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Apr 28 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Hon: Jessica A. Salvini, Circuit Court Judge

Case No. 2023-CP-10-00305

John Nick,

Respondent.

v.

Emily Prioleau,

Appellant.

Appellate Case No.: 2024-002176

**MOTION FOR EXTENSION OF TIME TO OBTAIN MAGISTRATE'S TRANSCRIPT
AND CONSIDERATION FOR PERSONAL REASONS**

NOW COMES the Appellant, Emily Prioleau, appearing pro se, and respectfully moves this Court for an extension of time to secure and file the missing transcript from the Magistrate Court proceedings. This transcript was not requested by my former counsel and, as a result, was omitted from the appellate record. In support of this motion, I state as follows:

1. BACKGROUND AND PROCEDURAL HISTORY

a. This appeal arises from proceedings initiated in the Magistrate Court of Charleston County and subsequently heard by the Court of Common Pleas.

b. My former counsel obtained the transcript from the Court of Common Pleas (attached hereto as **Exhibit B); however, the transcript from the Magistrate Court—essential for forming a complete appellate record—was not requested and remains missing.**

c. Rule 207 mandates that the complete record of all relevant lower court proceedings be included to facilitate an accurate and fair review of this appeal.

2. NEED FOR AN EXTENSION

a. A complete appellate record, including the Magistrate Court transcript, is necessary for a full and fair review of the factual and legal issues on appeal. Without the Magistrate Court transcript, key evidence and proceedings remain absent.

b. The absence of the Magistrate Court transcript is attributable solely to an oversight by my former counsel and not due to any neglect on my part.

c. Additionally, I am currently facing extraordinary personal circumstances. I am the primary caregiver for my daughter, who is undergoing extensive treatment, evaluations, and preparations for a kidney transplant. I have attached redacted medical information (designated as Exhibit C) which verifies her critical condition and treatment schedule. These circumstances have significantly impeded my ability to address this procedural gap in a timely manner.

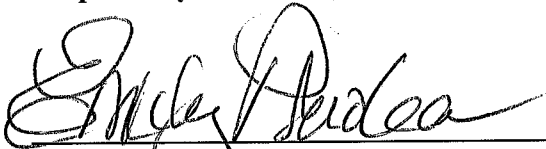
d. In light of these factors, I respectfully request the maximum extension of time permitted under Rules 207 to obtain and file the missing Magistrate Court transcript and thereby supplement the appellate record.

3. RELIEF REQUESTED

WHEREFORE, for the reasons stated above, I respectfully request that this Court grant an extension of time, for the maximum period allowed under Rule 207, to:

- (1) Secure and file the missing Magistrate Court transcript;
- (2) Supplement the appellate record with the complete transcript necessary for a fair review of this appeal; and
- (3) Grant any further relief that the Court deems just and proper.

Respectfully submitted,



Emily Prioleau
5528 Flanders Avenue
North Charleston, SC 29406
(843) 693-0184
Email: eprioleau1976@gmail.com
Pro Se Appellant

Dated: April 28, 2025



The South Carolina Court of Appeals

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April 11, 2025

Emily Prioleau
5528 Flanders Ave
Charleston SC 29406

Re: John Nicks v. Emily Prioleau
Appellate Case No. 2024-002176

Dear Ms. Prioleau:

Our records reflect that the time to obtain new counsel has expired. You are now presumed to be proceeding pro se. The status of the transcript is due by April 30, 2025.

Very truly yours,

Catherine Harrison, deputy
CLERK

cc: William B. Jung, Esquire

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF CHARLESTON)

COURT OF COMMON PLEAS NONJURY

3
4 JOHN NICK,)

5 PLAINTIFF,)

6 VS.)

7 EMILY PRIOLEAU,)

8 DEFENDANT.)

TRANSCRIPT

OF

RECORD

2023-CP-10-305

9
10 October 28th, 2024

11
12 B E F O R E:

13 THE HONORABLE JESSICA A. SALVINI, Judge.
14

15 A P P E A R A N C E S:

16 WILLIAM B. JUNG
17 ESQ.
Attorney for the Plaintiff

18 MATTHEW M. BILLINGSLEY
19 ESQ.
Attorney for the Defendant
20
21
22

23 Transcribed by Pamela E. Green, from
24 WebEx
25

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E X H I B I T S

<u>NOS.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
<u>Plaintiff's Exhibits</u>			
P-1	Deed		119
P-2	Notice to Quit		119

1	<u>NOS.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
2		<u>Defendant's Exhibits</u>		
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1 P R O C E E D I N G S

2
3 THE COURT: And so let's go ahead and we are gonna go
4 on the record formally in the matter of John Nick versus
5 Emily Prioleau. This is Case Number 2023-CP-10-00305. We
6 are conducting this trial via WebEx.

7 I do have with me plaintiff and plaintiff's counsel.
8 I have defense counsel and I have defendant present in my
9 virtual courtroom.

10 I have had an opportunity to review the file along
11 with the pretrial briefs of the parties.

12 So, let me first start with plaintiff, before we get
13 started with this trial, are there any issues that we need
14 to address?

15 MR. JUNG: No, ma'am, I think we're ready to go.

16 THE COURT: All right. What about from defense
17 counsel, Mr. Billingsley?

18 MR. BILLINGSLEY: The only question I have as far as,
19 as how you want us to submit evidence after -- as we go
20 through?

21 I believe that -- I, I don't think me or Mr. Jung
22 have really any objections to each other's evidence. But
23 I wasn't sure how the Court wants us to do that virtually.

24 THE COURT: So, the way that I normally do this is
25 that I would like for y'all to go ahead, if you can, is

1 scan and email it to me so that I can actually take a look
2 at it and that means I'd want you to send it to my law
3 clerk cause she's sitting to my right and she can pull it
4 up.

5 The courtroom that I'm in doesn't give me a, a dual
6 screen without her being able to see that exhibit. And so
7 I want that -- I think that would be the easiest.

8 Do y'all agree?

9 MR. JUNG: Okay.

10 MR. BILLINGSLEY: That's fine.

11 THE COURT: That's the way I've done it in the past
12 when I've been on a Family Court bench is just go ahead
13 and have it scanned and emailed over so I can take a look
14 at it and then send it to each other.

15 I'm assuming that you-all have already exchanged
16 these exhibits since we are doing this via WebEx?

17 MR. JUNG: Yes.

18 THE COURT: All right. So, with that understanding,
19 I am happy to have counsel do a brief opening statement if
20 you would like but you're not -- definitely not required
21 to since this is a bench trial. But I'm --.

22 Mr. Jung, would you like to make a brief opening
23 statement?

24 MR. JUNG: Brad Jung, Your Honor.

25 May it please the Court.

1 I don't need an opening statement. The -- I think
2 we -- you have my brief. I'm ready to go with testimony.

3 THE COURT: All right. Mr. Billingsley, do you --
4 you have any issue with us just getting started with going
5 right into testimony?

6 MR. BILLINGLSEY: (Indiscernible) issues. I mean I,
7 think our briefs are kind of -- are essentially like the
8 openings. I'm, I'm good with getting started.

9 THE COURT: All right. That sounds good with me.

10 So, the first witness that I have listed on your
11 pretrial brief would be the plaintiff himself and that was
12 the only witness that was listed.

13 So, Mr. Nick, will you raise your right-hand to be
14 sworn?

15 THE WITNESS: Yes, ma'am.

16 THE COURT: Thank you.

17 JOHN NICK, being first duly
18 sworn, testified as follows:

19 THE COURT: All right. Thank you.

20 Yes, sir, I'm happy to hear from you-all.

21 Mr. Nick, you can put your hand down. Thank you.

22 MR. JUNG: All right. Very good. Thank you, Your
23 Honor.

24 May it please the Court.

25 DIRECT EXAMINATION

John Nick - Direct examination
By Mr. Jung

1 BY MR. JUNG:

2 Q. Mr. Nick, would you please state your name and
3 address for the record?

4 A. John Nick. 5438 Halfway Creek Road, Huger, South
5 Carolina.

6 Q. Okay. And did you -- Russell, is that a, a middle
7 name or something?

8 A. It's a middle name, yes.

9 Q. Okay. All right. And where did you grow up?

10 A. Huger, South Carolina.

11 Q. Okay. You attend -- attended South Carolina high
12 school?

13 A. Yes.

14 Q. And it's my understanding that you joined the Marine
15 Corps after that?

16 A. Yes.

17 Q. And that was the mid '70s?

18 A. Early '70s, yes.

19 Q. Okay. And you had a couple of deployments overseas?

20 A. Yes. Yes.

21 Q. When did you get out of the Marine Corps?

22 A. 1977.

23 Q. Were you honorably discharged?

24 A. Yes.

25 Q. Okay. And what did you pursue in terms of employment

John Nick - Direct examination
By Mr. Jung

1 after leaving the Corps?

2 A. Charleston Naval Shipyard.

3 Q. All right. You worked at the Charleston Naval
4 Shipyard.

5 what was your position?

6 A. Paint shop.

7 Q. In the paint shop?

8 A. Yes, sir.

9 Q. Okay. And for how long did you work there?

10 A. Do the total of 25 years including service time up to
11 '96.

12 Q. All right.

13 A. 1996.

14 Q. All right. And it's my understanding that you first
15 met Ms. Emily Prioleau when you both were working at the
16 Charleston Naval Shipyard?

17 A. Correct.

18 Q. Okay. Now, your employment changed in, in 1996.
19 what did you do then?

20 A. Nick's Auto Sales in 1970 -- 1997 actually.

21 Q. Okay. And that was a used car sales business?

22 A. Right. Used cars, yes.

23 Q. All right.

24 A. Yes.

25 Q. And would you go out and buy cars and then get

John Nick - Direct examination
By Mr. Jung

1 them -- fix up and resale them or how --?

2 A. Exactly.

3 Q. All right. How would you characterize the, the
4 success of Nick's Auto Sales?

5 A. I think it was pretty decent up until the incident in
6 2010.

7 Q. Okay. We'll get to that.

8 In or about 2020 -- 2001, excuse me, did your -- did
9 you, did you acquire property in Huger on Halfway Creek
10 Road?

11 A. Yes, I did.

12 Q. Okay. And was that vacant land?

13 A. It was vacant land, yes.

14 Q. All right.

15 A. Yeah.

16 Q. Did you build a house there yourself as an owner --

17 A. Yes.

18 Q. -- /general contractor?

19 A. Exactly, yes.

20 Q. Okay. And how big of a house did you end up
21 building?

22 A. It was approximately 3,600 square feet.

23 Q. Okay. How long did it take to, to do the
24 construction?

25 A. I'd say about 18 months if I'm remembering correctly.

John Nick - Direct examination
By Mr. Jung

1 Q. All right. Did you borrow any money from Ms. Emily
2 Prioleau towards the construction of that house on Halfway
3 Creek Road in Huger?

4 A. No, sir.

5 Q. All right. How did you finance the construction cost
6 for that property?

7 A. Proceeds from Nick's Auto Sales --

8 Q. All right.

9 A. -- and savings from the shipyard.

10 Q. Okay. All right. So, if I'm hearing you correctly,
11 some time maybe 2002, 2003 you moved into?

12 A. In 2003.

13 Q. 2003.

14 A. I start with 2003.

15 Q. I forgot to ask you but are you married?

16 A. Yes.

17 Q. How long have you been married?

18 A. Forty years.

19 Q. Okay. Do you have children, grandchildren?

20 A. Yes.

21 Q. All right. Now, it's my understanding that you knew
22 a lady by the name of Annabelle Singleton?

23 A. Right.

24 Q. Okay. How -- who is she and how did you know her?

25 A. I actually had met her through a business. I don't

John Nick - Direct examination
By Mr. Jung

1 remember what year. But she was a friend actually some,
2 yes.

3 Q. Okay.

4 A. Not a very close friend but a --.

5 Q. You knew her?

6 A. I knew her.

7 Q. All right. And did you know that she had a property
8 on 5528 Flanders Avenue in---

9 A. Yes.

10 Q. ---North Charleston?

11 A. Yes, she actually approached me about the property
12 and I wanted to get rid of it and I became interested.

13 Q. Okay. Was there anything special about that
14 property?

15 A. It had some -- it had some damages and I knew that I
16 had the ability to make it good.

17 Q. Is it fair to say that they're been a fire that was
18 presumably---

19 A. Yes, I wish she hadn't seen that fire, yes.

20 Q. ---on any shore and so she, she didn't have money to
21 fix it back up?

22 A. I'm not aware of that. But I knew she wanted to sell
23 it.

24 Q. All right. Did, did you ne -- negotiate with her?
25 Did you pay the asking price?

John Nick - Direct examination
By Mr. Jung

1 Did she---

2 A. No.

3 Q. ---make---

4 A. I negotiated the price with her.

5 Q. All right. And it's my understanding that that was
6 around 38,000?

7 A. Yes.

8 Q. And then it was approximately 3,000 in closing costs
9 for a total of about 41---

10 A. Yes.

11 Q. ---thousand dollars?

12 A. Yes.

13 Q. All right. Where did the funds come to purchase that
14 property?

15 A. From -- actually it was -- one is from my, my savings
16 and Nick's Auto Sales.

17 Q. Okay.

18 A. Yes.

19 Q. Did any money come from Emily Prioleau to go towards
20 the purchase price of 55---

21 A. No.

22 Q. Let me finish.

23 5528 Flanders Avenue?

24 A. No, sir.

25 Q. All right. And do you remember how you -- did you

John Nick - Direct examination
By Mr. Jung

1 pay by check?

2 Did you pay by cash?

3 Did you have a mortgage?

4 How did you -- how did you finance the---

5 A. On a---

6 Q. ---property?

7 A. ---mortgage -- I honestly don't remember. But I
8 think it was a combination of cash and checking.

9 Q. All right. Okay. And that property, was it,
10 could -- could you move in or was it -- did, did work have
11 to be done on that property?

12 A. Major, major repairs had to be done.

13 Q. All right. Tell me, did you do that work yourself?

14 A. A lot of it. A lot of it I subbed out.

15 Q. Okay.

16 A. Other --

17 Q. Um.

18 A. -- I did myself.

19 Q. If you -- according to the, the, the con -- the
20 closing statement, the property was purchased on
21 October 20, 2028 (sic).

22 Does that sound right?

23 A. Definitely.

24 Q. Does that sound right?

25 A. Definitely.

John Nick - Direct examination
By Mr. Jung

1 Q. All right. How much time did you -- did it take to
2 get the house in the position where somebody could live
3 there?

4 A. Probably -- I think probably about -- probably about
5 18 months. I don't remember exactly. But I put listed in
6 '08, later '08, and it was ready to -- it was livable in
7 2010.

8 Q. Okay. All right. Do you have any idea as to how
9 much of your funds that you put in towards, you know,
10 various different, you know, improvements on the property?

11 A. I'm thinking it was approximately \$42,000 --

12 Q. Okay.

13 A. -- for the renovation.

14 Q. All right. Now, how did it come about that any
15 member of Ms. Prioleau's family moved into the house?

16 A. Actually Ms. Prioleau daughter had an eviction about
17 that time in 2010 and I allow her to move into the
18 property.

