under S.C. Code Ann. § 33-31-155;
24. Grant declaratory judgment finding Third-Party Defendant Cooper River Love and Charity Society Successor (2023)’s purported assertions of rights in 64 South Street are ultra vires and therefore invalid;
25. Enjoin Third-Party Defendant Cooper River Love and Charity Society Successor (2023) from asserting ownership rights to 64 South Street;
26. Grant any other relief the Court deems appropriate.

s/Danielle A. Robertson

ALAN WILSON  
Attorney General  
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Senior Assistant Deputy Attorney General  
MARY FRANCES JOWERS  
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(803) 734-0274

ATTORNEYS FOR PETITIONER  
ALAN WILSON,  
ATTORNEY GENERAL OF THE  
STATE OF SOUTH CAROLINA

August 30, 2024

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

## IN THE COURT OF COMMON PLEAS

MICHELE GRAHAM

CASE NUMBER:

Plaintiff

2023-CP-10-02883

v.

COOPER RIVER LOVE AND CHARITY  
SOCIETY (1920)COOPER RIVER LOVE AND CHARITY  
SOCIETY (2015)

Defendants

## MOTION TO DISMISS THIRD PARTY

## COMPLAINT IN LIEU OF ANSWER

ALAN WILSON, AS ATTORNEY  
GENERAL OF SOUTH CAROLINA

Intervenor

COOPER RIVER LOVE AND CHARITY  
SOCIETY SUCCESSOR (2023)

Third-Party Defendant

Cooper River Love and Charity Society Successor (2023), by and through its undersigned counsel, respectfully moves this Court to dismiss the third-party complaint filed by Alan Wilson, Attorney General of South Carolina, based on the following:

**I. Lack of Statutory Authority to Initiate Escheatment Proceedings; Authority Lies with the Secretary of State**

Title 27, Chapter 19 of the South Carolina Code outlines the process for declaring lands as escheated. This statutory framework is comprehensive and designates the Secretary of State as the official responsible for initiating escheatment proceedings. Specifically, Section 27-19-10

provides that when certain lands are believed to have escheated—due to a lack of legal claimants or other reasons—the Secretary of State must notify a judge of the circuit court to begin the escheatment process. This notification is the legally mandated first step in determining whether lands have escheated.

Section 27-19-380 of the South Carolina Code states the following:

Every part of this chapter and the mode herein prescribed for recovering and appropriating real and personal property escheated to the State shall be pursued and observed when any person shall hereafter die without an heir or become divested thereof by operation of law without leaving any legal representative.

This provision makes it clear that the procedures outlined in Chapter 19 are mandatory whenever property is considered to have escheated to the State, regardless of whether the escheatment arises from a lack of heirs or from the dissolution of a legal entity, such as a nonprofit corporation. Chapter 19 makes no provision for the Attorney General to initiate escheatment actions independently of the Secretary of State.

The Attorney General's reliance on Section 33-31-155(E) does not override the specific requirements set forth in Chapter 19 of Title 27. Even if the assets of a dissolved nonprofit may become subject to escheatment, Section 27-19-380 requires that the statutory procedures involving the Secretary of State be followed. The Attorney General's attempt to declare 64 South Street escheated without adhering to these procedures is improper and outside of his legal authority.

The Attorney General's failure to adhere to these requirements mandates dismissal of the third-party complaint. The authority to initiate and conduct escheatment proceedings rests solely with the Secretary of State, and any actions taken outside this statutory framework are invalid.

## **II. Failure to Join Necessary Party: Secretary of State**

Even if the Court were to find that the Attorney General has broad authority to initiate proceedings related to escheatment, the third-party complaint would still fail due to the failure to join the Secretary of State as an indispensable party. The Secretary of State is the party specifically empowered by law to notify the circuit court and initiate the escheatment process. Without the Secretary's involvement, the Court cannot fully adjudicate the issue of escheatment, as the Secretary's statutory role is central to determining whether property is properly considered escheated.

The absence of the Secretary of State as a party to these proceedings means that the statutory process cannot be completed as required by law. As a result, the Attorney General's third-party complaint is procedurally deficient and must be dismissed on these grounds as well.

## **III. The Cooper River Love and Charity Society (1920) Is a Mutual Benefit Organization and Does Not Fall Under the Scope of Section 33-31-155**

The Cooper River Love and Charity Society (1920) is a mutual benefit organization. Mutual benefit organizations are formed to serve the specific interests of their members rather than the public. The Society was formed to provide mutual aid, including sickness and burial benefits, for its members, as evidenced by its Certificate of Incorporation and operational history. In contrast, public benefit organizations are established for the purpose of serving the community or public at large. This distinction is critical when determining the applicability of Section 33-31-155.

Section 33-31-155 of the South Carolina Code applies to nonprofit corporations or eleemosynary organizations "created for the public good." The statute specifically refers to

entities whose purpose is to serve the public interest or civic purposes, rather than the narrower interests of a defined membership. The statutory language makes it clear that it applies only to organizations that meet the definition of a public benefit corporation, not those classified as mutual benefit organizations. There is no evidence in the Society's Certificate of Incorporation, bylaws, or historical activities to suggest that it was intended to serve the public or broader civic purposes. As such, the Cooper River Love and Charity Society (1920) does not meet the criteria of an organization described in Section 33-31-155.

The Attorney General's reliance on Section 33-31-155(E) to assert that the assets of the Cooper River Love and Charity Society (1920) have escheated to the State is therefore misplaced. This section applies only to those nonprofit organizations that fall under the scope of Section 33-31-155(A) – those created for the public good. Because the Cooper River Love and Charity Society is a mutual benefit organization, the statutory provisions allowing for escheatment of assets to the State do not apply in this instance.

The third-party complaint, based on the incorrect application of this statute, must be dismissed. Any claim regarding the disposition of the Society's assets must be addressed under the appropriate statutes governing mutual benefit entities, not those intended for public benefit corporations.

#### **IV. The State's Claim to 64 South Street is Barred by Statutes of Limitations on Actions to Recover Real Property**

##### **A. Statutory Limitations on the State's Right to Recover Real Property**

Section 15-3-310 of the South Carolina Code imposes a 20-year limitation period for the State to bring an action regarding real property. The statute states that the State may not sue any

person in relation to real property unless the right or title of the State accrued within 20 years prior to the commencement of such an action, or unless the State or those from whom it claims received the rents and profits from the property within that 20-year period. Section 15-3-310 states the following:

The State will not sue any person for or in respect to any real property or the issues or profits thereof by reason of the right or title of the State to the same unless:

- (1) Such right or title shall have accrued within twenty years before any action or other proceeding for the same shall be commenced; or
- (2) The State or those from whom it claims shall have received the rents and profits of such real property or of some part thereof within the space of twenty years.

In the present case, the Cooper River Love and Charity Society (1920) was administratively dissolved in 1975, nearly 50 years ago. The Attorney General's third-party complaint does not assert that the State has received any rents or profits from the property at 64 South Street during that period. Therefore, any claim to the property by the State based on escheatment or reversionary interest is time-barred under Section 15-3-310.

#### **B. Effect of Forty-Year Lapse on Actions for Real Property**

Further, Section 15-3-380 of the South Carolina Code provides that no action can be commenced for the recovery of real property or any interest therein if more than 40 years have passed since the claimant, their ancestor, or grantor last held possession or asserted their claim. This statute effectively bars any party, including the State, from challenging the rights of a party that has been in possession of property under a claim of title for 40 years or more. Section 15-3-380 states the following:

No action shall be commenced in any case for the recovery of real property or for any interest therein against a person in possession under claim of title by virtue of a written instrument unless the person claiming, his ancestor or grantor, was actually in the possession of the same or a part thereof within forty years from the commencement of such action. And the possession of a defendant, sole or connected, pursuant to the provisions of this section shall be deemed valid against the world after the lapse of such a period.

Since the Cooper River Love and Charity Society (1920) has held title to the property at 64 South Street since 1944, and there has been no action by the State or any other party to recover the property within 40 years of the dissolution in 1975, any attempt by the State to claim the property is legally barred. The lapse of time under Section 15-3-380 grants validity to the Society's possession and interest against all parties, including the State.

### **C. Misapplication of Section 33-31-155(E) by the Attorney General**

Even if Section 33-31-155(E) suggests that assets of a dissolved nonprofit might escheat to the State, such escheatment must be asserted within the time limits prescribed by Title 15, Chapter 3. The Attorney General's claim, coming nearly 50 years after the dissolution of the Cooper River Love and Charity Society (1920), is untimely and cannot overcome the statutory limitations. The statutes of limitations outlined above take precedence over any claim of escheatment asserted under Section 33-31-155(E). Therefore, the Attorney General's claim is time-barred and must be dismissed.