19 Q. The daughter?

20 A. Yes.

21 Q. Okay.

22 A. Yes.

23 Q. Now, you had a relationship, a romantic relationship,
24 with Ms. Prioleau?

25 A. Yes.

John Nick - Direct examination
By Mr. Jung

1 Q. Okay.

2 A. Yes.

3 Q. And what was the approximate time that that
4 relationship was in existence?

5 A. I honestly don't remember. Probably -- I don't --
6 probably somewhere around maybe 2005. Something like
7 that.

8 Q. Okay. At, at some point Ms. Prioleau came to work at
9 Nick's Auto Sales?

10 A. Yes.

11 Q. All right. And, as I said, you knew her as -- in the
12 paint shop?

13 A. Yes.

14 Q. All right. And what was her position at Nick's Auto
15 Sales?

16 A. She was the administrator. She basically ran the
17 office.

18 Q. Okay. Like office manager?

19 A. Exactly.

20 Q. Okay. All right. And I think you testified that Ms.
21 Prioleau's daughter was the -- was the first person who
22 moved in.

23 Did Ms. Prioleau---

24 A. Yes.

25 Q. ---join her daughter at some point?

John Nick - Direct examination
By Mr. Jung

1 A. Yeah, later on, yes.

2 Q. Okay. All right. And what is your understanding of
3 who's living there now?

4 A. What I'm thinking is it's her, her daughter and the
5 two grandkids.

6 Q. Okay. So a total of four folks---

7 A. Yes.

8 Q. ---but her---

9 A. Yes.

10 Q. All right. And was there any work done on the house
11 after Ms. Prioleau and her daughter moved in?

12 A. Not to my knowledge.

13 Q. Okay. Did you -- I, I take it then that you didn't
14 spend more money to improve the property after
15 Ms. Prioleau moved in?

16 A. No, I don't recall. No.

17 Q. Okay. Do you believe that Ms. Prioleau did any work
18 on it in terms of improving the property?

19 Did she hire any contractors?

20 Did you --?

21 A. I think at one time she did have someone to do a, a
22 handicap ramp to the, to the house, yes.

23 Q. Okay. And I believe, from our previous hearing, that
24 Mr. Vandross, a plumber, might of been at the property a
25 couple times---

John Nick - Direct examination
By Mr. Jung

1 A. Yes.

2 Q. ---at her request?

3 A. That was during the construction.

4 Q. That was during construction.

5 A. Yeah.

6 Q. Okay. Okay. Let me ask you cause this is -- you're
7 gonna be questioned I'm sure about this. But, at some
8 point in time, it's my understanding that you ran into
9 some issues with law enforcement.

10 Had you ever had any problems or been an -- arrested
11 or convicted of anything prior to---

12 A. No.

13 Q. Okay. What happened with regard to law enforcement?

14 A. I did a deal and didn't turn in a Form 8300 to the
15 IRS within a 15 day period --

16 Q. Okay.

17 A. -- and I was charged with that.

18 Q. All right. It's my understanding that, that you had
19 sold a car to an individual?

20 A. Yes.

21 Q. Tell me just -- I don't want to test -- you, you tell
22 the court what happened.

23 How did this -- what was the events before that?

24 A. Well, I sold a particular car to an individual.

25 Actually it was a special order vehicle that he gave a

John Nick - Direct examination
By Mr. Jung

1 deposit and I collected deposit, went out, got the
2 vehicle, came back, sold the vehicle to this particular
3 person, and I had 15 days to turn in a Form 8300 for which
4 I didn't---

5 Q. Okay.

6 A. ---do that.

7 Q. But the -- did you, did you have some kind of a
8 dispute with the City of North Charleston?

9 A. Yes, prior to that we had a vehicle that the City of
10 North Charleston seized and they was actually using the
11 vehicle and we tried to get the vehicle back and didn't
12 and asked them to pay for it or let us have it. And, in
13 my opinion, they accepted that as embarrassment.

14 Q. They -- you might of ruffled some feathers by asking
15 them to either---

16 A. Exactly.

17 Q. ---start making payments---

18 A. Exactly.

19 Q. ---or give the car back?

20 A. Exactly.

21 But when they told me I could pick the vehicle up,
22 and I got to North Charleston to pick the vehicle up, it
23 was several police officers there to greet me and to let
24 me know that they wasn't pleased with the situation. I
25 didn't know that at the, at the time.

John Nick - Direct examination
By Mr. Jung

1 Q. And some -- how much time passed before you, you
2 were -- you had this sting operation?

3 A. It was just a few weeks after that --

4 Q. All right. And what, what happened?

5 A. -- seeing about that.

6 Q. Did somebody working for the IRS or something---

7 A. Right.

8 Q. ---come to your office?

9 A. Exactly.

10 And it was like a big thing with several police
11 officers, several IRS agents. They swarmed into the
12 office and actually took -- I never went to jail. But
13 took me into custody for questioning.

14 Q. All right. And it's my understanding that you
15 retained Mr. Andy Savage to represent you?

16 A. Exactly.

17 Q. And he had a large retainer payment?

18 A. Yes.

19 Q. Did Ms. Prioleau help you towards that -- making that
20 retainer payment?

21 A. Yes, she did.

22 Q. Okay. Now, the net result of that was that you had
23 to do a year in prison?

24 A. Exactly.

25 Q. All right. And did you give Ms. Prioleau any kind of

John Nick - Direct examination
By Mr. Jung

1 authority to operate your business while you were in the
2 federal penitentiary?

3 A. Yes, I ended up going to jail. Like we did a -- gave
4 her power of attorney to operate the business. I actually
5 closed the business, business down so that she could
6 rename it and try to keep the business going until I
7 returned.

8 Q. Okay. I --.

9 A. But --.

10 Q. I should of asked you this but what was your -- did
11 Ms. -- does Ms. Prioleau receive a salary when she was
12 working for Nick's Auto Sales?

13 A. Yes. Yes.

14 Q. How much was that?

15 A. A thousand dollars a week.

16 Q. All right. So \$52,000 a year?

17 A. Yes.

18 Q. Okay. Now, before this incident -- and I apologize
19 to the Court for jumping around a bit but --.

20 THE COURT: It's okay.

21 Q. Did you learn that Ms. Prioleau had taken any funds
22 out of Nick's Auto Sales?

23 A. Yes. Yes. Maybe I'll have to explain that a little
24 bit.

25 But, in the beginning of me refurbishing this house,

John Nick - Direct examination
By Mr. Jung

1 she took an interest in the house. She wanted to buy the
2 house and she -- it appears to me that she was just
3 observing to see would the house be nice enough for them
4 when I finished and it was a few times in there where she
5 brought in the gentleman -- you just called his name.

6 Q. Van -- Vandross?

7 A. Vandross. He was a plumber and that, at one point,
8 Vandross came in and did some stuff in the shower where he
9 had bought -- he sprayed and stuff. I think she, if I
10 remember correctly, she might of compensated him because
11 they was friends.

12 Q. Okay.

13 A. She might of compensated him for that job and it was
14 a few times that she gave me money toward the house. And
15 I didn't mind accepting the money because she had interest
16 in buying a house.

17 I remember me taking her over there to show her what
18 I was doing and she did -- did she like it. I mean I got
19 a sale when I complete this house. So, it was a --
20 several times she gave me money. Well, I wanted this like
21 this. I want this like this --

22 Q. Okay. So---

23 A. ---to the house.

24 Q. ---did, did it come a time---

25 A. I want it -- I got, I got --

John Nick - Direct examination
By Mr. Jung

1 Q. Okay.

2 A. -- busted.

3 Q. I'm, I'm gonna ask you about the, the payment of
4 \$80,000.

5 A. Right. Right.

6 At one point she -- I guess she didn't trust me no
7 more or thought that her money was in jeopardy. She went
8 into the check -- checkbook while I was away and wrote two
9 checks. It was 40 something thousand dollars each. I
10 don't have records of it because, when I went to jail, a
11 lot of stuff got destroyed and she wrote two checks each,
12 40 something thousand dollars each. So---

13 Q. She paid a---

14 A. ---that means---

15 Q. She, she---

16 A. That means she reimbursed herself and I didn't say
17 anything about it because it was reason why I didn't go
18 forward with this because I didn't want her to destroy my
19 family.

20 Q. Okay.

21 A. So, I let it go and that -- the money that she
22 receive really covered the cost of the house and the
23 refurbishing of the house. So, you got your money back
24 and she kept saying that I -- she gave me money after
25 that.

John Nick - Direct examination
By Mr. Jung

- 1 If you didn't trust me enough that you would fraud a
2 name to get your tax back, why would you give me more
3 money?
- 4 Q. All right. Well, I mean we're -- I -- you're -- I
5 just want you to answer my questions.
- 6 A. All right.
- 7 Q. All right. So, if I'm hearing you correctly, Emily
8 wrote two checks to herself totaling \$80,000 at some point
9 in around 20 when?
- 10 A. Latter, latter '09, 2010.
- 11 Q. Okay. Okay. Some time in 20 -- 2010/2009?
- 12 A. Yes.
- 13 Q. All right.
- 14 A. And I went to the credit union to try to get copies
15 and they said they didn't have -- the microfilm didn't go
16 back that far.
- 17 Q. Okay. Well, I don't, I don't think that's in a
18 dispute. But---
- 19 A. Okay.
- 20 Q. ---I think that's fine.
- 21 okay. So, you come out of prison I guess in 2017?
- 22 A. 2016. Latter---
- 23 Q. Okay.
- 24 A. ---of 2016.
- 25 Q. And you're in a halfway house?

John Nick - Direct examination
By Mr. Jung

1 A. Until I go in January 17th.

2 Q. All right. And were you able to restart Nick's Auto
3 Sales?

4 A. I couldn't. She had already make a mockery of it. I
5 couldn't.

6 Q. Okay.

7 A. She lost a lot of money trying and, and I didn't have
8 the authority to do nothing and she tried to do it
9 herself. It didn't work and she lost a lot of money there
10 trying to make the business hers and it's---

11 Q. It's my understanding that she renamed the business
12 in an LLC in her name?

13 A. Right. Right.

14 Q. Okay.

15 A. Right.

16 But the plan was, when I got back, we was suppose to
17 do it together and make the business work again. But her
18 primary statement was to me that hey, I can't work -- I
19 can't work for you. This is my business. I got to be --
20 got to be Vogue Enterprise. I didn't have the
21 authority---

22 Q. Vogue.

23 A. ---to do anything. So, it just kept going down,
24 down, down.

25 Q. All right. Now, let's, let's, let's move forward to

John Nick - Direct examination
By Mr. Jung

1 the year of 2022.

2 Did -- do you ever broach the subject of her paying
3 rent at the property?

4 A. Yes. Yes. And I don't remember the month and time.
5 But I requested rent from her and she never paid and
6 that's when I tried to get her out there so I can get my
7 property back.

8 Q. All right. So, when you first said to her about
9 paying rent, did you discuss an amount?

10 A. I think it was -- I think it was like 1,500---

11 Q. Okay.

12 A. ---that we discussed (indiscernible).

13 Q. Did she agree to pay 1,500?

14 A. No, hu huh. (Negative).

15 She just was adamant about just staying there and
16 keeping the property.

17 Q. Okay. And then, at some point, I -- you retain my
18 services and send a 30 day notice?

19 A. Exactly.

20 Q. All right.

21 A. Some time in 2022.

22 Q. September of 2022 and, Mr. Billingsley, that's the
23 part we can stipulate that the, the 30 day notice is part
24 of the record?

25 MR. BILLINGLSEY: Yeah, that's fine.

John Nick - Direct examination
By Mr. Jung

1 MR. JUNG: Okay.

2 THE COURT: Okay.

3 Q. All right. Let me go -- let me -- I think you've
4 given us a good picture at this point in time but let me
5 address the heart of the matter.

6 Did you and Emily ever agree upon a price whereby you
7 would sell this property to her?

8 A. No.

9 Q. Did you ever agree on a time that could be
10 approximate like a June of 2014 or, you know, an
11 approximate time as to when this transfer was gonna take
12 place?

13 A. No, sir.

14 Q. Okay. would you ever -- did you ever have any kind
15 of a I guess, for lack of a better term, a meeting of the
16 minds as to how much the value -- the property was worth
17 after you've completed those improvements?

18 A. No, sir.

19 Q. All right. All right. And what are you asking this
20 Court to do?

21 A. I would just like to have my property back and so I
22 could go on with my life.

23 Q. All right.

24 A. I feel like I, I actually helped them out for all
25 this Liz (phonetic). We call it the kids and herself, you

John Nick - Direct examination
By Mr. Jung

1 know, and didn't, didn't want to evict them or put them
2 out, you know. But I feel like, you know, I actually
3 helped them out for all these years and she ought to be
4 grateful and let me have my property back.

5 Q. I, I -- it's my understanding that, at some point in
6 time, Ms. Prioleau contacted your wife?

7 A. Yes.

8 Q. Okay.

9 A. Yes.

10 Q. And your wife knew about the affair?

11 A. Yeah, well, she do now.

12 Q. And have you been able to, to work with her to get
13 past that?

14 A. Yeah. Well, we still working on it and hopefully
15 working for the best. We still working on it.

16 Q. And as -- part of your motivation is to put this
17 matter behind you?

18 A. Exactly.

19 Q. All right. Please answer any questions that either
20 Mr. Billingsley or the judge might have.

21 A. Gladly.

22 THE COURT: All right. Mr. Billingsley.

23 MR. BILLINGLSEY: Thank you, Your Honor.

24 CROSS-EXAMINATION

25 BY MR. BILLINGSLEY:

John Nick - Cross-examination
By Mr. Billingsley

1 Q. All right. Mr. Nick, just -- can you hear me okay?

2 A. Yes, sir.

3 Q. Okay. I want to go over a couple things as you're --
4 as you're going through this and let's start with, you
5 know, the criminal charges. You, you testified about the
6 investigation and what it led to. But do I have it right
7 that it was -- you pled guilty in -- I think some time in
8 late 2015?

9 It was for -- the, the actual crime convicted was
10 money laundering?

11 Is that correct?

12 A. Yes, sir.

13 Q. Okay. And that was an FBI investigation, correct?

14 A. Yes, sir.

15 Q. Cause I'm -- and that started I believe in 2010 --
16 similar in time to when Ms. Prioleau moved in the
17 property.

18 Is that right?

19 A. Yes, sir.

20 Q. Okay. And then the plea deal was in late of 2015
21 after about five years and what -- then you hired
22 Mr. Savage in 2010 as well.

23 Is that correct?

24 A. I don't remember the exact -- yes. Yes, in 2010,
25 yes.

John Nick - Cross-examination
By Mr. Billingsley

1 Q. Okay. And my point is that -- so he represented you
2 throughout the whole five years of, of the case?

3 A. Yes, sir.

4 Q. Okay. And then what -- when, when you I guess pled
5 guilty, what was the sentence, the length of time?

6 A. Oh, a year, a year and a day.

7 Q. Okay. And I don't know -- so you may of gotten out a
8 little bit sooner but you spent roughly that time or some
9 time less there in 2016.

10 Is that correct?

11 A. Well, you get some halfway house time from the year
12 and a day. You get some halfway house time.

13 Q. Okay. And when you left the halfway house, where did
14 you go?

15 A. After the halfway house, I went home.

16 Q. You didn't go stay at a, at a mobile home that
17 Ms. Prioleau had?

18 A. Well, I spent a couple nights in the Pri -- in the,
19 in the home because it was in North Charleston.

20 Q. Okay.

21 A. But I was listed -- excuse me. It was listed for my
22 brother house in Mount Pleasant.

23 Q. Okay. And I understand you said before you thought
24 this happened to you because you, you had angered some
25 local police related to a---

John Nick - Cross-examination
By Mr. Billingsley

1 A. Yes, sir.

2 Q. ---car?

3 A. That's my opinion, yes, sir.

4 Q. Okay. So, your opinion is that the FBI investigated
5 you and had a five year long case where you had one of the
6 premiere attorneys in Charleston defend you for five years
7 because of a local thief that happened right before this
8 incident?

9 A. A local what, sir?

10 Q. A, a local -- I guess a -- you ruffled feathers at a
11 local police office and you think that's why all that
12 happened?

13 A. Yes. Yes, that's my opinion, yes.

14 Q. And when you have Nick's Auto Sales, was that like a
15 sole proprietorship like you were just doing business
16 yourself as Nick Auto Sales?

17 A. Sole proprietor, yes, sir.

18 Q. Okay. All right. And then if I had that correct --
19 when Ms. -- as far as the business goes, Ms. Prioleau was
20 kind of like the office manager, helped, helped manage the
21 business along with you?

22 A. Exactly.

23 Q. Okay. So, you gave her power of attorney then and
24 when you were, were going to prison.

25 Did they require you to wind down the business out of

John Nick - Cross-examination
By Mr. Billingsley

1 your name because of these charges?

2 A. No one told me to. But I know, coming out of prison,
3 prison with a, a felony charge, I wouldn't be able to
4 comply to all of the standards that's (sic) was requested
5 by the City of North Charleston or the State to obtain
6 business license and auto dealer's license.

7 So, I gave Ms. Prioleau the power of attorney ability
8 to close out Nick's Auto Sales and probably start the new
9 business so that I'd come out of prison, prison and we
10 could of actually operate that business together and make
11 it work until I -- and had an, an income.

12 Q. Okay. All right. And let's get to the -- I guess to
13 the house at -- to the house itself.

14 So, while you're having this -- looking at this house
15 or buying this house, you had some -- you brought Ms.
16 Prioleau over to, to see the house while it was being
17 fixed up?

18 A. Exactly.

19 Q. Okay. And then she had the plumber, Mr. Vandross, do
20 some work on the plumbing?

21 A. Yes.

22 Q. Okay. And, do you remember, was it brought or was
23 that -- was a lot of the plumbing work done and things
24 done in the home to make it accessible for someone with a
25 disability?

John Nick - Cross-examination
By Mr. Billingsley

1 A. There was a couple of things, yes.

2 Q. Okay. And, and you're aware obviously that
3 Ms. Prioleau has a daughter but also her grandson,
4 (indiscernible) child, that's disabled?

5 A. Yes.

6 Q. Okay.

7 A. And -- can I add?

8 Q. Sure.

9 A. Well, that was the reason that, that I accepted some
10 of her money during that period because a handicap kid
11 would of needed 36-inch bedroom doors and accessible
12 bathrooms and stuff like that and I made those stuff
13 possible because Ms. Prioleau was a, a prospective buyer
14 of the property before I made those stuff possible. And
15 she requested Mr. -- the gentleman, the plumber gentleman,
16 to come in and do some body sprays in the bathroom and
17 stuff like that. I allowed those stuff to happen.

18 She requests some stuff that she would of wanted in
19 the house. I allowed those stuff to happen because she
20 was a possible prospect.

21 Q. Okay. And you were saying that you guys -- you
22 didn't have an, an agreement with her --

23 A. No.

24 Q. -- on the property or buy the property?

25 A. No, sir, it was never an agreement.

John Nick - Cross-examination
By Mr. Billingsley

1 Q. So, you're saying you let her come over. You let her
2 make changes that was specified.

3 A. I make changes, suggestions, sir.

4 Q. Okay. But she paid the plumber, Mr. Vandross, right?

5 A. I think she did, yes.

6 Q. Okay. And then you testified that she gave you some
7 money towards the home as well for some of these things?

8 A. Yes, sir, a few times I got money from her toward the
9 repairs on the house.

10 Q. Okay. But then you're saying you never discussed
11 with her how to get the house or, or an amount for the
12 house or anything---

13 A. No, sir.

14 Q. ---like that?

15 A. It was never, it was never an amount. I didn't know
16 an amount at that time because I was in the middle of
17 construction and what I was accepting is stuff that she
18 was requesting in the house if she was gonna be a buyer at
19 one point. I didn't mind doing that.

20 Q. Okay. And she moved in though when this house was,
21 was put together then in around, around the middle of
22 2010.

23 Does that sound right?

24 A. I will agree with that.

25 Q. Okay. And then she's lived there with her daughter

John Nick - Cross-examination
By Mr. Billingsley

1 and grandchildren since that time?

2 A. Yes, sir.

3 Q. Is that right?

4 A. Yes, sir.

5 Q. Okay. And, during that time, you know she handled
6 repairs or anything like that with the home.

7 Is that right?

8 A. No, sir.

9 Q. Okay. So, for instance, the, the HVAC, the air
10 conditioning, needed some -- needed repairs or something.

11 You're saying that, that -- would you say that she
12 did that and completed those repairs?

13 A. Yes. Yes, that's a possibility. Yes, sir, I would
14 agree with that.

15 Q. Okay.

16 A. I don't remember all the stuff in details. But if
17 her AC had went out with the -- it was new units in the
18 house though. Something was stopped up or needed added,
19 freon or something like that, I would of allowed and
20 agreed with her to do those kind of stuff, yes, sir.

21 Q. Okay. And during this, during this time, you know,
22 was she also paying taxes on the house?

23 A. I knew I paid some taxes. But when I was in trouble
24 and the money was tight and I couldn't paid it, then I
25 suggested that she paid it because she was occupying the

John Nick - Cross-examination
By Mr. Billingsley

1 property. And then the last several years when I was
2 trying to retain, get the property back from her, I paid
3 some taxes.

4 Q. Okay. And you first tried -- you first sent her the
5 letter or hired Mr. Jung and sent her the letter.

6 I think that was in 2022, right?

7 A. Right.

8 Q. Okay. And then you filed, with a Magistrate Court,
9 an application for ejectment. I believe that was in
10 Oct -- October of 2022.

11 Does that sound right?

12 A. Yes, that sounds right.

13 Q. Okay. And do you remember on there listing an amount
14 of what you claim the rent was?

15 A. I don't remember listing an amount. But it should of
16 been about \$1,500 at least.

17 Q. Okay. Would, would it surprise you that it was
18 filled out as a thousand dollars?

19 A. Well, in 2010, it could of been a thousand dollars.
20 It depend on what year we talking about.

21 Q. Okay. And it was written on there I think or a lease
22 but you guys didn't have an agreement as to rent or any
23 kind of detail with this.

24 Is that right?

25 A. No, sir, I didn't began it, no, sir.

John Nick - Cross-examination
By Mr. Billingsley

1 Q. All right. And you're acknowledging you got -- that,
2 that Ms. Prioleau helped you with some of your retainer to
3 Mr. Savage but did she also give you other money
4 throughout the years?

5 A. You talking about the -- toward the house?

6 I mean the re---

7 Q. Well, let's just say just in---

8 A. ---the refurbishment?

9 Q. ---in general. Yeah, let me be a little more
10 specific. Like -- so around I think, you know, I think
11 this money to Mr. Savage was in 2010 when you hired him.

12 But do you recall getting any money from her like in
13 2013 or, or anytime around there?

14 A. Listen, from '10 -- from '10 until '15 when I went to
15 jail, it was some rough times and that---

16 Q. I understand.

17 A. If I'd of went out and, and, and bought cars on
18 assignment and couldn't pay it at the time, it was a fee
19 time, but Ms. Prioleau did write the check and pay for
20 those cars. But she was, excuse me, she was always
21 reimbursed for her funds and, and the money that you just
22 talked about from the retainer for Mr. Savage, when we
23 went into those charges, Ms. Prioleau thought that the
24 charges was gonna fall on her because she actually put
25 together all those documents that calls -- caused the

John Nick - Cross-examination
By Mr. Billingsley

1 charges.

2 But, in the, in the end, I decide to take the charges
3 for Nick's Auto Sales because it was Nick's Auto Sales.
4 But she wrote a check toward Mr. Savage in defense of
5 herself cause should -- all it took was me -- for me to
6 say that it was her charges and they would of gave her the
7 charges. But, instead, I accepted the charges for Nick's
8 Auto Sales because I felt it was my responsibility with my
9 office and that's the way that went and I just went
10 through with it. But it---

11 Q. And you---

12 A. ---North Charleston wanted her.

13 Q. Okay. Mr. Savage represented you in the case, right?

14 A. Exactly. Yes.

15 Q. So that money that was paid went to your defense,
16 correct?

17 A. Okay.

18 Q. Well, I'm just -- I'm, I'm asking they, they -- did
19 the FBI or the, the federal government charge Ms. Prioleau
20 with a crime?

21 A. No, they didn't.

22 Q. Okay. And if these, if these were charges that were
23 something that was a setup because you had ruffled some
24 feathers with the local group, why would they care about
25 Ms. Prioleau?

John Nick - Cross-examination
By Mr. Billingsley

1 A. Man, those people said several times, Mr. Nick, all
2 you got to do is say it's her and we'll let you go. We
3 know it's not you. We know it's her.

4 Q. Okay. Well, I'm not asking you what, what they said.

5 A. Okay.

6 Q. But I, I mean cause you're the one that went through
7 that.

8 You're the one that, that had Mr. Savage defend you
9 and you're the one that pled guilty, correct?

10 A. Exactly. It was Nick's Auto Sales, sir.

11 Q. All right. And so, after you got out of, of prison,
12 did you and Ms. Prioleau still see each other?

13 A. No, sir.

14 Q. Did you go on a trip with her after you got out of
15 jail?

16 Do you recall going on a trip with her to---

17 A. Oh, we went---

18 Q. ---to Atlanta --

19 A. We went to---

20 Q. -- and Charleston?

21 A. I think it was Savannah and pick up cars.

22 Q. Okay. So, it's fair to say -- it's fair to say that
23 you guys still interacted in some way after you got out of
24 jail---

25 A. No, sir.

John Nick - Cross-examination
By Mr. Billingsley

1 Q. ---right?

2 You never saw her, talked to her after you got out of
3 jail?

4 A. I was at the office. We were still at Vogue
5 Enterprise together trying to make it work---

6 Q. All right.

7 A. ---in my opinion.

8 Q. All right. Well, that -- that's what I'm saying
9 though.

10 You still -- you were still -- you might see her at,
11 you know, relating to the business or see her in other,
12 you know, have, have conversations with her?

13 A. Relating to the business is more appropriate, sir.

14 Q. Okay. And when you were in -- when you were in
15 prison, did she come visit you there?

16 A. Yes, sir.

17 MR. BILLINGLSEY: That's all the questions I have,
18 Your Honor.

19 THE COURT: All right. Anything on redirect?

20 MR. JUNG: No redirect, Your Honor.

21 THE COURT: All right. I have no additional
22 questions either.

23 All right. Do you have any additional witnesses?

24 I know in your pretrial brief you only indicated that
25 you had Mr. Nick.

1 MR. JUNG: I don't, Your Honor. I would rest and,
2 you know, I think I, I, I -- no further -- nothing
3 further, Your Honor.

4 THE COURT: All right. Mr. Billingsley.

5 MR. BILLINGLSEY: Right. Would you like me to go
6 ahead and, and take just a minute to email the exhibits so
7 that while, while I'm going through them everybody's got
8 them?

9 THE COURT: I think that would be appropriate. We --
10 let's do like a quick little -- can we take like a --
11 let's do like a -- maybe a five, ten minute break?

12 MR. BILLINGLSEY: Okay.

13 THE COURT: That way we can take like just a little
14 comfort break and then you can email those over to me.

15 MR. BILLINGLSEY: Okay.

16 THE COURT: I'm kind of a paper girl. I like to
17 print them. So then, once you send them---

18 MR. BILLINGLSEY: Okay.

19 THE COURT: ---I -- I'll print them out and I can
20 have them in front of me and then we can -- I can ask the
21 deputy clerks how they want me to handle filing them.

22 MR. BILLINGLSEY: Okay.

23 THE COURT: All right. So let's take about -- let's
24 do about 10 minutes.

25 MR. JUNG: All right. Thank you.

1 THE COURT: See y'all back in here about 10:20'ish.
2 (WHEREUPON, a short recess was taken at this time.)
3 THE COURT: All right. Mr. Billingsley, were you
4 able, able to scan those exhibits?
5 MR. BILLINGLSEY: Yes, I, I got them scanned. I just
6 emailed them to your law clerk and to Mr. Jung as well.
7 THE COURT: All right. I haven't received them yet.
8 But I will say---
9 MR. BILLINGLSEY: They're like---
10 THE COURT: ---and Shelby---
11 MR. BILLINGLSEY: It always takes a minute.
12 THE COURT: Okay. That's okay.
13 Shelby, thank you for sending over the instructions.
14 So, the exhibits that are being admitted into
15 evidence, she is indicated that in order for the record to
16 be clear, they need to be eFiled under a cover letter
17 referencing today's proceedings. So, maybe you want to,
18 at the close of this case, I'll go ahead and have you
19 eFile them and then I'll have my law clerk double-check
20 it, and then, if we're missing anything, I can follow-up.
21 All right. As soon as I -- give me just a minute to
22 get my hands on those exhibits and then I'll be right back
23 with y'all.
24 MR. BILLINGLSEY: Okay.
25 (WHEREUPON, a short recess was taken at this time.)