### **III. The Ultra Vires Claim Is Time-Barred and Without Merit**

As quoted the third-party complaint, "Third-Party Plaintiff South Carolina Attorney General brings this action for the additional purpose of obtaining declaratory relief and clearing title to real property located at 64 South Street in Charleston, South Carolina." This clearly ties the ultra vires claim to a challenge over property rights. As such, the statutes of limitations in

Title 15, Chapter 3 – Section 15-3-310 (20-year limitation) and Section 15-3-380 (40-year limitation) – are directly applicable. This action is fundamentally a challenge to the rights and authority of the Cooper River Love and Charity Society Successor (2023) to assert title and manage the property. The Attorney General’s characterization of these actions as ultra vires – that is, beyond the authority of the successor – directly implicates issues of property rights and control.

Section 15-3-310 of the South Carolina Code limits the State’s right to bring an action concerning real property to 20 years from when the State’s right or title accrued, unless the State or those from whom it claims have received rents or profits from the property within that time. Since the Cooper River Love and Charity Society (1920) was dissolved in 1975, and the State has not claimed any rents or profits from the property at 64 South Street during that time, any challenge to the rights or status of the property – including a claim that actions taken by the 2023 entity are ultra vires – falls outside the 20-year statute of limitations and is therefore time-barred.

Additionally, Section 15-3-380 of the South Carolina Code provides that no action can be commenced for the recovery of real property or any interest therein if more than 40 years have passed since the claimant, their ancestor, or grantor last held possession or asserted their claim. The 1920 Society has held title since 1944. Nearly 50 years have passed since the dissolution, and there has been no action by the State or any other party to recover the property. Thus, any attempt by the State to claim the property or challenge the rights associated with it is legally barred by the 40-year statute of limitations.

The Attorney General’s ultra vires claim is a challenge to the authority of the 2023 entity or the current title holder to assert rights over the property at 64 South Street. As such, it falls within the scope of actions that are time-barred under Sections 15-3-310 and 15-3-380. The

extensive passage of time since the 1920 Society's dissolution forecloses any new claims concerning the right to manage or possess the property, rendering the ultra vires claim invalid.

Because the ultra vires claim is essentially a time-barred challenge to property rights, the Attorney General's third-party complaint must be dismissed. The State has failed to act within the statutory time limits required by law, and any challenge to the property or the rights of the 2023 entity to manage it is now barred by Title 15, Chapter 3. The passage of time renders the Attorney General's claims legally void and without merit.

#### **IV. Failure to State a Claim Upon Which Relief Can Be Granted**

In addition to being time-barred, the Attorney General's claims fail to state a valid cause of action. Even if the claims were not time-barred, the Attorney General lacks the statutory authority to initiate escheatment proceedings, and the complaint fails to allege facts that would support a cause of action under applicable law. Specifically, the complaint does not establish that any of the statutory prerequisites for escheatment have been met, such as the involvement of the Secretary of State, the required notification procedures, or any evidence that the property at 64 South Street is subject to escheatment. Furthermore, the complaint does not demonstrate that the Cooper River Love and Charity Society (1920) falls within the scope of Section 33-31-155, which applies only to public benefit organizations. As such, the claims for declaratory judgment and an injunction are legally deficient and do not provide a basis for the relief sought.

#### **V. Conclusion**

For the foregoing reasons, including the Attorney General's lack of statutory authority, the failure to join an indispensable party, the time-barred nature of the claims, and the failure to state a valid cause of action, the Third-Party Defendant respectfully requests that this Court:

1. Dismiss the Third-Party Complaint with prejudice, as it is legally deficient and time-barred.
2. Award Costs and Attorney Fees to the Third-Party Defendant for the filing of this motion, given the baseless nature of the claims.
3. Grant such further relief as this Court deems just and proper to ensure a fair and just resolution of this matter.

**RESPECTFULLY SUBMITTED,**

**s/Eduardo K. Curry**

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Federal Bar Number: 05648

Attorney for Third Party Defendant

Dated: October 16, 2024

**STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON**

**IN THE COURT OF COMMON  
PLEAS**

**MICHELE GRAHAM**

**CASE NUMBER:**

**Plaintiff**

**2023-CP-10-02883**

**v.**

**COOPER RIVER LOVE AND  
CHARITY SOCIETY (1920)**

**COOPER RIVER LOVE AND  
CHARITY SOCIETY (2015)**

**Defendants**

**PLAINTIFF AND THIRD-PARTY  
DEFENDANT'S JOINT MOTION FOR  
SUMMARY JUDGMENT**

**Alan Wilson, as Attorney General of  
South Carolina**

**Intervenor**

**Cooper River Love and Charity Society  
(2023)**

**Third-party Defendant**

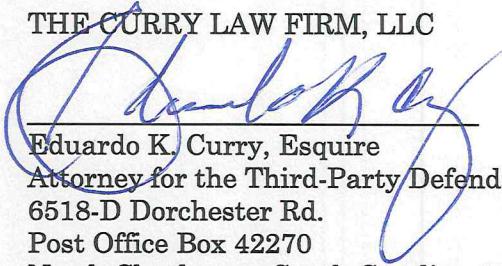
Plaintiff Michele Graham, pro se, and Third-Party Defendant Cooper River Love and Charity Society (2023), by and through its undersigned counsel, hereby move for summary judgment pursuant to Rule 56(c), SCRCP on the following issues:

1. Classification of the 1920 Society at Dissolution: At the time of its dissolution in 1975, the Cooper River Love and Charity Society (1920) was an eleemosynary corporation operating solely for the benefit of its members and not for the public, classifying it as a mutual benefit organization.
2. The Rights of the Plaintiff Michele Graham

3. Authority and Standing of the Attorney General in this Action
4. Status of the 2023 Successor Society as Successor to the Cooper River Love and Charity Society (1920)
5. The Claim of Escheatment
6. The Claim of Ultra Vires
7. Status of the 2015 Entity

In support of this motion, the Plaintiff and Third-Party defendant provide a memorandum of law and exhibits, accompanied by a descriptive exhibit list.

RESPECTFULLY SUBMITTED,  
THE CURRY LAW FIRM, LLC



Eduardo K. Curry, Esquire  
Attorney for the Third-Party Defendant  
6518-D Dorchester Rd.  
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Fax: (843) 767-5286

Dated: November 5, 2024



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Plaintiff  
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[michele.graham0318@gmail.com](mailto:michele.graham0318@gmail.com)

Dated: November 5, 2024

|                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>STATE OF SOUTH CAROLINA</b>                                                                                                                                                                                                                                                                                                 | <b>IN THE COURT OF COMMON PLEAS</b>                                                                                                              |
| <b>COUNTY OF CHARLESTON</b>                                                                                                                                                                                                                                                                                                    | <b>CASE NO: 2023-CP-10-02883</b>                                                                                                                 |
| <b>Michele Graham,</b><br><br><b>Plaintiff,</b><br><br><b>v.</b><br><br><b>Cooper River Love and Charity Society</b><br><b>(1920), Cooper River Love and Charity</b><br><b>Society (2015),</b><br><br><b>Defendants,</b><br><br><b>Alan Wilson, as Attorney General of</b><br><b>South Carolina,</b><br><br><b>Intervenor.</b> | <b>MOTION FOR SUMMARY JUDGMENT</b><br><b>AS TO ALL PARTIES AND FOR</b><br><b>APPOINTMENT OF RECIEVER TO</b><br><b>DISTRIBUTE NONPROFIT ASSET</b> |
| <b>Alan Wilson, as Attorney General of South</b><br><b>Carolina,</b><br><br><b>Third-Party Plaintiff,</b><br><br><b>v.</b><br><br><b>Cooper River Love and Charity Society</b><br><b>Successor (2023),</b><br><br><b>Third-Party Defendant.</b>                                                                                |                                                                                                                                                  |

Intervenor/Third-Party Plaintiff Alan Wilson, as Attorney General of South Carolina (“South Carolina Attorney General”), respectfully moves this Court for summary judgment on all claims against all parties in the case and requests the Court appoint a receiver to distribute the at-issue asset, real property located at 64 South Street in Charleston, South Carolina.

The South Carolina Attorney General makes this motion pursuant to Rule 56, SCRCP, as there is no issue of material fact in this matter and, therefore, the South Carolina Attorney General is entitled to judgment as a matter of law. As remedy, the South Carolina Attorney General seeks distribution of 64 South Street by a Court-appointed receiver pursuant to S.C. Code Ann. § 33-31-1432 and 1433 and any other legal or equitable relief to which the South Carolina Attorney General may be entitled. Memorandum in support and as to all outstanding issues to follow.