1 THE COURT: All right. Hot off the press. I just
2 received the exhibits.

3 All right. And so I am happy to hear from you,
4 Mr. Billingsley. Let's go back on our record.

5 MR. BILLINGSLEY: All right. Thank you, Your Honor.

6 We will be calling as our first witness, Ms. Emily
7 Prioleau who's---

8 THE COURT: All right. Ms.---

9 MR. BILLINGSLEY: --- (indiscernible).

10 THE COURT: ---Prioleau.

11 If you can hear us and you are ready, if you will
12 raise your right-hand to be sworn.

13 EMILY PRIOLEAU, being first duly
14 sworn, testified as follows:

15 THE COURT: Okay. Thank you. You can put your hand
16 down. But you're definitely gonna have to speak up.

17 THE WITNESS: Yes.

18 THE COURT: All right. Perfect.

19 Yes, sir, Mr. Billingsley.

20 MR. BILLINGSLEY: Thank you, Your Honor.

21 DIRECT EXAMINATION

22 BY MR. BILLINGSLEY:

23 Q. All right. Ms. Prioleau, just making sure, can you
24 hear me clearly?

25 A. Yes.

Emily Prioleau - Direct examination
By Mr. Billingsley

1 Q. All right. So, go over some questions here with you
2 about the issues going on and kind of your side of it and
3 let's just kind of start a little bit I guess from the
4 beginning. I believe Mr. Nick testified that you guys met
5 on the Navy base.

6 Can you tell us a little bit about that?

7 A. Yes. We both worked for Charleston Naval Shipyard.
8 He was a painter and I was a nuclear insulator.

9 Q. Okay. And what, what does that mean, a nuclear
10 insulator?

11 A. Okay. I worked on nuclear naval vessels in reactor
12 compartments and stuff like that doing insulation work.

13 Q. Okay. And do you remember roughly the timeframe that
14 you guys met?

15 A. I, I went to the waterfront in 1981. I previously
16 worked that -- for the Naval Base but I was in a different
17 compartment. So, I wouldn't have met him until after
18 1981.

19 Q. Okay. Did you guys become friends knowing each other
20 working there?

21 A. On the latter part. Probably not until the end part
22 of the '80s, the latter '80s.

23 Q. All right. And then what, what about working --
24 going to work for him at Nick's Auto Sales?

25 How did that come about?

Emily Prioleau - Direct examination
By Mr. Billingsley

1 A. Okay. Well, I previously look -- worked for him in
2 1995 when he asked me to teach his wife computers in 1995.
3 Then, later years, from my understanding, he was looking
4 for someone to work at his car dealership, Nick's Auto
5 Sales, when I was recommended to him by Attorney Charlie
6 Whirl, and his brother, Johnny Whirl, because I previously
7 worked with them at Whirl Tax & Accounting in the '80s.

8 Q. Okay. And when did you go, go to work for Mr. Nick
9 at Nick's Auto Sales?

10 A. 2000.

11 Q. Okay. And what were your, your duties and job title
12 there?

13 A. Basically I was the office manager. Once I learned
14 the car business, that's basically what I did. I oversaw
15 his business especially, you know, a lot of time he was
16 away.

17 Q. Okay. And I believe you testified your salary was
18 roughly around 52,000 a year.

19 Does that sound right?

20 A. Yes.

21 Q. Okay. And then, after you started working for him,
22 around when did you guys start to develop a romantic
23 relationship?

24 A. December, 2001.

25 Q. And if you could tell me, you know, did you loan him

Emily Prioleau - Direct examination
By Mr. Billingsley

1 any money or give him any money around that time?

2 A. It was around probably that or 2000 -- in 2002 coming
3 probably the first part of 2003, somewhere in that. When
4 he initially started -- he had already started acquiring
5 material, building material, and stuff. And when he
6 started his house initially, he asked me to loan him
7 \$50,000 in which I did.

8 Probably about three months into the construction of
9 his home, he called me back and asked me for another
10 50,000. But, at that time, I gave him \$30,000 and the
11 money that I gave him during that period of time was cash
12 because he always -- he would rather -- he wanted the
13 money in cash. Even the \$30,000 at that time, I actually
14 went to my bank and got it. But he wanted the money in
15 cash.

16 Q. Okay. Around, around what timeframe was that that
17 you were giving him those two --?

18 A. I think that was the latter part of 2002. I know it
19 wasn't the first part when he first started constructing
20 his house at 5438 Halfway Creek Road in Huger.

21 Q. Okay. And where, where were you getting the funds
22 to, to loan him this money?

23 A. Okay. I had money saved from Charleston Naval
24 Shipyard, and, even before that, in the, in the '80s, I
25 partnered with Johnny Whirl at Whirl Tax & Accounting.

Emily Prioleau - Direct examination
By Mr. Billingsley

1 worked there.

2 I also did catering in the early '80s and '90s. I
3 made wedding cakes and I continued to do taxes and
4 different stuff and I -- and even after a period of time,
5 I sold lady's high end suits and hats, church suits and
6 hats.

7 So I always had, you know, did something and I
8 also -- that was in 2001. I partnered with a nightclub
9 also. So, I had funds coming in from various sources.

10 Q. Okay. And then were there ever -- were there any
11 occasions where you would of given his business or written
12 a check to his business?

13 A. Several.

14 Q. Okay. Well, I'm gonna, I guess, talk to you about --
15 I think provided you a copy since everybody should have a
16 copy of it was -- is the, the one that's labeled the 2002
17 check. It looks to be a check from the credit union
18 April 17th of 2002.

19 Do you have that in front of you?

20 A. Yes.

21 Q. Okay. It's listed for \$3,500. Looks like it's made
22 out to Nick's Auto Sales with a remittitur of Emily
23 Prioleau.

24 Is, is that a check you gave to his business?

25 A. Yes.

Emily Prioleau - Direct examination
By Mr. Billingsley

1 Q. Do you re -- do you recall the, the -- what, what the
2 reason for that was?

3 A. A lot of time he would just ask. If he need money to
4 pay something or a loan for something, he would just ask
5 for money and I would just give it to him.

6 Q. Okay. And is that---

7 A. This could of been taxes or something. I don't, you
8 know, know exactly.

9 Q. Okay. Is, is that a -- is that an accurate copy of,
10 of, of the check that you actually gave him to his
11 business?

12 A. Yeah, this is a cashier's check, yes.

13 MR. BILLINGLSEY: Okay. Your Honor, we'd like to
14 admit that as Defendant's 1.

15 MR. JUNG: No objection.

16 THE COURT: It will be so -- it will be marked and
17 admitted as Defendant's 1.

18 (WHEREUPON, the check was received into evidence as
19 Defendant's Exhibit No. 1 to be marked into evidence at a
20 later time.)

21 Q. All right. So, during that time -- and, and the time
22 I want to keep going up to and leading up to is prior to
23 2008, prior to the purchase of the home in question. You
24 mentioned you'd given him, you know, sometimes his
25 business, like the check we talked about and saw the 50 --

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1 you mentioned 50,000 and 30,000 later.

2 Were there any other amounts that you had given him
3 during that time up to 2008?

4 A. Oh, yes.

5 Q. Do you recall what they were or what the total amount
6 you've given him during that time was?

7 A. I mean I couldn't tell. The -- prior to that I
8 think, when I calculated, it was already at probably right
9 at a -- one time, \$158,000 and that's, you know, because
10 of the agreement we had.

11 Q. Okay. And, and -- well, tell me about what -- what's
12 the agreement you had of why you'd be helping him like
13 that?

14 A. Prior to him starting his home at 5438 Halfway Creek
15 house -- Road, our agreement was that he was gonna help me
16 either find a house or help me build a house. We were
17 gonna build a house for me too because I stayed in his
18 business while he was away. I ran his business so he
19 would have all that free time to work on his house or
20 whatever side project. During the period that he worked
21 on his house, he was never at his business. His sole
22 responsibility then was actually construction of his home.

23 Q. Okay. And do you remember about when he finished
24 that?

25 A. I'm gonna say probably around maybe the latter part

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1 2003 or somewhere in there. 2004 I'm thinking.

2 Q. Okay. And did you give him any other, any other
3 larger amounts between '05 and, and '08?

4 A. Yes, I remember giving him \$29,000 at one time. I'm
5 trying to remember what else. They were -- it, it was a
6 lot of money that exchange hands.

7 Q. Okay. And some of those---

8 A. I---

9 Q. ---went---

10 A. I actually tried to get a check, you know, a copy of
11 that check. But being that too from the bank, it was so
12 old when I went back that -- this year to get it they
13 couldn't just readily make it available cause it was a
14 check for \$29,000 also.

15 Q. All right. And let's go forward then about -- we're
16 talking about the house and you mentioned an agreement.
17 You helped him with his home. He helps you get a home.

18 Leading up to the time when he bought the house
19 you're currently residing in, what was the discussion or
20 what was the understanding you had as far as that home?

21 A. My understanding, from the time the home was
22 purchased, it was my home. There was no discussion about
23 anything else surrounding it other than, you know, when he
24 initially -- we had a meeting prior to the property being
25 signed over and our discussion was we met for breakfast.

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1 We discuss how we was gonna handle it. He convinced
2 me that it would be better if I just allowed him to use
3 some of the funds that he owed me to go ahead and make the
4 purchase because we both knew Annabelle Singleton. But he
5 was closer with her. And when he -- we had a list of
6 different properties that she had around North Charleston.

7 Some of her properties were up for foreclosure. So,
8 we would go around even on Sundays and we would look at a
9 lot of her property and other properties.

10 When this particular one was -- when we looked at it,
11 he told me to contact her and which I did. She gave me a
12 price of \$100,000 and the house was burn out. It was
13 uninhabitable or anything like that. He told me that he
14 would contact her being that they were close friends, and
15 when he did, she gave him a price of \$38,000.

16 So that's why we agreed that, instead of me paying a
17 hundred thousand -- a hundred thousand dollars for
18 delapidated property, he would get the property for
19 \$38,000.

20 And so he told me too that he would be able to get
21 material and, you know, people that he know that did
22 construction, he would get them to do -- be able to do the
23 work cheaper than I would. So, if I would just do
24 everything through him, you know, so I could get the
25 cheaper price and that's what I agreed to. Even for him

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1 to sign the house in his name, and once the construction
2 was finished, he was suppose to sign the property over to
3 me.

4 Q. Okay. So, when he purchased the home and went in the
5 closing there in 2008, you, you were aware that he was
6 doing that, correct?

7 A. Yes, we, we met prior to. We had breakfast that
8 morning.

9 Q. Okay. And around that, and I guess what we'll -- we
10 can go over a little bit -- we'd like to go over a little
11 bit with the construction of the home.

12 Once it was purchased there in -- I think in October
13 of 2008, when did you actually move into it?

14 A. June of 2010.

15 Q. So, between October of 2008 and June of 2010, tell us
16 a little bit about the construction of it and what was
17 going on with, with the rehab of the property.

18 A. Okay. When the construction began, and it was time
19 like for -- I would go there, we outline a plan of how I
20 wanted the house to be constructed because I wanted it to
21 be accessible to my grandson. We discussed having open
22 floor plan because my grandson is totally disabled from
23 birth and require the use of wheelchair as in addition to
24 a lot of other medical equipment.

25 He -- you know, like he have walker -- he have

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1 regular walkers, oversized walkers. He have standers.

2 Like I say, a lot of different medical equipment.

3 So, we also had, during the initial phase of the
4 construction for the rough-in and stuff, for the plumbing
5 and the sewer stuff, you know, before any walls or
6 anything could come in, I hired Mr. Vandross to make sure
7 it was accessible and ADA compliant like the bathroom, the
8 showers, and all this.

9 And we even, in one of the bathroom (sic), we did
10 speciality -- we ordered specialty equipment which are
11 called body sprayers where you have the overhead shower,
12 the handheld shower, but you also have like
13 mini-showerheads. You have like three additional mini
14 showerheads where it would hit you like -- one would
15 probably hit you at the chest level, the hip level, and
16 different levels within the shower to accommodate, you
17 know, someone with a disability as well as others. But,
18 you know, it was from the very start.

19 In addition to that, I asked for the ceilings to be
20 raised because the house initially -- some portion had
21 like an upstairs and I wanted the higher ceilings. So, in
22 the -- like the great room, the master bedroom and stuff,
23 I asked for the ceilings to be raised. So that portion of
24 the upstairs was completely taken out. So, you know, and
25 stuff like that.

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1 Q. Okay. All right. And when was this all -- when all
2 this was going on, were you actively involved in it?

3 A. I was until -- I, I, I went there constantly along
4 with some others and then it came to a point where, I
5 think probably towards the end, something about a key
6 being missing or whatever. And so it started a little
7 problem. But I, I was constantly there having a voice in
8 the construction and everything because, you know, it was
9 my home. So, I took an intricate part in what was
10 happening there.

11 Q. Okay. And you mentioned, you know, that you had
12 loaned him a significant amount of money and you had a
13 discussion with him.

14 But how did you, how did you view it with, with the
15 money that was used to purchase the home?

16 A. It was my money.

17 Q. Okay. And then when -- and then, I guess, during
18 that time, did you pay for a lot of these renovations?

19 A. Yes.

20 Q. It was -- okay. How much -- do, do you know how much
21 you paid for them or, or recall?

22 A. It was -- well, you know, a lot of the -- I'm, I'm
23 thinking probably ooh, for the renovation itself, I'll
24 probably think 50, \$60,000 or more, you know, because
25 basically the whole house -- the only thing there that was

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1 actually standing for the house was really the brick that
2 was really usable outside and the roof.

3 There was no walls, doors, or anything. All of the
4 sewer, plumbing, everything had to be done in this home,
5 windows, doors, everything. Total -- it was total
6 reconstruction.

7 Q. Okay. And, and when did you -- and you say then you
8 moved in in 2010?

9 A. June, 2010.

10 Q. So, did anybody else move in before you?

11 A. No.

12 Q. Who did you move into the home with?

13 A. Initially when I first move into the home it was just
14 me. Later on my daughter and her grandson and her newborn
15 baby moved in.

16 Q. Okay. And, and are they still living with you now?

17 A. Yes.

18 Q. So, around the, around the time that this was all
19 happening in 20 -- around 2008, '08, '09, and '10, and,
20 and had you also paid for other things from Mr. Nick or
21 for his business?

22 A. Yes.

23 Q. All right. Did you, in 2008, did, did you make a
24 payment for the business taxes?

25 A. Yes.

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1 Q. Okay. And one of -- I think that was 2008. Let
2 me -- Plaintiff's 1. One second. Let me jump back before
3 I get to that part.

4 Did, did you give Mr. -- did you give Nick's Auto
5 Sales a, a car at any point?

6 A. Well, I had a -- my Cadillac Escalade. I signed it
7 over to him so it could be sold at Charleston Auto
8 Auction.

9 Q. Okay. What was the reason---

10 A. It was a Cadillac Escalade I bought.

11 Q. Okay. What was the reason for that?

12 A. Okay. I -- what happened, we had that one but I
13 bought another one that -- I bought the EXV, the longer
14 one, so it would better readily accommodate my grandson
15 though the one I initially had was just a regular standard
16 one. So, I got rid of that one and got another one.

17 Q. Okay. But why did you sign it over to Mr. -- to, to
18 Nick's Auto Sales?

19 A. So it could be sold through the auction. It
20 couldn't -- I couldn't sell it through the auction as an
21 individual. He's a dealer and had to go through the
22 dealership -- ship to be sold at the auction.

23 Q. Okay. Were, were you attending -- did, did you get
24 money back from, from him for that or, or how'd that work?

25 A. No, hu huh. (Negative).

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1 Q. Okay. Well, I'm---

2 A. I guess at one point our money just start
3 intertwined.

4 Q. All right. So, I think in front of you you've gotten
5 a -- I've, I've sent it to Mr. Jung and the Court as well
6 kind of a three page exhibit. It looks like the front
7 page is got the -- an auto auction check to Nick's---

8 A. Yes.

9 Q. ---Auto Sales --

10 A. Uh-huh. (Affirmative).

11 Q. -- for \$6,112.50.

12 Is that right?

13 A. Yes.

14 Q. And that's from August 18th, 2008?

15 A. Uh-huh. (Affirmative).

16 But I mean -- can I explain something on this?

17 Q. Sure.

18 Let -- well, let's, let's go -- let's go through what
19 the document is and then we'll come back to explain it.

20 A. Okay.

21 Q. Okay. And then the, the next page is the title.

22 Is that the title of the car you were referring to?

23 A. Yes.

24 Q. And it looks like the lien was released
25 December 7th of '07 from Nick's Auto Sales?

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1 A. Yes.

2 Q. And then the, the back page -- the last page is
3 showing a -- what appears to be in June of 2008 that
4 you -- where you assigned it over to Nick's Auto Sales.

5 Is that what---

6 A. Uh-huh. (Affirmative).

7 Q. Is that accurate?

8 A. Yes.

9 Q. Okay. Does that accurately reflect the transaction
10 you're talking about?

11 A. Yes.

12 MR. BILLINGLSEY: And, Your Honor, we'd like to admit
13 those three pages as Exhibit 2, Defendant's 2.

14 THE COURT: Mr. Jung, I couldn't hear you. I'm
15 sorry. I think your microphone is off.

16 MR. JUNG: I have no objection. Sorry about that.

17 THE COURT: I thought, I thought that's what you
18 said. But I just wanted to make sure the record is clear.

19 All right. So, those three pages will be marked
20 collectively and, and admitted as Defendant's 2.

21 (WHEREUPON, the documents about the car sale were
22 entered as Defendant's Exhibit No. 2 to be marked at a
23 later time.)

24 Q. Okay. Ms. Prioleau, so let's go back to you wanted
25 to explain a little bit about it.

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1 A. All right. When you look on the front page of it,
2 the actual sale amount for that vehicle was \$6,700. When
3 you see all of the like no sale fee and different VIN
4 numbers, those would of been for other cars that John Nick
5 had at the auction and either they wouldn't have sold.

6 So, when this vehicle sold, they took all of the fees
7 that he had already owed out of the proceeds for this
8 vehicle.

9 Q. Okay.

10 A. You can see the various VIN numbers---

11 Q. Okay.

12 A. ---and different amount that was calculated and
13 deducted. That's what those are showing.

14 So, it just wasn't this specific vehicle. It just --
15 the 6,112.50 is the balance of the vehicle when they took
16 out fees that he had already owed the auction for others
17 things.

18 Q. Okay. All right. And let's, let's see if I can get
19 to the right, the right spot. Give me just moment.

20 Okay. All right. So let's I guess keep going, keep
21 going through it here there in the renovations. Let's
22 see.

23 Okay. Just give me one moment.

24 Okay. When -- you mentioned before that you had done
25 the renovations and you were paying for some of the

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1 renovations.

2 Did -- were you, at times, paying the, you know,
3 workers or any contractors directly?

4 A. Some and some indirectly.

5 Q. Okay. And when you say indirectly, did -- I believe
6 Mr. Nick testified that you had given him some money
7 towards it.

8 Did you, did you have -- did you pay Mr. Nick
9 directly for, for some of the things that were getting
10 done?

11 A. Yes. And then I would send money through a third
12 party to him.

13 Q. Okay. And how did that work as far as how would you
14 know what to send?

15 A. He would tell me. He would call me and tell me.

16 Q. Okay. So was, was -- for lack -- for some of the
17 work or some of these -- the workers doing this work, was,
18 was he kind of setting up for them to come over there or
19 how, how was that going?

20 A. Well, a lot of the people he knew because he had a
21 lot of -- he have a lot of family in the construction
22 business. So some people he knew and then there were some
23 people who actually did side work at the car lot. They
24 would go to this house and do work there too.

25 Q. All right. So, prior to the move-in in 2010, and I

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1 guess let's just kind of go over a few things cause you --
2 you've talked about some different ways you've, you've
3 given him money or you've given this business money or, or
4 had loaned him, and I know some of your other records are,
5 are difficult to get being with the age, but with some of
6 the records you do have, did you give him a, a check or
7 Nick's Auto Sales a check in 2009?

8 A. Yes, sir.

9 Q. Do you remember what that -- the amount of that was?

10 A. 22,600.

11 Q. And what was the purpose of that?

12 A. It was a loan to him.

13 Q. Okay. Do you know what he used it for or what the
14 purpose of the loan was?

15 A. Well, a lot of time he would have to pay off his with
16 what we call it either the mass or something. It's floor
17 plans cause a lot of time you purchase cars you purchase
18 it on floors plans.

19 Q. Okay. And I think you have that in, in front of you
20 there with Page 1. There's two pages to, to this one and
21 it looks like a check on Page 1 of October 9th or
22 October looks like 15th, 2009, 22,600 with the -- it says
23 for a business loan.

24 Is, is that the -- that's the check you're talking
25 about?

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1 A. Yes.

2 Q. And just below that it looks like it may of been
3 stamped or, or cashed and the, the page behind it, the
4 second page, has -- also has a, a -- another copy of the
5 same check but there's also a duplicate copy from a
6 checkbook that you have that looks like July 27th, 2013.

7 Do you see that?

8 A. Yes.

9 Q. Okay. And that's listed for \$10,000 and it has it
10 listed directly to John Nick. It's hard to see a
11 signature there.

12 But is, is -- is that your signature there?

13 A. Yes.

14 Q. Okay. Was that from a check that you gave Mr. Nick?

15 A. Yes.

16 Q. Okay. Are those -- records of those checks accurate
17 as far as you remember them as what you gave Mr. Nick
18 during that time?

19 A. Yes.

20 Q. And they both have your signature.

21 That's correct?

22 A. Yes.

23 MR. BILLINGLSEY: All right. And, Your Honor, we'd
24 ask to move those in as Exhibit 3.

25 MR. JUNG: No objection.

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1 THE COURT: All right. They will be marked as
2 Defendant's No. 3 which consist of two pages --

3 Q. If---

4 THE COURT: -- and so admitted.

5 MR. BILLINGLSEY: Thank you, Your Honor.

6 (WHEREUPON, the checks were received into evidence as
7 Defendant's Exhibit No. 3 to be marked at a later time.)

8 Q. And can you tell me, the \$10,000 payment, what was
9 the reason for that if you recall?

10 A. It's money he said he needed.

11 Q. Okay. All right. So, let's get to -- I guess still
12 prior to the move-in, and I know we had -- we -- that
13 Mr. Nick had talked about this. So we need to talk about
14 it too. You mentioned that you had taken some money or
15 gotten some money back from the business at like the end
16 of 2009 or beginning of 2010.

17 Do you remember that?

18 A. Yes.

19 Q. So, do you remember about how much money you got
20 back?

21 A. It probably was right at around 80,000.

22 Q. Okay. And was Mr. Nick aware of that at the time?

23 A. He was aware. That was January of 2010.

24 Q. Okay. And you -- did you guys have any kind of
25 discussions about it?

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1 A. He never really discussed it. I mean --.

2 Q. And what was the reason you were getting some of your
3 money back?

4 A. Because I had already invested way more than what the
5 house had cost and for all of the construction stuff too,
6 and he was, you know, he still had all of my money. In
7 addition -- he had additional money as opposed to the
8 construction because being that the house -- he had
9 already, at one point, had over \$158,000. Even with the
10 closing costs, the house was only \$41,000. So, he still
11 had over a hundred and something thousand dollars that
12 belonged to me.

13 Q. Okay.

14 A. So it was---

15 Q. Okay. And, after this, that was in January of 2010
16 and then you moved in in June of 2010?

17 A. June of 2010.

18 Q. Okay. And when you moved in, I know, Mr. Nick, we
19 had talked about the investigation, that it started.

20 Do you remember when that started in relation to you
21 moving in?

22 A. Right, right -- right same exact time.

23 Q. Okay. So he -- after I guess you found out about
24 that or discovered that, and I think he acknowledged this,
25 did you help him with his retainer or retainer to Andy

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1 Savage's office?

2 A. We actually went to Andy Savage office and, at the
3 time too, they asked for money to be put into escrow and I
4 wrote a \$20,000 check.

5 Q. Okay. And so do you have the two pages there in
6 front of you?

7 I think it's, it's a -- looks like a receipt from
8 Savage & Savage and I think the same page just with some
9 information about some of the, the use of some of the
10 funds.

11 A. Yes.

12 Q. Do you see that?

13 A. Yes.

14 Q. Okay. And does that -- does that accurately
15 reflect -- is that the receipt you received from Savage &
16 Savage?

17 A. Yeah, that's a \$20,000 check receipt, yes.

18 Q. Okay. And I think it says there's Nick's Auto Sales
19 care of Emily Prioleau and does that accurately reflect
20 the amount that you had, had paid?

21 A. Yes.

22 MR. BILLINGLSEY: Okay. And, Your Honor, we'd ask to
23 admit that as Defendant's Exhibit 4.

24 MR. JUNG: No objection.

25 THE COURT: All right. These two pages will be

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By Mr. Billingsley

1 marked and admitted as Defendant's 4.

2 (WHEREUPON, the check and receipt from Andy Savage's
3 office were received into evidence as Defendant's Exhibit
4 No. 4 to be marked at a later time.)

5 Q. Okay. So now that you had moved in and you had
6 testified before that you had the -- the agreement was for
7 this place to be re -- to -- for you to help build it back
8 up and that he was gonna transfer the title to you.

9 Is that right?

10 A. I -- once the, once the work was complete and
11 everything was done, the agreement was he was gonna
12 transfer the deed to me.

13 Q. Okay. And were you -- I guess right after or right
14 around this same time, I think that was in June of 2010
15 just after that, in July of 2010, do you have the, the
16 South Carolina Federal document --

17 A. Yes.

18 Q. -- in front of you?

19 Okay. And was, was that payment for the, for the
20 taxes related to the business?

21 A. Yes, that was the property tax for 4154 Rivers Avenue
22 that I paid to Charleston County.

23 Q. Okay. And that's the address -- is that the address
24 for Nick's Auto Sales for the business?

25 A. Yes.

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By Mr. Billingsley

1 Q. Okay. And does that accurately reflect what you paid
2 for, for those taxes?

3 A. Yes.

4 Q. And that -- was that from your own account, your own
5 money?

6 A. Yes.

7 Q. Okay. Let's see.

8 Okay. And, Your Honor, we'd like to admit that as
9 Exhibit 5.

10 MR. JUNG: No objection.

11 THE COURT: All right. It will be marked and
12 admitted as Defendant's No. 5.

13 (WHEREUPON, the tax document for the business was
14 entered as Defendant's Exhibit No. 5 to be marked at a
15 later time.)

16 Q. So that even takes us then still to 2010 and I wanted
17 to go over with you a little bit with the next thing.

18 Then did you, on occasion, you know, pay, you know,
19 credit card payments or other payments that Mr. Nick asked
20 you to make?

21 A. Yes.

22 Q. Okay. And so the receipt document, do you have that
23 in front of you, the South Carolina Federal receipt?

24 A. Yes.

25 Q. And it looks like it says \$2,250 on the one receipt

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By Mr. Billingsley

1 and then from the account of Emily Prioleau. On the other
2 side looks like it was then paid to a Visa payment or
3 submit a Visa payment. The account is listed as, as
4 Barbara Nick but is that -- who is that?

5 A. His wife.

6 Q. Okay. And why did you make that payment?

7 A. It was a, a -- because he asked me to. He said he
8 didn't have the money to pay the credit card payment. So
9 I transferred the money from my account to pay this, the
10 \$2,250.

11 Q. Okay. And does, does that receipt accurately reflect
12 the money you paid to her---

13 A. Yes.

14 Q. ---account?

15 Okay. We'd like to admit that as Exhibit 6, Your
16 Honor.

17 MR. JUNG: No objection.

18 THE COURT: Marked and admitted as Defendant's 6.

19 (WHEREUPON, the receipt for the Visa payment was
20 received into evidence as Defendant's Exhibit No. 6 to be
21 marked at a later time.)

22 Q. Okay. So, Ms. Prioleau, let's get going through some
23 of this. I'm just gonna go ahead with you and kind of
24 finish out some of the document -- the documents we have
25 on the payments.

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1 You had provided and sent over a, a -- about a 20
2 page document that is contained some, some South Carolina
3 Federal bank statements.

4 Do you have those?

5 A. Yes.

6 Q. Okay. And I know you -- you're -- are you familiar
7 with those documents?

8 A. Yes.

9 Q. And are those statements from your account with South
10 Carolina Federal at the time?

11 A. Yes.

12 Q. Okay. Is the -- is the account still opened or is it
13 a closed account?

14 A. It's closed.

15 Q. At -- I'm not gonna go through all these with you but
16 just to go through some of, some of these.

17 It looks like you've -- there's some highlighted
18 amounts throughout these documents, and it looks like, on
19 the top of each page, it kind of says the, the timeframe
20 that it's -- that it is.

21 What is the reason for the highlighting?

22 A. You said a time -- oh, you talk about the dates---

23 Q. You, you---

24 A. ---of it?

25 Q. Right.

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1 well, you've highlighted---

2 A. Oh.

3 Q. ---different --

4 A. Oh. Oh.

5 Q. -- transactions.

6 what's the reason---

7 A. Oh, I'm sorry.

8 Q. ---for that?

9 A. Some of these were just business expenses that I
10 covered for Nick's Auto Sales.

11 You talking about like on the first page at the
12 bottom?

13 Q. Right. On the first page there's, there's one you've
14 highlighted. Looks like for a lot -- like \$500.00.

15 A. That would of been a business insurance to PFS.

16 Q. And on, on the second page there's a Cyberwise it
17 looks like.

18 A. Cyberwise is a company we use to locate -- to help to
19 locate customers because Nick's Auto Sales just didn't
20 sell autos. It also did auto financing.

21 Q. Okay. And what's the -- and a few other ones. I
22 mean it looks like there's a few. Like an auto check
23 vehicle history.

24 A. Right. That's, that's just like a Carfax. You would
25 check -- use that to run the vehicle history to see what's

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1 going, you know, to see any background on a vehicle.

2 Q. But -- so do these bank records accurately reflect
3 the transactions on your bank account during that time?

4 A. Yes.

5 Q. And during the time on each page -- at the top of
6 each page it will say from, for instance, from
7 November 1st, '08 to Nov -- through November 30th, '08?

8 A. Yes.

9 MR. BILLINGLSEY: Okay. And I would, would ask to
10 admit the bank statements as Exhibit 7.

11 MR. JUNG: No objection.

12 THE COURT: All right. They'll be marked and
13 admitted as Defendant's 7.

14 (WHEREUPON, the bank statements were received into
15 evidence at Defendant's Exhibit No. 7 to be marked at a
16 later time.)