Respectfully submitted,

ALAN WILSON  
Attorney General  
C. HAVIRD JONES, JR.  
Senior Assistant Deputy Attorney General  
MARY FRANCES JOWERS  
Assistant Deputy Attorney General  
KRISTIN M. SIMONS  
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By: s/ Kristin M. Simons  
ATTORNEYS FOR INTERVENOR/  
THIRD-PARTY PLAINTIFF ALAN  
WILSON, ATTORNEY GENERAL OF  
THE STATE OF SOUTH CAROLINA

November 8, 2024

**STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON****IN THE COURT OF COMMON  
PLEAS****MICHELE GRAHAM****CASE NUMBER:**

Plaintiff

**2023-CP-10-02883**

v.

**COOPER RIVER LOVE AND  
CHARITY SOCIETY (1920)****COOPER RIVER LOVE AND  
CHARITY SOCIETY (2015)**

Defendants

Alan Wilson, as Attorney General of  
South Carolina

Intervenor

Cooper River Love and Charity Society  
(2023)

Third-party Defendant

**PLAINTIFF AND THIRD-PARTY  
DEFENDANT'S SUPPLEMENTAL  
MEMORANDUM AND REQUEST FOR  
JUDICIAL NOTICE PURSUANT TO  
RULE 201, SCRE**

The Plaintiff and Third-Party Defendant submit this supplemental memorandum to provide additional clarity regarding the pending motions in this action and to request judicial notice pursuant to Rule 201, SCRE. This memorandum supplements the filings and oral arguments presented during the November 18, 2024, hearing and highlights key facts and legal principles to aid the Court in resolving the central issue at the heart of this case: the classification of the 1920 Society. Resolving this foundational issue will provide the framework necessary to address all remaining matters and eliminate any lingering confusion.

## REQUEST FOR JUDICIAL NOTICE

While Rule 201 of the South Carolina Rules of Evidence governs judicial notice of adjudicative facts, the courts of this State retain the authority to take judicial notice of legislative facts. Cf. *Davenport v. City of Rock Hill*, 315 S.C. 114, 432 S.E.2d 451 (1993). Legislative facts are the foundational grounds on which judges base their decisions "when deciding upon the constitutional validity of a statute, interpreting a statute, or extending or restricting a common law rule." C. McCormick, *McCormick on Evidence* 328, 331 (4th ed. 1992).

Pursuant to Rule 201, SCRE and the Court's inherent authority, Plaintiff and Third-Party Defendant respectfully request that this Court take judicial notice of the following adjudicative and legislative facts:

1. **Procedural Requirement for Eleemosynary Charters - Act No. 448 and Act No. 561 of the Acts and Joint Resolutions of the General Assembly of 1920**

At the time of the 1920 Society's incorporation, South Carolina law required the Secretary of State to forward all prospective charters of eleemosynary corporations to the State Board of Public Welfare for examination and certification as "needed" and "for the public good." This requirement, codified in South Carolina statutes, applied uniformly to all eleemosynary corporations, irrespective of purpose or classification. The certification was procedural, not substantive, and does not independently establish that the 1920 Society operated as a public charity.

2. **Broad Scope of Eleemosynary Corporations - Report of the Secretary of State to the General Assembly, 1920**

Eleemosynary corporations historically encompassed a wide range of nonprofit organizations, including churches, social clubs, fraternal orders, schools, and hospitals.

Historical definitions and Secretary of State reports confirm this broad classification, contextualizing the 1920 Society as part of a diverse group of nonprofit organizations, many of which were mutual benefit societies. (See Exhibit 1, Report of the Secretary of State to the General Assembly, filed eleemosynary charters).

### **3. Statutes and Legal Standards Relied Upon by the Attorney General**

The cases and statutes cited by the Attorney General, including S.C. Code Ann. §§ 33-31-155 and 1-7-130, only pertain to specific types of nonprofit corporations and charitable trusts. Judicial notice of these statutes ensures accurate interpretation and prevents overextension of the Attorney General's authority to the 1920 Society where it does not apply.

### **4. Specific Statutes Governing Nonprofit Corporations with Respect to the Attorney General**

Of the approximately 186 statutes in the Nonprofit Corporations Act, only the following pertain to both mutual benefit and public benefit corporations in relation to the Attorney General. These statutes, cited for clarity, highlight the limited authority of the Attorney General over mutual benefit corporations:

- **§ 33-31-152:** Rights of the State are not impaired by §§ 33-31-150, 33-31-151, 62-7-405(f), and 62-7-405(g).
- **§ 33-31-160:** AG can order a meeting to be called when it is impractical or impossible for a corporation to call or conduct a meeting.
- **§ 33-31-170:** AG must be given notice of a proceeding that the Act authorizes him to initiate.
- **33-31-171 through 175:** Investigatory powers to ensure that nonprofit

corporations operate in compliance with their charters and state laws;

Consequences for refusal to cooperate with investigation.

- § 33-31-304: AG can initiate ultra vires challenging a corporation's power to act.
- § 33-31-1007: AG can initiate proceedings to amend a corporation's articles to determine if it is a public benefit, mutual benefit or religious corporation.<sup>1</sup>
- § 33-31-1403(a): Nonprofit must give notice about dissolution and dissolution plan. Subsections (b) and (c) pertain only to public benefits. Assets of a mutual benefit *do not* involve the AG, and mutual benefits do not need the approval of the AG.
- § 33-31-1430: Judicial dissolution under certain circumstances.
- § 33-31-1431: Venue for judicial proceedings.
- § 33-31-1502: Foreign corporations doing business without authority.
- § 33-31-1530: Revoking foreign corporation's authority to do business.
- § 33-31-1620: AG can issue a written demand requiring a corporation to furnish financial statements to members.

The Attorney General has *enforcement authority* over all nonprofits under the Act, meaning the Attorney General can act when a nonprofit violates its bylaws or statutory requirements. This is not the same as regulatory authority over all nonprofits. Regulatory authority involves active oversight and control, which the Attorney General lacks for mutual benefit corporations.

##### 5. Prospective Application of § 33-31-155

South Carolina law presumes statutes are prospective unless explicitly stated

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<sup>1</sup> Because of this statute, the Attorney General's participation in this matter should be limited to the Plaintiff's motion affirming her right to amend the articles of incorporation for the 2023 Society.

otherwise. Statutory provisions cannot retroactively impose obligations on actions predating their enactment. Judicial notice of this legislative fact ensures proper statutory interpretation.

#### **6. The 1996 Property Tax Exemption Letter**

The South Carolina Department of Revenue granted the 1920 Society a property tax exemption in 1996 under S.C. Code Ann. § 12-37-220(B)(12) (fraternal societies), not § 12-37-220(B)(16)(a) (public charities or charitable trusts). This exemption letter demonstrates the 1920 Society's classification as a fraternal society and mutual benefit organization, which is inconsistent with the Attorney General's claims.<sup>2, 3</sup>

#### **7. Charitable Character Determined by Operations, Not Incorporation Papers**

In the era of charitable immunity from tort liability, the South Carolina Supreme Court ruled that the charitable character of an eleemosynary corporation is determined by its operations, not solely by the statements in its incorporation paperwork.<sup>4</sup> *Eiserhardt v.*

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<sup>2</sup> The Attorney General's Office submitted an affidavit by Latisha Johnson dated November 13, 2024, asserting that the Department of Revenue (DOR) may have issued the exemption in error. However, this claim, coming nearly thirty years later, does not alter the fact that in 1996, the DOR, based on the information available at the time, determined that the Society qualified for an exemption under § 12-37-220(B)(12) as a fraternal organization. The DOR's speculative retrospective assertion that the Society's administrative dissolution twenty years earlier would have made the exemption unlikely does not retroactively invalidate the determination. The exemption demonstrates the Society's mutual benefit nature, not its characterization as a public charity or charitable trust.

<sup>3</sup> Despite the property tax exemption being granted under the provisions for a "fraternal society," rather than a public charity, Latisha Johnson's affidavit introduces terms like "charity" and "charitable," which is misleading to the Court and subtly attempts to reinforce the AG's assertion of public charity without direct evidence. If the DOR had classified the Society as a charity, it would have applied the exemption under § 12-37-220(B)(16)(a), but it did not. This should eliminate any implication that the Society was intended to serve a charitable purpose.

<sup>4</sup> In tort cases, the courts interpreted "charitable" as benefiting the public, just as the Attorney General is applying charitable to mean "public benefit." It follows that the standard for determining whether a charitable character applies should be for cases in which the principle for determining a

*State Agr. & Mech. Soc. of S. C.*, 235 S.C. 305, 309, 111 S.E.2d 568, 570 (1959); *Vermillion v. Woman's College of Due West*, 104 S.C. 197, 88 S.E. 649.

#### **8. The Court's Affirmation of Plaintiff's Right to Form a Successor**

The Court affirmed the Plaintiff's right to form a successor entity to the 1920 Society in its April 22, 2024, Order. This affirmation is further acknowledged in the Attorney General's August 9, 2024, memorandum (p. 8, second paragraph, first sentence). Judicial notice of the Court's ruling and the Attorney General's acknowledgment is appropriate under Rule 201 as adjudicative facts, as they are verifiable from court records and filings.

#### **9. The Effect of the April 22, 2024, Default Judgment**

The default judgment order of April 22, 2024, granted ownership rights of 64 South Street to the 2023 Society. The Attorney General acknowledges this fact in his motion to vacate. Judicial notice of court records as adjudicative facts is appropriate and confirms the 2023 Society's interest in the property.

### **SUPPLEMENT TO PENDING MOTIONS AND OUTSTANDING ISSUES**

#### **1. The Primary Issue is the Classification of the 1920 Society**

The primary issue that this Court must rule on is whether the 1920 Society is a public charity. The classification of the 1920 Society is foundational, and the scope of involvement of the Attorney General is based on this classification. To justify his involvement in this case, the Attorney General repeatedly cites statutes and case law specific to public charities, speculates that the 1920 Society operated as a public charity,

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charitable nature rested on an organization's actual operations. The reasoning behind charitable immunity in that era was that it was better that an individual suffers with his injuries than have the general public be without the services and benefits of the charitable corporation.

and asserts that 64 South Street is encumbered by a charitable trust. The Court can refer to the following from the Attorney General:

- **August 9, 2024, Memo** at p. 4, first paragraph, last sentence: “While it does not appear that a designation was ever made by the Cooper River Love and Charity Society (1920), it appears that the entity was likely a public charity.”
- **August 9, 2024, Memo** at p. 4, first paragraph, first sentence: Alleges that the Society was for the “charitable purpose of supporting the community, especially in times of sickness and death.”
- **August 9, 2024, Memo** at p. 6, last paragraph, second sentence: “It appears that the 1920 entity likely was a public benefit nonprofit, though it may not have been formally designated as such.”
- **August 9, 2024, Memo** at p. 7, second paragraph, last sentence: Refers to 64 South Street as a charitable asset.
- **August 9, 2024, Memo** at p. 7, last paragraph, second sentence: States that proceeds from the potential sale of 64 South Street should “continue to be used for a public purpose.”
- **August 9, 2024, Memo** at p. 8, footnote: Attorney General acknowledges that the default judgment found that the 2023 Society was the successor entity to the 1920 Society. However, the Attorney General intervened on the basis that 64 South Street involves a “charitable trust matter.”
- **August 9, 2024, Memo** at p. 9: Refers to 64 South Street as an asset in the “*charitable stream*.”
- **August 30, 2024, Motion to Vacate** at p. 4: Moved to vacate the Order “to the extent that it granted the 2023 Society legal successor status to the Cooper River

Love and Charity Society (1920).” Alleges the Order was made by mistake under SCRCF 60(b)(1) and S.C. Code Ann § 33-31-170, based on lack of notice to the Attorney General as an indispensable party to “an action seeking relief as to the rights and assets of nonprofit organizations” and whose duty it is to “protect the public interest and charitable beneficiaries who benefit from nonprofit activities.” (p.7, first paragraph, last sentence).<sup>5</sup>

- **August 30, 2024, Motion to Vacate** at p. 7, second paragraph: Continues to state the indispensability of the Attorney General in the proceeding that granted the Plaintiff the requested relief based on 64 South Street being impressed with a charitable trust.
- **August 30, 2024, Motion to Vacate** at p. 8: Attorney General quotes S.C. Code Ann. § 1-7-130, “The Attorney General shall enforce the due application of funds given or appropriated to public charities within the State” and cites case law in support of needing to be a party in matters involving charitable trusts. Attorney General goes on to discuss public interests, arguing necessary party status due to the 1920 Society being a public charity.
- **August 30, 2024, Motion to Vacate** at p. 9: Attorney General sought to “unwind” the relief granted due to his violation of due process rights because of the “public

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<sup>5</sup> The Court should note that the Attorney General states: “Michele Graham brought an action seeking declaratory relief as to the rights and assets of nonprofit organizations in South Carolina, which lies within the Attorney General’s authority.” This statement implies sweeping authority over the assets of all nonprofit organizations, which is inaccurate. The Attorney General then narrows the scope in the following sentence, stating: “The South Carolina Attorney General has a duty to protect the public interest and charitable beneficiaries.” This shift from a broad assertion of authority to a focus on public charities, creates an impression that the Attorney General’s jurisdiction extends universally to all nonprofit assets. This conflation misleads the Court regarding the Attorney General’s statutory authority and creates a false impression of sweeping jurisdiction over all nonprofit assets. Such statements are not only inaccurate but also serve to obscure the true limits of the Attorney General’s role in this case.

interest” and “charitable trust.”

- **August 30, 2024, Motion to Vacate** at p. 11: Cites § 33-31-170 based on the need to “protect the public interest implicated in this action.”
- **August 30, 2024, Motion to Vacate** at p. 11, second paragraph: Attorney General acknowledges that the default judgment effectively transferred title to 64 South Street.
- **August 30, 2024, Motion to Vacate** at p. 13, last sentence: “Now, because the 1920 Society has, unfortunately, faded into oblivion, the Attorney General and the Court must exercise their respective duties to preserve the public interest and safeguard public policy by properly distributing 64 South Street, a nonprofit asset impressed with charitable character.”
- **November 14, 2024, AG Memo** at p. 9: Attorney General acknowledges that S.C. Code Ann. § 33-31-1202 and 33-31-1403 apply only if the 1920 Society is a public charity.
- **November 14, 2024, AG Memo** at p. 13: “There is substantial evidence establishing that the Cooper River Love and Charity Society (1920) was a public charity.”
- **November 14, 2024, AG Memo** at p. 13-14: Alleges that the Attorney General has standing whether the 1920 Society is a public benefit or a mutual benefit by insinuating a claim that even if the 1920 Society is a mutual benefit, 64 South Street is still held in a charitable trust.

The Attorney General’s filings reveal a pattern of speculation and overreach. Despite repeatedly citing statutes and case law that apply exclusively to public charities and charitable trusts, the Attorney General has failed to provide any concrete evidence

supporting his assertion that the 1920 Society was a public charity or that 64 South Street is impressed with a charitable trust. This foundational issue must be resolved before any further relief can be considered.

## **2. Plaintiff's 60(b) Motion Seeks to Correct the Record**

The Plaintiff filed the 60(b) motion to correct the Court's June 24, 2024 Order referencing the 1920 Society as a public charity and the July 25, 2024 Order granting the Attorney General's motion to intervene based on the 1920 Society involving charitable interests. The statutes and case law referenced in both Orders pertain solely to public benefit corporations and charitable trusts.

- June 24, 2024, Order: § 33-31-1202(f)
- July 25, 2024, Order: Rule 24, SCRCP; § 1-7-130; 62-7-405; all cited case law

The Plaintiff brought the issue of correcting the classification of the 1920 Society to the Court's attention during the August 12, 2024 status conference, and the Court explicitly stated that it needed to make the determination as to whether the 1920 Society is a public charity or mutual benefit. A hearing was scheduled for November 18, 2024, to make that determination, and a scheduling order was set to allow the parties to conduct discovery for that purpose.

## **3. Procedural Irregularities Created Confusion**

Procedural irregularities created confusion with the Court by permitting the introduction of irrelevant and factually unsupported claims by the Attorney General before the essential foundational issues were ruled upon. As documented in this memo, all of the Attorney General's claims are based on the 1920 Society being a public charity and 64 South Street being held in a charitable trust. The Attorney General's Office acknowledged

during the August 12, 2024 status conference and in its motion to vacate that the 2023 Society was granted ownership of 64 South Street through the April 22, 2024 default judgment. The Office then sought to vacate this relief based on 64 South Street being impressed with a charitable trust, citing § 1-7-130 and various case law involving charitable trusts. At the same time as filing the motion to vacate, the Office filed a third-party complaint alleging escheatment. To prevent confusion and prejudice to the Plaintiff, the Plaintiff requested that the Court hold these filings in abeyance until a ruling is made regarding the true classification of the 1920 Society. Instead, the Office's filings were allowed to proceed before resolving the key foundational issue of classification, which has resulted in a chaotic combination of contradictory claims and assertions under consideration at once. The Court cannot properly consider any claims by the Attorney General without first determining the classification of the 1920 Society.