17 Q. Okay. Ms. Prioleau, if you can just turn around to
18 me. I think this is the third page. You -- the one
19 you've highlighted said NADA web values.

20 Can you tell what that is?

21 A. That's a -- the book. He -- the subscription for the
22 book that he used to evaluate cars also.

23 Q. And I'm gonna turn real quick at least.

24 On, on Page 8, at the top of the page it has a
25 timeframe of October the 1st, '09 through October 31st

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1 of '09.

2 A. October 1st?

3 Q. It should be the, the eighth page.

4 A. Okay.

5 Q. There's a transaction. You've highlighted the middle
6 of it on October 15th for 22,600.

7 A. Okay. That's the same check as the one we previously
8 mentioned. That was that amount.

9 Q. The next page I think has a few -- looks like airline
10 tickets and things like that.

11 Do you remember what that was for?

12 A. Airline tickets for John, his brother, Wayne, and I.
13 We went to Detroit, Michigan for a Credit Acceptance
14 Corporation training.

15 Q. Okay. And does that relate -- that's related to the
16 business?

17 A. Yes.

18 Q. Okay. And let's go then a few more pages over to
19 Page 12 that has, that has an August 1st of '13 to
20 August 31st of '13 and do you see -- do you see that
21 page?

22 A. Yes.

23 Q. Okay. Looks like a \$10,000 transaction there.

24 Is that the check you had referenced before to
25 Mr. Nick?

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1 A. Yes.

2 Q. Okay. And then I'm gon' turn a couple more pages to
3 Page 14. You had submitted one and it might be hard to
4 see. But the, the, the main one says June 1st of '10
5 through June 30th of 2010.

6 Do you see that?

7 A. Wait a minute. I'm still turning.

8 Q. I'm sorry. It was just two pages after the last one.

9 A. Oh, for the back.

10 Okay.

11 Q. Order -- on that -- the page it's got a \$20,000
12 transaction.

13 A. Yes.

14 Q. Okay. Is that the payment -- is that the time when
15 you made the payment to, to Mr. Savage's office?

16 A. Yes.

17 Q. Okay. All right. Let's kind of go through -- now
18 that we've gone, gone through some of those and some of
19 those, and some of those payments.

20 There, in 2010, what kind of discussions were you
21 having with Mr. Nick about getting the property in your
22 name?

23 A. The -- we had the discussion about, once I moved in,
24 to go ahead and sign the property over to me. At that
25 time he said he didn't want to do it, because of the

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1 investigation with the CID, that he didn't want it to
2 appear that he was trying to hide assets.

3 Q. Okay.

4 A. So it wasn't a good time for him to do that.

5 Q. And you -- what do you mean -- what's, what's the
6 CID?

7 What are you referring to with that?

8 A. Well, it -- that investigation at the carlot was from
9 the Internal Revenue Service criminal investigation
10 division. At that time it was Agent Cox who headed that
11 investigation. But he was with the Internal Revenue
12 Service criminal investigation division. They were the
13 one that set in motion for the undercover to purchase that
14 vehicle that he sold and they ended up charging it with
15 the money---

16 Q. Oh.

17 A. ---laundering.

18 Q. And you -- you're aware of the timeframe as you
19 testified to that the case ended in late -- some time
20 later in 2015 with a -- when he pled guilty?

21 A. Yes.

22 Q. Okay. And so, during that time of 2010 to 2015, you
23 know, did you keep bothering him about giving you the,
24 the, the property or did you kind of understand --

25 A. No. Well---

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1 Q. -- that he was dealing with the investigation?

2 A. Right. After the investigation, after the trial and
3 after the sentencing, I brought up the subject again. At
4 that time he told me that he would have his wife sign over
5 the property to me. He had given her, prior to him going
6 to FCI, I'm sorry, I'm using the -- it was the Federal
7 Correction Institute in Williamsburg County.

8 Prior to him going, he had given her a power of
9 attorney over real estate and he gave me a power of
10 attorney to close out Nick's Auto Sales, to disband the
11 business.

12 Q. Okay. And, and were you able to do that?

13 A. Yes, I think a business official probably been around
14 February, 2016. But he went to the---

15 Q. Okay.

16 A. I think he had to report the end of January, 2016 if
17 I remember correctly.

18 Q. Okay. And then, and then you opened your own
19 business after that?

20 A. Eventually.

21 Q. Okay. And what money -- did you use your funds or
22 somebody else's to do that?

23 A. Mine.

24 Q. Okay. And if you, if you could -- so when he was in,
25 when he was in federal prison, how long was he there?

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1 A. From January -- I think till around -- I want to say
2 around maybe September or something. I know it was
3 still -- he got out in the -- 2016 also and --

4 Q. Okay.

5 A. -- (indiscernible).

6 Q. Did you visit him when he was there?

7 A. Yes.

8 Q. Okay. Were you familiar -- I mean I know you --
9 you're employed -- you were employed there at Nick's Auto
10 Sales and obviously were aware of things going on.

11 So, throughout the investigation, those years, mid
12 2010 to 2015, I guess were you aware of, of the
13 investigation or where it was going or, or what did you
14 know about it?

15 A. Okay. I knew about the investigation from when
16 they -- when a -- I didn't know when it started. But the
17 day they came into the business in 2010 that day I was
18 there. Actually I think it was me and my niece that was
19 there because my niece worked there also.

20 well, actually none of us really worked there because
21 we were all -- we acted in the capacity of independent
22 contractors cause basically he had no employees. He had
23 nobody listed as employees. Everybody worked there and
24 act like employees. But we were independent contractors.

25 So, me and my niece was there. I was in the office

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1 doing the work.

2 The first one came in was Agent Cox and I can't think
3 of her name, the female agent, and they told me---

4 MR. JUNG: Objection, Your Honor.

5 A. ---that---

6 THE COURT: Hold -- give me one moment.

7 MR. JUNG: Objection. Hearsay.

8 THE COURT: Yeah, that's sustained. So don't tell
9 me---

10 Q. Okay. Just keep in mind---

11 THE COURT: ---what the, what the agent told you.

12 Okay. Just tell me what happened.

13 A. Okay. That day -- well, I was in my office working.
14 My niece was at the end -- in the lobby area working and a
15 young man came in and I didn't know who he was because it
16 was the first time I saw him. And my niece told me that
17 he wanted to see a vehicle that was on the front end of
18 the, the car lot.

19 So I told her okay, that's not strange. Go ahead and
20 help him because I was doing a lot of paperwork I had to
21 get done and probably maybe about an hour later is when
22 Agent Cox and the female agent came in. And they asked me
23 did I know the young man. I told him no, that was the
24 first time I had seen him and I basically glanced up at
25 him.

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1 And so they said well, we gonna walk around the lot
2 and they did and they came back and they asked me where
3 Nick was. well, I'm talking about John Nick cause we
4 address each other -- I address him by his last name. I
5 call him Nick and they came back in. They sat down and
6 they waited and they asked me to give him a call.

7 I called him a couple times. He didn't answer. And
8 they said well, they really needed to talk to him. At
9 this point they told me they needed to talk to him cause
10 there's a known drug dealer on his lot and they just
11 are -- is gonna arrest him and have a large, a large wad
12 of cash on him.

13 And, you know, so, I tried again to call him cause I
14 thought -- personally I thought it was no big deal.

15 Okay. If you are here, and you caught this guy, and
16 you arresting him, I didn't understand why they needed
17 him. But they insisted that I called him.

18 So, I called him several other times because I had
19 already knew he wasn't gonna be at the lot that day cause
20 he told me he had a lot of things to get done and he
21 wouldn't be there.

22 So, eventually I called him and I told him what was
23 happening. Agent Cox asked to speak to him and he spoke
24 to him too and told him that he needed to come to the lot.

25 Q. Okay. And -- but during this time in the

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1 investigation, did you continue to work in -- at Nick's
2 Auto Sales?

3 A. Yes.

4 Q. Okay. And let's get back to the, to the house a
5 little bit cause this happens and events you described
6 there in 2010 and now you're living in the home.

7 So, during that time, and the time you've lived in
8 the home, were you -- who was doing repairs or upkeep of
9 the property?

10 A. I was.

11 Q. Okay. And what kind of repairs and things did you
12 have to do around the property?

13 A. Okay. One time squirrels got into the attic. They
14 were initially the -- some of the waterlines that Mr.
15 vandross ran during the initial construction phase, they
16 were run through the attic upstairs and some squirrels got
17 in the attic and eventually bit a hole through it.

18 So one day it was like raining in the, the laundry
19 room. The water was pouring. So I had to call Mr.
20 vandross and he came and he had to reroute those lines,
21 you know, out of the attic.

22 They were several other repairs he had to do like
23 with I guess with overflow or lines from the dishwasher
24 and stuff like that.

25 Heating and air conditioner lines, I had James

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1 Jenkins, which I call him JJ, from Four Seasons Heating &
2 Air, he did the maintenance and stuff like that and
3 probably about maybe a year and a half ago he had to
4 replace one of the outside -- something on the outside
5 unit. So, he always did the stuff like that.

6 The lawn care, I had some different peoples at, at
7 one time. But the last person who's been doing all the
8 lawn care was Dewitt Lemar except for a couple times in
9 2002 (sic) when Nick called me up and asked me if I needed
10 the yard cut the first part of 2022 and I think he did it
11 twice.

12 Other stuff, other repairs I had other people --
13 there was another -- I can't think of his name. He did
14 some AC&R work for me at one time when I was having
15 problem with the unit.

16 The other thing, I had the -- when I had the
17 wheelchair ramp added. Mr. Fisher did that to add the
18 deck and the wheelchair accessible ramp for my grandson.

19 Other things I did, like I had, Anthony Wright, he
20 installed the privacy fence. I think he did that around
21 2011.

22 I had to had some major tree removal. I had three
23 great oak trees I had to had removed and the reason in too
24 part of it was because they were roach infested. I
25 didn't -- at the time I didn't know roach live in oak

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1 trees but they were really infested. So I had to get
2 three big trees remove -- removed, and too, I was -- had
3 to remove two to install -- I was gonna install driveways
4 also.

5 I'm think -- trying to think of whatever -- oh.
6 Other stuff that I did, I had to had mirrors and stuff
7 install in the bathroom. When I first moved to -- there
8 was no closet shelving or anything. I hired somebody to
9 put in the three rooms to install closets to do the stuff
10 in the -- I think some stuff in the laundry room.

11 I had to get, like I say, all the mirrors and
12 lighting install in the bathroom. I had lighting
13 installed in the kitchen. I had to get additional outlets
14 install in the kitchen. I had lighting install in the
15 dining room. Yeah. And the lights in the bathroom and
16 stuff like that and some -- I think I -- like additional
17 ceiling fans. Stuff like that too.

18 Q. Oh, okay. And did you -- did -- who was paying the
19 taxes when you moved in?

20 A. I was.

21 Q. Okay. And I've got -- we've got some of the tax
22 re -- receipt pages.

23 Do you have those in front of you?

24 A. Yes.

25 Q. Okay. Looks like Charleston County payment receipt.

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1 It lists the address and, and Mr. Nick is, is listed as
2 the, the owner on record. It's got I guess a date
3 received or a payment date of two -- of November, 2018,
4 December, 2019 on Page 2. As it goes to Page 3, August of
5 2020. Looks like in August of '20 and January of '21 and
6 then December of 2021.

7 I know those may not be every year, but are, are --
8 did you pay -- are those receipts for what you paid during
9 those years?

10 A. Yes.

11 MR. BILLINGLSEY: Okay. And, Your Honor, we'd just
12 like to move that in as Defendant's Exhibit 8.

13 MR. JUNG: No objection.

14 THE COURT: That will be marked and admitted,
15 admitted as eight.

16 (WHEREUPON, the tax receipts were received into
17 evidence as Defendant's Exhibit No. 8 to be marked at a
18 later time.)

19 Q. So, Ms. Prioleau, I understand that that has gone
20 back to 2018.

21 But, prior to 2018, you know, 2010 to 2018 in that,
22 in that time, were you paying the taxes during then?

23 A. Yes.

24 Q. Okay. Do you -- did you pay them directly to
25 Charleston County or how did that -- did you pay those?

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1 A. To John Nick.

2 Q. Okay. Were there -- so, if you gave him -- if you
3 paid him for the taxes, how would that work?

4 Did he give you a re -- a, a notice or something?

5 Did it come to the house?

6 A. No, he got the notices. He then -- I asked him to
7 had direct the tax bills to the house but he never did
8 that. So, it actually went to his house.

9 Q. Okay. So will he tell you what the taxes were for
10 you to pay?

11 A. Yes.

12 Q. Okay. And then, and then you mentioned before, when
13 he went -- when he was in, in prison for that little bit
14 in 2016, you mentioned his wife was suppose to transfer
15 the property to you?

16 A. That's what he told me.

17 Q. Okay. And help me out with this that -- during this
18 time we been talking about a -- kind of a wide range of,
19 of years here. Getting the property in 2008 through 2010,
20 the, the, the move in, and you living there during that
21 time up until that point when, when he goes to prison in
22 2016, were you still romantically involved with him
23 throughout all those years?

24 A. Yes.

25 Q. Okay. And, and at what point, to your knowledge, do

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1 you, do you know did his wife become aware of that?

2 A. I really -- I -- from what I understand now, she --
3 what she told me, she said Coxey---

4 MR. JUNG: Objection.

5 A. Okay. So---

6 THE COURT: Yeah, you can't tell me what she said.
7 So that's sustained.

8 Q. Not what she said.

9 A. So really I, I don't know.

10 Q. Do you know if she was -- I guess are, are you aware
11 that she was having contact or did she had any contact
12 with the investigators or anybody during this time?

13 A. From my understanding.

14 Q. Did -- you had mentioned that you had helped I guess
15 her with computers back before you ever started with Mr.
16 Nick.

17 So, did you, did you and his wife know each other?
18 Were you acquainted?

19 A. We knew each other. We go to the same church.

20 Q. Okay. Then let's, let's talk a little bit about what
21 happened when he -- when Mr. Nick -- I think he went --
22 you said he went to the halfway house and kind of how, how
23 things went with him coming back out from, from there.

24 Can you tell us a little bit about that time?

25 A. All right. When -- he went to the halfway house and

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1 I did paperwork for him to get out of the halfway house.
2 To me -- when he first came out, he seemed like he was
3 really high stress. That, you know, that's the way I
4 viewed him. He was just always like in a hurry.

5 Q. And did you guys still try to do things with the
6 business or with, with your, your business of Vogue
7 Enterprises when he got out?

8 A. Initially, yes. But he didn't like some of my
9 association. They were people who stepped in to help me
10 do things, you know, and he really didn't like some of the
11 people and he didn't want me to speak to them.