**4. Clarifying the 1920 Society's Classification Forecloses the Attorney General's Authority**

During the November 18, 2024 hearing, the Court clarified that it has not ruled on whether the 1920 Society is a public charity. The Plaintiff also clarified that the pending 60(b) motion seeks to officially correct the record, which currently misidentifies the 1920 Society as a public charity. This misclassification has improperly allowed the Attorney General to assert authority over 64 South Street, which he, in reality, does not possess.

The Attorney General has general authority to enforce the Nonprofit Corporations Act, but his control over property and assets extends only to public charities and charitable trusts. This limitation is highlighted on page 7 of the Attorney General's August 9, 2024 memo, where he objects to the Plaintiff converting the 2023 Society from a public benefit to a mutual benefit, stating, "there is nothing to prevent the nonprofit from dissolving and the

funds going to the Plaintiff once the property is sold.” This statement captures the Attorney General’s acknowledgment that he lacks authority over mutual benefit corporation assets and also highlights the absence of a charitable trust encumbering 64 South Street. The Attorney General’s memo explicitly notes, “If a mutual benefit corporation holds assets in a charitable trust, the same limitations apply.” By opposing the Plaintiff’s attempt to convert the 2023 Society to a mutual benefit corporation and stating that **nothing would prevent** the funds from the sale of 64 South Street going to the Plaintiff, the Attorney General effectively concedes that 64 South Street is not impressed with a charitable trust.

##### 5. **Res Judicata Does Not Apply**

The Attorney General's assertion that the dismissal of the third-party complaint forecloses the 2023 Society’s ability to assert ownership claims to 64 South Street fundamentally misrepresents the doctrine of *res judicata*. *Res judicata* precludes the relitigating of claims or issues that have been previously adjudicated on their merits between the same parties. While dismissing the Attorney General’s third-party complaint with prejudice bars the Attorney General from bringing the same claims again, it does not preclude the 2023 Society from asserting ownership rights to 64 South Street. This is because the ownership of 64 South Street by the 2023 Society does not hinge on the Attorney General’s complaint but derives from the Plaintiff’s legally-affirmed right to form a successor entity, as established in the April 22, 2024 Order. The April 22, 2024 Order did more than affirm the Plaintiff’s general right to form a nonprofit – a right anyone has under state law. The Order specifically affirmed the Plaintiff’s right to form a *successor* entity to the 1920 Society, inherently entitling that entity to inherit the property rights and obligations of its 1920 predecessor. By exercising this legally-affirmed

right, the Plaintiff formed and designated the 2023 Society as the successor entity. As a result, the 2023 Society inherently holds ownership of 64 South Street as part of its succession to the 1920 Society.

The Attorney General's reliance on *res judicata* misinterprets the scope of the dismissal of his complaint and distracts from the core issue: the classification of the 1920 Society and the resulting limits on the Attorney General's authority.

**6. The Attorney General's Attempt to Seize Private Property, Sell It and Redistribute Proceeds to Unaffiliated Groups is an Extreme Violation of Property Rights and Various State Statutes**

The Attorney General's attempt to use receivership as a mechanism to seize and sell private property is a fundamental misapplication of the law and a violation of property rights. Receivership is traditionally reserved for situations where property is in imminent danger of being lost, destroyed, or significantly diminished in value due to mismanagement or legal disputes between parties with a legal interest in the property. That is not the case here. The Attorney General's request is an attempt to take control of property that he has no legal claim to.

**7. Actions of the Attorney General Warrant Close Scrutiny of Filings and Motives**

While the Court may be inclined to defer to the Attorney General's Office as the State's chief legal counsel, such deference does not shield the Office from scrutiny. Throughout this litigation, the Attorney General has taken contradictory positions, made unsupported assertions, and advanced arguments that are inconsistent with the facts and the law. The following examples illustrate the need for close examination of the Attorney General's filings and motives:

#### **A. Contradictory Statements on Membership in the 1920 Society**

- **August 9, 2024, Memo** at p. 8, first paragraph, second sentence: "There is at least one surviving member."
- **November 14, 2024, Memo** at p. 10, second paragraph, third sentence: "There are no members."

This contradiction raises questions about the legal basis for the Office's claims and requests to the Court (see footnote for further analysis).<sup>6</sup>

#### **B. Contradictory Positions on Escheatment and Receivership**

- **August 9, 2024, Memo** at p.8, second paragraph: The Attorney General acknowledges that 64 South Street has not escheated.
- **August 30, 2024, Third-Party Complaint:** The Attorney General filed a complaint alleging that 64 South Street has already escheated to the State.
- **Simultaneous Request for Receivership:** In the same action, the Attorney General requested that the Court appoint a receiver to sell the property and distribute the proceeds to other entities.

#### **C. Inconsistent Positions on the Plaintiff's Conversion of the 2023 Society**

- **July 22, 2024 Letter to Plaintiff (cc'd to the Court):** The Attorney General states that the Plaintiff's conversion of the 2023 Society from a public benefit to a

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<sup>6</sup> The Court should also take notice of the Attorney General's invocation of § 33-31-1430(a)(1)(ii) as grounds for judicial dissolution and the appointment of a receiver, while simultaneously asserting that the 1920 Society has no members. Section 33-31-1430(a)(1)(ii) presupposes that a corporation is actively engaging in conduct that exceeds or abuses its lawful authority. By asserting that the 1920 Society has no members, the Attorney General implicitly acknowledges that the Society is non-operational. An inactive corporation cannot "abuse" or "exceed" authority because it is not engaging in any actions at all. Seeking judicial dissolution and receivership under § 33-31-1430(a)(1)(ii) while asserting the Society's inactivity creates a glaring contradiction. Either the Society is active and exceeding its authority, or it is inactive and incapable of exceeding its authority. Both positions cannot logically coexist.

mutual benefit in accordance with the structure of the 1920 Society should be factually and legally supported before becoming effective.

- **August 9, 2024 Memo** (p.7, Section D title): “The Attorney General objects to the transfer of assets and conversion of the 2023 entity to a mutual benefit nonprofit, regardless of whether the prior entity was a public benefit or a mutual benefit nonprofit.”

This inconsistency suggests that the Attorney General's objection is not grounded in valid legal principles but may instead be aimed at obstructing the Plaintiff's lawful actions, raising questions about the motive behind the objection.

#### **D. Mischaracterization of the 1920 Society and 64 South Street**

The Attorney General's filings repeatedly cite statutes and case law applicable exclusively to public charities and charitable trusts to justify the Office's involvement in this case. However, there is no evidence to support the assertion that the 1920 Society operated as a public charity or that 64 South Street is impressed with a charitable trust. The Attorney General's reliance on statutes that are irrelevant to mutual benefit organizations reflects either a misunderstanding of the 1920 Society's classification or an intentional effort to mislead the Court into granting authority the Office does not possess.

The Court should also be aware that, despite the statutory obligations under § 67-81 through § 67-85 of the 1962 Code for charitable trusts, the Attorney General's Office has no record of any such document relating to the 1920 Society or 64 South Street. This absence of evidence is a critical deficiency that directly refutes the Attorney General's repeated assertions that 64 South Street is impressed with a charitable trust. Nevertheless, the Attorney General still proceeded to file a motion to vacate the default judgment on the

premise that the property is held in a charitable trust. This filing was made despite the lack of any documentation or evidence supporting such a claim, raising significant questions about the integrity of the arguments advanced.

**E. Advanced Claims of Public Charity and Charitable Trust Despite Obtaining Evidence of Mutual Benefit Status from Avery Research Center**

On August 20, 2024, the Attorney General obtained evidence from the Avery Research Center for African American History, specifically from the category "Printed Financial Card and Books from Various Charleston Fraternal Orders, Societies, and Prayer Bands, 1920-1930" (See attached Exhibit 2, Invoice dated August 20, 2024). These groups were not public charities. Despite this, on August 30, 2024, the Attorney General filed both a motion to vacate the default judgment and a third-party complaint alleging that the 1920 Society was a public charity and that 64 South Street was impressed with a charitable trust.

The Attorney General's deliberate advancement of claims contrary to the Office's own evidence raises serious concerns about the integrity of the Office's filings. The reliance on statutes and legal principles applicable exclusively to public charities and charitable trusts, while possessing evidence that the 1920 Society was a mutual benefit organization, constitutes bad faith and misleads the Court.

**F. Inconsistent Assertions Regarding the Status of the 1920 Society and Its Activity**

The Attorney General's Office asserts that grounds for judicial dissolution exist under § 33-31-1430(a)(1)(ii) provisions: "the corporation has continued to exceed or abuse the authority conferred upon it by law." However, the Plaintiff and Third-party Defendant

bring to the Court's attention additional contradictory statements from the Office with respect to its stated grounds for judicial dissolution:

- **August 9, 2024, Memo** at p. 8, first paragraph: Attorney General states, "Although there has been no recent activity by the 1920 entity, it is unknown whether that entity continues."
- **August 30, 2024, Memo** at p. 13, last sentence: In advocating for vacating the default judgment and taking control over 64 South Street, the Attorney General states, "...the 1920 Society has faded into oblivion..." and proceeds to describe 64 South Street as "a nonprofit asset impressed with charitable character."
- **November 14, 2024, Memo:** "Here, the 1920 Society has exceeded the authority conferred upon it by law by continuing to carry on activities other than those appropriate to wind up and liquidate its affairs violating § 33-31-1406(a) and 33-31-1421(c)..."

These glaring contradictions undermine the Attorney General's asserted grounds for judicial dissolution and request for receiver based on § 33-31-1430(a)(1)(ii). If the Attorney General's Office previously acknowledged uncertainty about whether the 1920 Society continues to exist or has engaged in any recent activity, it cannot credibly argue that the Society is actively exceeding or abusing its authority in violation of the law in order to justify taking its property.

#### **G. Inconsistencies in the Attorney General's Grounds For Involvement**

Throughout this litigation, the Attorney General has relied on statutes and legal principles exclusively governing public charities to justify his involvement. However, in his most recent memo, he now argues that the classification of the 1920 Society is immaterial.

If the classification of the 1920 Society is immaterial, as the Attorney General now asserts, then the statutes and case law cited to justify his involvement are also irrelevant. Yet the Attorney General's filings and actions continue to rely on statutes specific to public charities and charitable trusts. Moreover, the Attorney General's vehement opposition to the conversion of the 2023 Society to a mutual benefit demonstrates the significance of classification, making his current assertion both inconsistent and illogical.

**8. Request for Costs and Attorney's Fees Under §§ 15-37-200 and 15-77-300**

The conduct of the Attorney General's Office throughout this litigation warrants an award of costs and attorney's fees under the statutory framework and the specific circumstances of this case. Under § 15-37-200, the State is liable for costs in the same cases and to the same extent as private parties when prosecuting a civil action. Additionally, § 15-77-300 permits the recovery of attorney's fees when the State lacks substantial justification for its claims or defenses.

The record reveals a consistent pattern of unfounded claims, procedural overreach, and contradictory positions by the Attorney General's Office, with no evidence presented to substantiate a claim of substantial justification for its actions. The Attorney General's third-party complaint, coupled with the motion to vacate, introduced unnecessary complexity, prolonged this action and imposed significant procedural and financial burdens on the Plaintiff. These actions appear to be deliberate tactics to financially burden and procedurally overwhelm the Plaintiff, confuse the Court, and hinder the proper and efficient resolution of this matter.

The record shows that the Plaintiff has acted in good faith throughout the course of this action, while the Attorney General's Office has repeatedly relied on unsupported claims

and contradictory positions. No special circumstances exist that would render an award of costs or attorney's fees unjust. Awarding fees and costs is necessary to ensure fairness, deter future misuse of the legal system and uphold the integrity of the judicial process.

### CONCLUSION

The core issue is the proper classification of the 1920 Society, and resolving this foundational question is essential for restoring clarity and ensuring that this matter proceeds in accordance with the law.

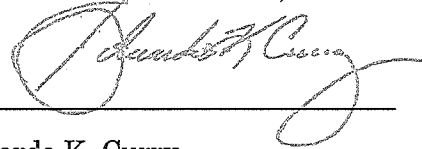
The June 24, 2024, Order must be vacated because it misidentifies the 1920 Society as a public charity and relies on a statute applicable only to public charities. Likewise, the July 25, 2024, Order, which granted the Attorney General's motion to intervene, must also be vacated because the intervention was predicated on statutes and claims exclusively tied to public charities and charitable trusts – neither of which apply to the 1920 Society. The Attorney General's third-party complaint, which seeks escheatment of 64 South Street and ultra vires against the 2023 Society, is equally flawed and must be dismissed. The complaint is unsupported by evidence and premised on misinterpretations of law, further contributing to the procedural and financial burden borne by the Plaintiff and Third-Party Defendant.

For these reasons, the Plaintiff and Third-Party Defendant respectfully request that this Court:

1. Vacate the June 24, 2024, and July 25, 2024 Orders;
2. Dismiss the Attorney General's third-party complaint with prejudice;
3. Permit the Plaintiff to proceed with amending the articles of incorporation for the 2023 Society; and

4. Award costs as permitted under § 15-37-200 and attorney's fees under § 15-77-300 associated with defending against unfounded claims and actions.

RESPECTFULLY SUBMITTED,  
THE CURRY LAW FIRM, LLC



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Dated: December 2, 2024



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Dated: December 2, 2024

## ELEEMOSYNARY CORPORATIONS.

During the year petitions have been filed, and the following charters granted under and pursuant to "An Act to provide for the incorporation of religious, educational, social, fraternal, charitable, churches, lodges, societies, associations or companies, and for amending the charters of those already formed, and to be formed," approved February 19, 1900, appearing as Chapter XLVII, Article II, Code of 1912:

| CORPORATE NAME.                                                        | Location.           | File No. | Date of Charter. | Nature of Business.   | President.            | Secretary.          |
|------------------------------------------------------------------------|---------------------|----------|------------------|-----------------------|-----------------------|---------------------|
| Sons and Daughters of Zion.....                                        | Hamburg .....       | 1459     | Jan. 2....       | Benevolent .....      | Jackson Stokes .....  | Nancy Merritt,      |
| Sons and Daughters of Three (3) Links.....                             | Charleston .....    | 1460     | Jan. 15....      | Benevolent .....      | J. J. Capers .....    | Nancy Brown.        |
| Sons and Daughters of Joseph No. 9.....                                | Charleston .....    | 1461     | Jan. 15....      | Benevolent .....      | Florence Nowell ..... | Essie Gillins.      |
| St. Luke Missionary Baptist Church.....                                | Columbia .....      | 1462     | Jan. 16....      | Religious .....       | E. J. Gailman .....   | C. B. Bush.         |
| Community Service .....                                                | Columbia .....      | 1463     | Jan. 21....      | Social, etc. ....     | W. M. Perry .....     | Mrs. F. S. Munsell. |
| The Cedar Rock Christian Burial and Aid Society of Chester County..... | Chester .....       | 1464     | Jan. 21....      | Christian and Benev.  | J. W. Wright .....    | M. B. Bowser.       |
| Young Women's Christian Association .....                              | Greenville .....    | 1465     | Feb. 3....       | Benev. and Social..   | Not designated .....  | Not designated      |
| The Presbyterian Church of Aiken.....                                  | Aiken .....         | 1466     | Feb. 12....      | Religious .....       | Not designated .....  | (Renewal.)          |
| Reset in Justice .....                                                 | Marion .....        | 1467     | Feb. 10....      | Benevolent .....      | Henry Wright .....    | B. B. Donally.      |
| The Twilight Association .....                                         | Charleston .....    | 1468     | Feb. 14....      | Benevolent .....      | I. H. Brown .....     | William Doyle.      |
| United Sons and Daughters of Jacob.....                                | Sellers .....       | 1469     | Feb. 20....      | Benevolent .....      | J. L. Godhold .....   | W. H. Burnette.     |
| Agglutinated Order of Mowmych.....                                     | Columbia .....      | 1470     | Feb. 21....      | Beneficial .....      | E. C. McUpson .....   | Russell Ellis.      |
| Atlantic Social Club .....                                             | Charleston .....    | 1471     | Feb. 21....      | Social .....          | W. J. Cantwell .....  | S. L. Westcoat.     |
| Palmetto Presbyterian Mission .....                                    | Charleston .....    | 1472     | Mar. 8....       | Hospital, etc. ....   | J. R. Wilkinson ..... | M. R. Paine, Jr.    |
| Christian Nursery Society .....                                        | Charleston .....    | 1473     | Mar. 10....      | Social .....          | A. J. Geer .....      | P. R. Paine, Jr.    |
| Moving Star Young Association.....                                     | Prichardville ..... | 1474     | Mar. 22....      | Benevolent .....      | Jacob Frazier .....   | Evelena Frazier.    |
| Scottish Rite Cathedral Association .....                              | John's Island ..... | 1475     | Mar. 23....      | Social, etc. ....     | A. W. Wine, Jr. ....  | J. H. Richardson.   |
| The Sons and Daughters of Joshua .....                                 | Charleston .....    | 1476     | Mar. 23....      | Benevolent Fraternity | F. W. Gray .....      | Jesse Sharpe.       |
| Greater Greenville Association of Commerce                             | Ladson .....        | 1477     | Mar. 23....      | Charitable .....      | W. H. Ayer .....      | G. W. Garvin.       |
| The Rural Community Club .....                                         | Greenville .....    | 1478     | Mar. 23....      | Commercial .....      | J. D. Harris .....    | D. C. Durham.       |
| The Anderson Home Lodge .....                                          | Charleston .....    | 1479     | Apr. 6....       | Betterment .....      | J. A. Baumil .....    | J. W. Carson.       |
| Union Brothers of Love .....                                           | Greenville .....    | 1480     | Apr. 6....       | Benevolent .....      | Wm. Anderson .....    | J. E. Watkins.      |
| Knox Presbyterian Church of Charleston..                               | North Augusta ..... | 1481     | Apr. 6....       | Benevolent .....      | Geo. Thomas .....     | Wm. Britton.        |
| The Sons and Daughters of Isaac and Rebecca Society .....              | Charleston .....    | 1482     | Apr. 6....       | Religious .....       | J. H. Koester .....   | Not designated.     |
| The Pilgrim Travelers No. 1 of Love and Kindness .....                 | Charleston .....    | 1483     | Apr. 6....       | Welfare .....         | Geo. Washington ..... | Eloise Bonapart.    |
|                                                                        | Charleston .....    | 1484     | Apr. 8....       | Welfare .....         | Thadens Frazier ..... | Mary Fridie.        |