12 So, it caused a conflict and, at one time, probably
13 some months after he came out, he told me that we couldn't
14 work together. That's what he said, you know, and they
15 were a lot of, I think I said before, a lot of things that
16 happened at the carlot where fires were set and destroyed
17 a lot of cars and all kinds of stuff that caused---

18 Q. Okay.

19 A. ---a lot of devastation and a lot of lost financial
20 revenues.

21 Q. Okay. Well, during, during that time, you know,
22 after he gets out later in 2016, how long was your
23 business at -- when did your business close down?

24 A. December, 2019.

25 Q. Okay. During that time, did you have any discussions

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1 with him about getting the property in your name?

2 A. When he came out of the halfway house, yes. But he
3 didn't -- at that time he didn't seem like he really
4 wanted to discuss anything because it seemed like he was
5 high -- always upset with me for one reason or the next.
6 And, like I said, I know a part of it because he didn't
7 like people that I was talking to, you know.

8 Q. Well, throughout the time that you had lived there,
9 you know, the six years before, before he, he went to
10 prison and the time that he got out of, of prison there,
11 did you have a lease or anything signed with him?

12 A. No.

13 Q. And did he make any kind of demand for rent or ask
14 you to pay rent?

15 A. No, we never had any discussion about anything like
16 that because, like I said, it was always believed it was
17 my house. So --.

18 Q. Okay. What, what---

19 A. There was never discussion like that.

20 Q. Did -- what was your understanding -- I guess when
21 did, when did he first or you became aware -- when did he
22 ask you I guess, in this case, if I recall -- this case
23 was filed originally in October of 2022.

24 Does that sound right?

25 A. I think so.

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1 Q. Yeah.

2 okay. And did you get a letter -- it was mentioned
3 before by Mr. Nick.

4 Did you get a letter from his attorney telling you
5 that he wanted you to move before they filed that?

6 A. I got a letter saying something -- I think probably
7 around September, 2022. I think it was like a week after
8 he had come and cut the grass the last time. I got a
9 letter saying that I had failed to pay rent.

10 That was the first thing I ever got indicating
11 anything about paying rent and I failed to pay rent and
12 stuff like that. And, like I said, he was to the house --
13 he had called me up. He was -- I thought he was just
14 being the friend he was when he asked me if he could -- if
15 I needed the yard cut and so I said oh, okay.

16 So, I actually call Mr. Dewitt who was cutting the
17 yard and told him that I didn't need it cut because I had
18 already gotten it done.

19 Q. Okay. And around that time in 2022, did, did he pay
20 the taxes that year?

21 A. No.

22 Q. Do you remember, do you remember -- when did he start
23 paying the taxes?

24 A. I'm thinking it was 20 -- it was after this stuff
25 started. So, it had to -- he had to pay it like probably

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1 January, 2023 I'm thinking cause I know it was after all
2 of this---

3 Q. Okay.

4 A. ---started.

5 Q. Okay. So -- but it would of been and I say---

6 A. I did---

7 Q. ---2022 but I usually -- I know it's, with the taxes,
8 it's usually --

9 A. Okay.

10 Q. -- end of the year, beginning of the next year---

11 A. Right.

12 Q. ---is when that occurs.

13 A. Okay. Yeah. Right, right after this started is when
14 he did.

15 Q. Okay. Can you tell me like when did you guys stop
16 seeing each other romantically?

17 when did that, that part of the relationship end?

18 A. I would say in early 2022.

19 Q. Okay. And even after that, did you guys also see
20 each other in any kind of social ways or, or business
21 ways?

22 I know you mentioned until your business closed in
23 2019 you were trying to get some stuff done. He was
24 trying to help.

25 But did you still -- how regularly did you guys talk

1 or see each other?

2 A. You mean over the years or what part do you mean?

3 Q. In that timeframe like, you know, I guess around the
4 time in --

5 A. In 20---

6 Q. -- in 2017 and on after that?

7 A. Okay. 2017. I mean we talked regularly. We went
8 out to eat. I mean -- and different stuff. Even during
9 the time 2019 when we were actually closing down the
10 business we did that. We would stop. We would go out to
11 eat. Some time we went out to eat we encountered some of
12 his family members and different people. You know, we
13 didn't -- we all -- always did stuff like that.

14 Q. Okay. All right. So, during this -- during this
15 time, just a few things to kind of finish this up.

16 You -- how did you -- up until you got this, this,
17 this case being started in, in late 2022, how did you --
18 how -- what was your view of the home and its ownership?

19 A. I honestly believed it was my home. I believed that
20 from when it was purchased in 2008. I never -- until I
21 got that stuff September, 2020, I never thought any
22 differently. And I think, even after I got that, it took
23 me quite a while I guess through going to the first
24 Magistrate Court and stuff to even come to full
25 realization and acceptance of what was actually happening.

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1 Q. Okay. So, when Mr. Nick had told you that it would
2 be -- he would transfer the title after the construction
3 and all that, did you believe him?

4 A. Yes, I trusted him wholeheartedly. Matter of fact,
5 you know, just before I got this, I took Mr. Nick to James
6 Island to look at some of -- family property I had over
7 there. Well, my family have over there in early 2022.

8 Q. Okay. And did you rely on his representations
9 when -- in doing these repairs to the home and tree
10 removal and these various things?

11 A. Well, he didn't have nothing -- well, the
12 construction prior to me moving in. But he didn't have no
13 say so -- like as far as the tree removal and stuff like
14 that.

15 Q. Well I'm not asking if he---

16 A. Yeah, he---

17 Q. ---had a say so. What I'm---

18 A. Oh, yeah, he---

19 Q. What I'm asking is---

20 A. I mean a lot of stuff -- I'm sorry.

21 Q. All right. So, what I'm asking is did you -- his
22 promises that you've testified to of that he was going to
23 transfer the property to you, did that lead you to
24 trans -- to treat the property as your own?

25 MR. JUNG: Your Honor, I just want to object for

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1 leading.

2 THE COURT: Sustained.

3 Rephrase. I know where you're trying to get.

4 Q. I guess why, why were you treating the property --
5 why were you doing these things to the property like the
6 tree removal and repairs?

7 A. Cause I honestly believed the property was my own.

8 Q. Okay. And that was based -- and what did you -- what
9 were you basing that off of?

10 A. I based that on our prior conversations prior to the
11 house being purchased and the whole time until I moved in
12 to it and it was always treated as mine. You know, there
13 was no, no question about it.

14 Q. Okay. Let's, let's talk a little bit about what,
15 what you're, you're here today, you know, asking the Court
16 to do.

17 What are you asking the Court to do for you today?

18 A. I would, I would like for the agreement that me and
19 John Nick had and me pouring my life investment in this
20 house believing that it was for me and my children, my
21 daughter and my grandchildren, who are really all disabled
22 now, to -- for it to still be our home, for that to be
23 honored.

24 Q. All right. And the last thing. I just want to clear
25 one thing up. I know we didn't go over it in too much

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1 detail. But you mentioned that, you know, your daughter
2 and two grandchildren are living with you and your one
3 grandson is disabled that required some of these different
4 things with the, the shower and whatnot to be able to
5 accommodate him.

6 Can you tell us just, just briefly was he disabled
7 from birth or did that come later or what's, what's the
8 details of that?

9 A. My grandson is totally disable from birth. He was
10 born at six months weighing 1 pound. He had a grade four
11 hemorrhage. At birth, that constitutes the same as a
12 major stroke. He doesn't walk or talk. Right now he's 30
13 years old but you have to lift -- you have to physically
14 lift him. He probably look the size of maybe a six --
15 maybe a six year old, seven year old. But you have to
16 lift up or to do everything for him.

17 He has hydrocephalus which he has a shunt from his
18 head that discharges to his heart to keep the fluid from
19 building up in his heads or he'll be too -- he'd have what
20 I guess in the old days some people would -- it's re --
21 it's -- the right term is hydrocephalus but I guess they
22 would refer to water head babies. But this shunt help
23 relieve the pressure out of his brain.

24 He has cerebral palsy. He doesn't walk or talk or
25 anything. He's totally dependent on you for -- he quit

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1 eating when he was three years old. So all he drinks is
2 Ensure. Oh, gee. He's really, he's really involved, and
3 like I said, he has all of these medical equipment not
4 only for physical but for like for breathing and different
5 things. He's really involved and he really has---

6 Q. And how---

7 A. He requires round the clock care.

8 Q. Okay. And how old is he?

9 A. He's 30.

10 Q. And who, who is primarily caring for him?

11 A. I am.

12 Q. Okay. And your, your daughter lives with you.

13 That -- is that his mother?

14 A. Yes.

15 Q. And, and you mentioned that she's disabled too?

16 A. Right. I had to -- had too -- I had to step in
17 basically because she is legally blind. She is had like
18 13 eye surgeries. She had from December '20 -- from
19 Christmas, 2021 through March, 2022, she was in the
20 hospital because she had injury to her finger that
21 exasperated to the point where they initially wanted to
22 amputate her hand and stuff. And I guess being in there
23 all that time and on all these medicine, now she's in
24 kidney failure because, you know, she was on 46 medicines
25 a day.

Emily Prioleau - Direct examination
By Mr. Billingsley

1 She went from a -- 130 something pounds in December,
2 2021 until when she came out in May of 2022. She came
3 home at 190 something pounds wheelchair bound. So, I had
4 to do everything for her also.

5 Eventually she had to learn to re-walk. She's back
6 up. She can walk now. Sometimes, for distance, she have
7 to use a walker. She's -- oh, it has taken a mental toll
8 on her also. She has a lot of health challenges as a
9 result of all the things that was going on. So --.

10 Q. And you have another grand, grandchild that lives
11 with you as well?

12 A. Yes, I have her daughter. Yes.

13 Q. And how old is she?

14 A. She's 16.

15 Q. Okay. But she doesn't have any disabilities or any,
16 any way---

17 A. She does. Between the -- her mother being in the
18 hospital and then during the time my grandson and my
19 daughter ended up both in the hospital in 2021, like I
20 said -- well, 2022. My daughter was in there from
21 December -- Christmas, 2021 until May, 2022.

22 while she was in, I couldn't get my grandson awake.
23 By the time I got the oximeter to check his oxygen level
24 it was dropping.

25 So, February, 2022 he ended up in the hospital.

Emily Prioleau - Direct examination
By Mr. Billingsley

1 within probably 40 minutes of getting there he had to had
2 emergency brain surgery. They both---

3 MR. JUNG: Your Honor, I think we're getting far
4 afield here, Your Honor.

5 THE WITNESS: I'm sorry. Okay.

6 MR. BILLINGSLEY: I'm just trying to -- I'm just
7 trying to -- I'm not trying to go back through these
8 long---

9 THE COURT: I agree. So that's, that's sustained.

10 MR. BILLINGSLEY: ---stories.

11 THE COURT: Yeah, Ms. Prioleau, he just asked whether
12 or not---

13 Q. I'm just asking you about -- yeah, your, your
14 granddaughter, does she have any diagnosable disabilities?

15 I'm not talking about her -- maybe the emotional toll
16 of, of, of what life events have, have done, done.

17 But does she require any, any of your like care, like
18 a physical disability, or is she just a teenage?

19 A. No, it -- she have anxiety and depression that she
20 goes to the doctor and stuff for and to therapy and stuff.

21 Q. Okay. That's it.

22 All right. Ms. Prioleau, if you wouldn't mind, just
23 answer any questions that the -- Mr. Jung or the Court
24 would have for you. That's all the direct questions I
25 have for you.

Emily Prioleau - Cross-examination
By Mr. Jung

1 THE COURT: Mr. Jung.

2 MR. JUNG: All right.

3 CROSS-EXAMINATION

4 BY MR. JUNG:

5 Q. Good morning, Ms. Prioleau.

6 A. Good morning, sir.

7 Q. You testified at the beginning of your examination
8 that you've sent -- you gave two checks for 50 and \$30,000
9 to Mr. Nick in the end of 2002 or 2003, beginning of 2003,
10 while he was building his house in Huger.

11 Is that your testimony?

12 A. Cash, Mr. Jung. Not check. Cash.

13 Q. Okay. Fair enough. And you repaid yourself that
14 same amount in 2009 from Nick's Auto Sales.

15 Is that also your testimony?

16 A. In 2009?

17 You said -- I'm sorry.

18 Q. Yes, I thought it was in 2009. I'm not trying to --
19 was it 2008 or was it 2010?

20 A. Sorry. You talk -- I'm, I'm sorry. I don't know
21 what question you're asking.

22 Q. You, you testified that you repaid yourself from
23 Nick's Auto Sales the sum of \$80,000.

24 Is that also correct?

25 A. Right. Uh-huh. (Affirmative).

Emily Prioleau - Cross-examination
By Mr. Jung

1 Q. Yes?

2 A. Right. Yes.

3 Q. Okay. And, and that was when, ma'am?

4 A. That was January, 2010.

5 Q. Okay. All right. And did you intend that to be
6 repayment of the money that you had leant to Mr. Nick for
7 Halfway Creek house construction costs?

8 A. No, that was just a general portion of the money he
9 owed me up unto that period.

10 Q. Is that a yes, because you testified that you leant
11 him money in 2002 and 2003 for his construction costs at
12 Halfway Creek house?

13 A. Yes, sir, Mr. Jung. But I loaned him money after
14 that -- during that -- before 20 -- that 2010 payment.
15 There was additional funds --

16 Q. Okay.

17 A. -- that I gave him.

18 Q. All right. And the only -- the records that we've
19 introduced, those are the only independent records of
20 these loans and, and loans that you've made to the
21 business.

22 Is that correct?

23 You haven't -- you've given us all the copies of
24 your, of your loans to Mr. Nick's business.

25 Is that accurate?

Emily Prioleau - Cross-examination
By Mr. Jung

1 A. All that I have come up with, yes, sir.

2 Q. All right. And when it came time for Mr. Nick to
3 purchase this property, you were not physically at the
4 closing.

5 Is that true?

6 A. No, sir.

7 Q. Okay. And did you contribute any specific funds, and
8 I'm not talking about your previous alleged indebtedness
9 that he may owe to you, but did you give him any funds
10 immediately prior to or at closing to purchase this
11 property for \$41,000?

12 A. No, he already had it.

13 Q. You have had quite a business career and you sound to
14 me as a, a sophisticated business woman.

15 Did you understand that ownership of real property is
16 in the form of a title?

17 Did you know that?

18 A. In -- I'm sorry?

19 Q. When a person buys a -- real estate, they receive a
20 deed, correct?

21 A. Well, I learned some of that in later years.

22 Q. Okay. You -- are you -- is it your testimony that
23 you didn't know that until recently?

24 A. No. No.

25 Q. Okay. But you testified earlier that you and

Emily Prioleau - Cross-examination
By Mr. Jung

1 Mr. Nick had breakfast together and you decided that
2 Mr. Nick was going -- gonna be the only one on the deed at
3 that closing.

4 Isn't that true?

5 A. Right. Because that's what we discussed.

6 Q. Okay. You testified also that the power of attorney
7 that Mr. Nick gave you when he went to prison was for the
8 winding up of the affairs of Nick's Auto Sales.