## ELEEMOSYNARY CORPORATIONS—Continued.

|                                                                                    |      |          |                     |                     |                      |
|------------------------------------------------------------------------------------|------|----------|---------------------|---------------------|----------------------|
| The Young Men's Laboring Club of Paris and St. Helena Island                       | 1485 | Apr. 27  | Welfare             | Ned Chisolm         | A. S. Minnons.       |
| Refuge Baptist Church                                                              | 1486 | Apr. 27  | Religious           | E. L. Owens         | John Brassington.    |
| Colin McK Grant Home                                                               | 1487 | Apr. 29  | Welfare             | C. M. Grant         | Mrs. J. W. Grant.    |
| Home Mutual Benevolent Association                                                 | 1488 | May 1    | Benevolent          | Wm. Floyd           | Major Floyd.         |
| Charleston Colored Anti-Tuberculosis League                                        | 1489 | May 5    | Charitable          | C. S. Harleston     | F. R. Blanchard.     |
| Sons and Daughters of Faith                                                        | 1490 | May 5    | Benevolent          | Richard Drayton     | Geo. Washington.     |
| Spartanburg County Memorial Association                                            | 1491 | May 5    | Memorial            | J. B. Cleveland     | Miss Mitt DuRant.    |
| State Young Men's Christian Association                                            | 1492 | May 17   | Welfare             | D. B. Johnson       | T. M. Lyles.         |
| Ridlee Missionary Baptist Church                                                   | 1493 | May 24   | Religious           | J. M. Harmon        | R. G. Harmon.        |
| The Star Gospel Mission                                                            | 1494 | May 26   | Religious           | Obadiah Dugan       | G. A. Clauss.        |
| The Rose Hill Presbyterian Church                                                  | 1495 | May 28   | Religious           | Not designated.     | H. W. Mitchum.       |
| St. Mary's Presbyterian Church                                                     | 1496 | June 5   | Religious           | Not designated.     | Not designated.      |
| Lamar Baptist Church                                                               | 1497 | June 14  | Religious           | B. F. Russell       | T. E. Wilkes.        |
| Thornwell Orphanage                                                                | 1498 | June 16  | Welfare             | Not designated      | Not designated.      |
| Catawba River Golf Club                                                            | 1499 | June 23  | Social              | N. G. Walker        | W. B. Klugh.         |
| Old Stone Church and Cemetery Ass'n.                                               | 1500 | June 25  | Cemetery            | Dr. E. C. Doyle     | R. N. Brackett.      |
| S. C. Wesleyan Camp Meeting Ass'n.                                                 | 1501 | June 25  | Religious           | A. R. George        | W. D. Correll.       |
| Christian Benevolent Union                                                         | 1502 | June 25  | Benevolent          | D. G. Robinson      | Lilla Cannon.        |
| The Columbia Association of the Blind                                              | 1503 | July 10  | Welfare             | W. A. Joyner        | Ellen Beach.         |
| Alumni Association of the U. of S. C.                                              | 1504 | July 15  | Betterment          | J. G. Hughes        | R. W. Wade.          |
| Spartanburg Baby Hospital                                                          | 1505 | July 15  | Hospital            | W. H. K. Pendleton  | Mrs. S. N. Burts.    |
| West Side Baptist Church                                                           | 1506 | July 19  | Religious           | W. C. Stevenson     | Not designated.      |
| The Young Men's Business League                                                    | 1507 | July 26  | Betterment          | W. D. Workman       | Moss E. Penn.        |
| St. Matthews Baptist Church                                                        | 1508 | Aug. 2   | Religious           | Jack Jenkins        | Rufus Bowman.        |
| Royal Knights of King Solomon                                                      | 1509 | Aug. 10  | Fraternal           | Peter Johnson       | W. E. Nelson.        |
| The Locust Avenue Baptist Church                                                   | 1510 | Aug. 20  | Religious           | R. A. Gillispie     | J. R. Brownlee.      |
| The Pine Forest Society of Young's Island                                          | 1511 | Aug. 21  | Social              | Giffie Smalls       | John Green.          |
| Sons and Daughters of King Solomon                                                 | 1512 | Aug. 25  | Social              | Calvin Taylor       | Not designated.      |
| Edgefield Brothers Lodge No. 6049, Branch of the Grand United Order of Odd Fellows | 1513 | Aug. 25  | Fraternal           | Allen Weaver        | Alfred Terry.        |
| The Lake City Baptist Church                                                       | 1514 | Sept. 1  | Religious           | W. M. Severance     | H. B. Hill.          |
| Bois-Ferre Country Club                                                            | 1515 | Sept. 7  | Social              | G. M. Wright        | Not designated.      |
| Memorial Baptist Church of St. George                                              | 1516 | Sept. 9  | Religious           | I. E. Mims          | Not designated.      |
| Fascobol Swimming Club                                                             | 1517 | Sept. 23 | Social              | E. N. Sifton        | B. H. Saddler.       |
| Summersville Infirmary, Inc.                                                       | 1518 | Oct. 25  | Infirmary           | F. P. Prettyman     | E. W. Minnons.       |
| Darlington County Colored Fair Ass'n.                                              | 1519 | Oct. 25  | Fair                | A. L. Lum           | Wm. Howard.          |
| Timmonsville Tobacco Board of Trade                                                | 1520 | Oct. 25  | Fraternal           | W. H. McElveen      | W. E. Lea.           |
| Cooper River Love and Charity Society                                              | 1521 | Oct. 27  | Charitable          | Sam Riedy           | Charlotte Riedy.     |
| Old Widows Home                                                                    | 1522 | Nov. 3   | Welfare             | Sarah Hatcher       | Laura Mabry.         |
| Charleston Fishermen's Protective Union                                            | 1523 | Nov. 4   | Charitable          | Alex Singleton      | M. F. Branch.        |
| Fairfax Library                                                                    | 1524 | Nov. 4   | Library             | Mrs. J. H. Williams | Mrs. J. F. Lightsey. |
| The Abbeville County Memorial Hospital                                             | 1525 | Nov. 9   | Training for Nurses | Miss Blanch Reep    | Not designated.      |

ELEMOSYNARY CORPORATIONS—Continued.

| CORPORATE NAME.                                                                         | Location.         | File No. | Date of Charter. | Nature of Business.    | President.            | Secretary.           |
|-----------------------------------------------------------------------------------------|-------------------|----------|------------------|------------------------|-----------------------|----------------------|
| University Sanitarium Training School for Nurses .....                                  | Anderson .....    | 1526     | Nov. 16 .....    | Training for Nurses .. | Dr. A. L. Smathers .. | Miss Georgia Martin. |
| The Poetry Society of S. C. ....                                                        | Charleston .....  | 1527     | Nov. 17 .....    | Social .....           | F. R. Frost .....     | DuBose Heyward.      |
| South Carolina Retail Clothiers Ass'n. ....                                             | Columbia .....    | 1528     | Nov. 18 .....    | Betterment .....       | C. C. Wharton .....   | T. M. Watts.         |
| Corinth Holy Baptist Church of God. ....                                                | Westminster ..... | 1529     | Nov. 22 .....    | Religious .....        | W. M. Cullins .....   | J. B. Cox.           |
| The Sons and Daughters No. 2 .....                                                      | Charleston .....  | 1530     | Dec. 2 .....     | Charitable .....       | F. Norwell .....      | C. Savage.           |
| Palmetto Forest No. 42 Tall Cedars of Lebanon .....                                     | Charleston .....  | 1531     | Dec. 13 .....    | Fraternal .....        | J. I. Porter .....    | W. H. Jennings.      |
| Y. M. Christian Band No. 7 Charitable Association of Morris Brown A. M. E. Church ..... | Charleston .....  | 1532     | Dec. 16 .....    | Charitable .....       | T. J. Brown .....     | Not designated.      |
| Fraternal Order of Doves .....                                                          | Columbia .....    | 1533     | Dec. 16 .....    | Fraternal .....        | V. R. Pope .....      | F. S. Earnest.       |
| The Phillis Wheatley Home Ass'n .....                                                   | Greenville .....  | 1534     | Dec. 17 .....    | Educational .....      | Lee Willis .....      | E. B. Holloway.      |
| Kelley Training School for Nurses. ....                                                 | Kingstree .....   | 1535     | Dec. 28 .....    | Educational .....      | E. T. Kelley .....    | Mrs. E. T. Kelley.   |

# EXHIBIT 2

Avery Research Center for African American History and Culture  
125 Bull Street, Charleston, SC 29494  
Phone 843-953-7608



## Electronic Payments

Instructions for electronic payment can be found at <https://avery.charleston.edu/research/usingcollections/>  
Once payment is completed send a PDF of the receipt to [averyresearchcenter@cofc.edu](mailto:averyresearchcenter@cofc.edu).

## Checks and Money Orders

Make checks and money orders payable to Avery Research Center  
Send to the attention of:  
Avery Research Center for African American History & Culture  
c/o Reading Room  
College of Charleston  
125 Bull Street  
Charleston, S.C. 29424

INVOICE NO. 1047

DATE 8/20/2024

### BILL TO

Dani Robertson  
[Danirobertston@scag.gov](mailto:Danirobertston@scag.gov)

### SHIP TO

Same as recipient

### INSTRUCTIONS

| QUANTITY | DESCRIPTION                                                                       | UNIT PRICE | TOTAL   |
|----------|-----------------------------------------------------------------------------------|------------|---------|
| 26       | PDF of Brown Fellowship Society Rules                                             | \$0.50     | \$13.00 |
| 8        | PDF of By-Laws of the S. and D. of the Love and Friendship Society, No. 7         | \$0.50     | \$4.00  |
| 10       | PDF of the Constitution and By-Laws of the S. and D of the Victoria Society, No.1 | \$0.50     | \$5.00  |
| 1        | PDF of blank Cooper River Love and Charity Society, No. 1 Financial Card          | \$0.50     | \$0.50  |
| SUBTOTAL |                                                                                   |            | \$22.50 |
| TAX      |                                                                                   |            | \$0.00  |
| TOTAL    |                                                                                   |            | \$22.50 |

STATE OF SOUTH CAROLINA  
COUNTY OF Charleston  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2023CP1002883

Michele Graham et al  
PLAINTIFF(S)

Cooper River Love & Charity Society et al  
DEFENDANT(S)

**DISPOSITION TYPE (CHECK ONE)**

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled);  
☐ Other
- ☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;  
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX):  
☐ Affirmed; ☐ Reversed; ☐ Remanded;  
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:** ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

This matter came before the Court for a pretrial hearing on November 18, 2024. At that hearing, the Court respectfully DENIED the Plaintiff's Rule 60(b), SCRPC Motions and GRANTED the Cooper River Love and Charity (2023) Motion to Set Aside Default, filed October 31, 2024. At the hearing, the Attorney General's Motion for Entry of Default Judgment, filed October 16, 2024, and the Attorney General's Motion to Strike Third-Party Defendant's Motion to Dismiss, filed October 21, 2024 were rendered MOOT. (continued on page 2)

**ORDER INFORMATION**

This order ☐ ends ☒ does not end the case.

☒ See Page 2 for additional information.

**For Clerk of Court Office Use Only**

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 01/28/2025 .

Clyde H. Jones, Jr. for Sc Attorney Generals Office  
Attorney General South Carolina of  
Cooper Riveer Love & Charity Society 2015  
Alan M Wilson  
Cooper River Love & Charity Society 1920  
Cooper River Love and Charity Society 2015  
Michele Graham for Michele Graham  
Cooper River Love and Society 1920  
Cooper River Love & Charity Society  
Michele Graham for Michele Graham

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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At the same pretrial hearing, the Court heard and took under advisement the following motions:

1. Plaintiff/Third-Party Defendant's Joint Motion for Summary Judgment, filed November 11, 2024;
2. the Attorney General's Motion for Summary Judgment, filed November 8, 2024;
3. and the Cooper River Love and Charity Society (2023) Motion to Dismiss the Third Party Complaint in Lieu of Answer, filed October 17, 2024.

Upon further review and consideration, the Court respectfully DENIES all three motions.

In addition, the Court DENIES the Plaintiff and Third-Party Defendant's Supplemental Memorandum and Request for Judicial Notice, filed December 2, 2024.

The Court finds an evidentiary hearing will be necessary to determine the issues in this case and sets a pretrial hearing for Monday, April 7, 2025 at 10:00 a.m. The parties shall engage in discovery, including exchange of documents and witness lists, to conclude fifteen (15) days prior to the hearing.



Charleston Common Pleas

**Case Caption:** Michele Graham , plaintiff, et al VS Cooper River Love & Charity Society , defendant, et al

**Case Number:** 2023CP1002883

**Type:** Order/Electronic Form 4

So Ordered

s/Mikell R. Scarborough 3062

**RECEIVED**

**Mar 04 2025**

**SC Court of Appeals**

IN THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM CHARLESTON COUNTY

THE HONORABLE MIKELL R. SCARBOROUGH  
MASTER-IN-EQUITY

---

Circuit Court Case No.: 2023-CP-10-02883  
Appellate Case No.: 2025-000209

---

Michele Graham, Appellant,

v.

Cooper River Love and Charity Society (1920) and Cooper River Love and Charity  
Society (2015), Appellants,

State of South Carolina, Intervenor, Respondent.

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**PROOF OF SERVICE**

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(continued on page 2)

I, Mary Frances Jowers, certify I served the within Motion to Dismiss and Memorandum in Support of Motion to Dismiss, along with the Proof of Service, on Michele Graham, Pro Se, by emailing it and by depositing a copy in the United States mail, postage prepaid, addressed to:

Michele Graham  
56 Poplar Street  
Charleston SC 29403  
via email: michele.graham0318gmail.com

I, Mary Frances Jowers, also certify I served the within Motion to Dismiss and Memorandum in Support of Motion to Dismiss, along with the Proof of Service, on counsel of record via email by emailing to the following:

currylawfirm@bellsouth.net, currylawfirm@sc@gmail.com

s/Mary Frances Jowers  
Mary Frances Jowers  
Assistant Deputy Attorney General  
South Carolina Attorney General's Office  
P.O. Box 11549  
Columbia, South Carolina 29211  
(803) 734-3680

This 4th day of March, 2024.



**RECEIVED**

**Mar 04 2025**

**SC Court of Appeals**

ALAN WILSON  
ATTORNEY GENERAL

March 4, 2025

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
*By efilng only*

Re: Michele Graham v. Cooper River Love and Charity Society, et al.  
Appellate Case No. 2025-000209

Dear Ms. Kitchings:

Please find enclosed a Motion to Dismiss Appeal and Memorandum in Support of Motion to Dismiss in the above-captioned matter. Also enclosed is the Proof of Service. I appreciate your returning a clocked-in copy to me via e-mail.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

Mary Frances Jowers  
Assistant Deputy Attorney General

cc:  
Eduardo K. Curry, Esq.  
Michele Graham, Pro Se