9 Is that right?

10 A. Yes, sir.

11 Q. Okay. And you've testified that you've made various
12 different loans to that same business after 2010 through
13 presumably 2015, '16, whenever he went to prison.

14 Is that right?

15 A. Yes.

16 Q. Okay.

17 A. To Nick's Auto Sales.

18 Q. So, as the person responsible for winding up the
19 affairs, did you repay yourself any of those loans?

20 A. To wind up his affairs?

21 Q. The business---

22 A. He didn't---

23 Q. ---affairs.

24 A. When Mr. Nick went to jail, he didn't have any money
25 in the account.

Emily Prioleau - Cross-examination
By Mr. Jung

1 Q. Okay. So, the -- when you wound up the affairs of
2 Nick's Auto Sales, the business, this was -- you yourself
3 was a, a creditor of that business.

4 A. Am I correct?

5 Q. I was a creditor?

6 A. Yes, ma'am, but -- the business owed you money.

7 Q. Oh, okay.

8 A. Is that right?

9 Q. Yeah.

10 A. Okay. And did you take any action to repay yourself
11 as a creditor?

12 Q. There was no money to pay me.

13 A. Okay. All right. You didn't sell any cars over the
14 course of the time that he was in prison?

15 A. The car that -- as I said in my deposition, the car
16 that Mr. Nick told me to sell and give the money to his
17 brother, Michael Nick.

18 Q. That was the only car that you sold?

19 A. Basically because, as you recall, I told you soon as
20 we redid, there was a fire. A fire destroyed a lot of the
21 property, a lot of the cars and everything.

22 Q. Okay.

23 A. Somebody had set a lot of the cars on fire.

24 Q. Was there any insurance recovery for those losses?

25 A. No.

Emily Prioleau - Cross-examination
By Mr. Jung

1 Q. All right. And you've -- your testimony essentially,
2 if I'm not misunderstanding you, is that Mr. Nick promised
3 to basically gift you this house at some point in the
4 future.

5 Is that your position in this case?

6 A. No, I wouldn't say Mr. Nick was gifting me the house
7 because I, I bought the house. The house was purchased
8 with my money. The repairs---

9 Q. Okay.

10 A. ---was done with my money.

11 Q. Okay. But at -- it -- I'll rephrase.

12 It's your position that he agreed to transfer title
13 to you at some point in the future.

14 Is that your position?

15 A. Yes, sir.

16 Q. And is there a single text message, email, ordinary
17 letter, any document memorializing that agreement?

18 A. His conversation and my conversation.

19 Q. So, the answer is there is nothing independent of
20 your recollection of those conversations, correct?

21 A. Uh-huh. (Affirmative).

22 Q. Okay. And if I'm hearing correctly, you haven't paid
23 the last -- taxes or the real property taxes for the last
24 two years. You stopped in I guess whatever was paid in
25 January of 2022 and Mr. Nick has paid---

Emily Prioleau - Cross-examination
By Mr. Jung

1 A. I---

2 Q. ---the other ones going forward?

3 A. I didn't stop. Mr. Nick got, got to pay it before I
4 did.

5 MR. JUNG: Okay. If I can have a moment, Your Honor?

6 THE COURT: Take your time.

7 (Pause.)

8 MR. JUNG: Nothing further, Your Honor.

9 THE COURT: All right. Any redirect?

10 MR. JUNG: My client would like to address something
11 that came up. Your Honor, I -- I'd like to -- oh, I'm
12 sorry. I apologize.

13 THE COURT: Yeah, that's what I was asking.

14 MR. JUNG: Redirect means Mr. Billingsley. No.
15 Sorry.

16 THE COURT: That's okay.

17 REDIRECT EXAMINATION

18 BY MR. BILLINGSLEY:

19 Q. Just I guess very, very, very short in brief, Ms.
20 Prioleau.

21 They were bringing up winding up Nick's Auto Sales
22 and you mentioned there was not much money left over.

23 The, the little bit of money that was left over when
24 it was wound up, where did that go?

25 A. Through the account, I think he had about \$3,000 or

Emily Prioleau - Redirect examination
By Mr. Billingsley

1 less. Initially soon as he went to prison, his son wrote
2 a check for \$2,500. Anything that was sold at the auction
3 he told me to give his brother, Michael, money.

4 Q. And typically in, in all these years that you had
5 this relationship with Mr. Nick and, and were working for
6 him, this early 2000s all the way through this time, when
7 you guys had discussions about the house or these other
8 things or, or money and loans, did he typically do any of
9 that in writing?

10 A. He didn't typically, typically did anything in
11 writing cause most of the time he didn't even want checks.
12 He wanted me to give him the money in cash.

13 MR. BILLINGLSEY: That's all the questions I have for
14 her, Your Honor, on redirect.

15 THE COURT: All right. Thank you.

16 Thank you, Ms. Prioleau.

17 Mr. Billingsley, any additional witnesses?

18 MR. BILLINGSLEY: We, we do have a couple of
19 witnesses we wanted to call. I was having to try to
20 coordinate with them. They're both a little bit older.

21 THE COURT: Okay.

22 MR. BILLINGSLEY: I'm, I'm -- and they say that -- I
23 think they were able to be here maybe the early afternoon
24 like around two o'clock. I was trying to organize them.
25 We got the notice of this I think basically after 5:00 on

1 Tuesday.

2 So, I've been in touch with them and I wasn't sure
3 how you -- the Court wants to handle that. We, we
4 could -- if we're breaking soon for lunch or something, if
5 we could have those witnesses closer to 2:00.

6 One of them is -- there's -- one of them is Mr.
7 Vandross that we've heard testimony about. I think both
8 of them are, are fairly short and the other witness is Mr.
9 Jenkins. I just need to make, make sure I see where --
10 cause I think the both of them may have to come here.
11 Being virtual, I don't know they've got the, the know how
12 to, to hop on and we have the computer set up that Ms.
13 Prioleau's on in our conference room for them if they need
14 it.

15 MR. JUNG: Now, are they gonna testify that they did
16 services, improvements to the house, that sort of thing?

17 MR. BILLINGSLEY: I think Mr. Vandross is gonna,
18 yeah, just gonna testify to, you know, to what he did. I
19 think Mr., Mr. Jenkins had seen the house and was -- had
20 looked at it when it was -- at the very beginning when
21 it -- when, you know, it hadn't been repaired yet and he
22 did some HVAC work over the, the last few years and he's
23 also gonna testify about how -- his perception.

24 I think they all knew each other and were friends and
25 I think he said -- he told me they use to hand out and was

1 gonna testify about, you know, that, how he viewed, how he
2 viewed it or he thought of it as far as -- I think he
3 understood it, from my understanding, he understood it to
4 be hers. But that's -- those are the things he would
5 testify to.

6 MR. JUNG: I mean I would accept a proffer that he,
7 you know, made improvements to the house. Obviously I
8 don't think he's qualified to give a perception as to who
9 owned the house. But if he was just gonna say that Ms.
10 Prioleau paid for him to do this or that, I don't -- I,
11 you know, I, I think he testified at the, at the eviction
12 hearing to the same. So I don't think that's in dispute.

13 MR. BILLINGSLEY: Yeah, I think---

14 MR. JUNG: But I'm not telling you your case, of
15 course.

16 MR. BILLINGSLEY: Well, I understand that. I think,
17 I think he did. The only -- well, my only concern with it
18 is, is just making sure we get it on, on the record in
19 case anybody pursues this, pursues this further.

20 MR. JUNG: Would anybody object to -- my client has
21 asked me to allow him to testify about certain things that
22 have come up with relation to the physical, medical
23 problems of the children or the grandchildren and he would
24 like to say something to the Court so that his -- that,
25 Your Honor, I think he would like to -- he'd like to make

1 a statement to that effect addressing these issues
2 regarding the, the childrens (sic) and their disabilities.

3 THE COURT: Well, I think what would be appropriate
4 is it sounds like that we can't come up with a stipulation
5 on just repairs. I think Mr. Billingsley wants to try to
6 see if he can lay a foundation with at least one witness
7 regarding ownership of the house or what was perceived or
8 discussed between Mr. Nick and this, this third party
9 potentially. If -- I don't know. I'm not saying he can
10 do it. But, yeah, I think he's gonna at least try.

11 So, I think it would be more appropriate for---

12 MR. JUNG: Yes, ma'am.

13 THE COURT: ---Mr. Nick to do it in reply. So let's
14 do that.

15 Let's break for lunch. Let's reconvene at 2:30 which
16 will let me handle a couple of things before we get back
17 started and hopefully, Mr. Billingsley, you'll be able to
18 get your witnesses there. It sounds like they'll be
19 really short and you then -- Mr. Nick can make his -- you
20 can ask him some questions on reply regarding that issue,
21 and since that testimony came in, I'm happy to allow him
22 to do it.

23 MR. JUNG: All right. Thank you, Your Honor.

24 MR. BILLINGLSEY: Thank you, Your Honor.

25 THE COURT: We'll see y'all back at 2:30.

1 MR. JUNG: Very good. Thank you.
2 MR. BILLINGSLEY: All right. Thank you.
3 THE COURT: Thank you.
4 (WHEREUPON, Court was in recess for the lunch hour.)
5 THE COURT: Good afternoon, everyone. I hope
6 everybody had a good lunch.
7 MR. JUNG: Good afternoon.
8 MR. BILLINGLSEY: Afternoon, yeah.
9 THE COURT: All right. And were you able to get your
10 two witnesses to your office?
11 MR. BILLINGLSEY: Yes, we, we have both of them in
12 the office. So, we'll be able to do one and then the
13 other one --
14 THE COURT: Perfect.
15 MR. BILLINGLSEY: -- I think pretty quick.
16 THE COURT: All right. Well then if everyone's
17 ready, let's go ahead and we'll go back on the record in
18 the John Nick versus Emily Prioleau matter and we are
19 continuing.
20 MR. JUNG: Can y'all hear us?
21 THE COURT: We can.
22 Can you hear us?
23 MR. JUNG: Can y'all say something?
24 THE COURT: Yes.
25 Can you hear us at all?

1 So, we are here in the matter of John Nick versus
2 Emily, there we go, Prioleau. Now we've got sound for
3 Mr. Jung.

4 So this -- I'm happy for you to present your next
5 witness.

6 Will you tell me his name so I can keep track of it?

7 MR. BILLINGLSEY: Sure. This is gonna be Thomas
8 Vandross.

9 THE COURT: Okay. Thomas Vandross.

10 All right. Mr. Vandross, I'm gonna unmute you.

11 Can you hear us okay?

12 THE WITNESS: I can hear you.

13 THE COURT: Perfect.

14 Will you raise your right-hand to be sworn?

15 THOMAS VANDROSS, being first duly
16 sworn, testified as follows:

17 THE COURT: Okay. Thank you. You can put your hand
18 down for me. I just want to make sure that we can hear
19 him.

20 All right. Happy to hear from y'all. Your witness.

21 MR. BILLINGLSEY: All right. Thank you.

22 DIRECT EXAMINATION

23 BY MR. BILLINGSLEY:

24 Q. Mr. Vandross, can you hear me all right?

25 A. Yes.

Thomas Vandross - Direct examination
By Mr. Billingsley

1 Q. Okay. So, Mr. Vandross, you -- you know the parties
2 in this case, Emily Prioleau and John Nick?

3 A. I do.

4 Q. Okay. And do -- and did you also get to know them or
5 work with them back on the naval base?

6 A. Ms. Emily and I worked in the same shop for a while
7 at, at the ship -- Charleston Navy Shipyard.

8 Q. Okay. And you're aware of, of the house that, that
9 she had moved into there in 2010 on Flanders Avenue I
10 think?

11 A. (WHEREUPON, there was no audible response.)

12 Q. All right. Can, can you -- can you hear me?

13 A. Yes.

14 Q. Okay. Are -- you're aware that she moved into the
15 house in 2010 and, before that, that this house was
16 purchased by Mr. Nick. We believe it was on Flanders
17 Avenue.

18 Is that right?

19 A. (WHEREUPON, there was no audible response.)

20 Q. Are you aware of that?

21 A. Yes, I was told that.

22 Q. All right. Yeah.

23 Did you -- and when the house was purchased in 2008,
24 did you do some plumbing work on the house?

25 A. I did the plumbing on that house in, in '09.

Thomas Vandross - Direct examination
By Mr. Billingsley

1 Q. Okay.

2 THE COURT: In '09?

3 Is that what you said?

4 (WHEREUPON, there was no audible response.)

5 Q. All right. Can you hear us?

6 It's not -- his audio's not coming through.

7 UNIDENTIFIED SPEAKER: Matt, can you hear him?

8 THE COURT: Okay. There's either an -- the issue
9 with the audio or there's a delay.

10 MR. BILLINGSLEY: Something like that. I'm not --
11 we're not able to really hear him respond.

12 UNIDENTIFIED SPEAKER: Just loudly as you can I
13 think.

14 THE WITNESS: Okay.

15 MR. BILLINGSLEY: Oh, that's better.

16 THE COURT: You may want to just have him scoot
17 closer. I think---

18 MR. BILLINGSLEY: Yeah.

19 THE COURT: ---Ms. Prioleau was a little bit closer
20 to this -- to the screen. There we go.

21 MR. BILLINGLSEY: There we go.

22 THE COURT: Let's give that a try.

23 Q. Okay. Can, can you tell us about the work you did on
24 the house in 2009?

25 A. I got the plumbing permit from Charleston County.

Thomas Vandross - Direct examination
By Mr. Billingsley

1 Not Charleston. City Hall. And I -- everything was taken
2 out of the house. All the plumbing, pipe, and fittings
3 was removed and I replace them with all new fixtures and,
4 and pipe and fixtures under the house and the walls. And
5 then I set the fixtures when the, the power was finished
6 and all that.

7 Q. Okay. Was, was, was the work you did similar to what
8 you might do on a, on a new house being built?

9 A. Yes, sir, it was exactly like a new house.
10 Everything was torn out and I had to replace it with new
11 parts.

12 Q. Okay. And did -- who hired you to do that?

13 A. She asked me to do that.

14 THE COURT: Who did?

15 Q. Say it again. It's almost like a delay.

16 A. Ms. Prioleau asked me to, to plumb that house for
17 her.

18 Q. Okay. Did, did, did she pay you to do that?

19 A. Yes, she did.

20 Q. Okay. And did she pay you for any of the parts that
21 were involved in, in, in that work?

22 A. Yes.

23 Q. Okay. And a -- I know this is a some time ago, but,
24 around that time, were you, were you generally involved
25 in -- as your profession doing plumbing work?

Thomas Vandross - Direct examination
By Mr. Billingsley

1 A. (WHEREUPON, there was no audible response.)

2 Q. I don't know what's going on.

3 A. would you repeat that please?

4 Q. Okay. Yeah, we might -- I don't know if there's a
5 delay or something.

6 But around that time that you were doing this work,
7 was that the line of work you were in as a plumber?

8 A. Yes.

9 Q. Okay. And I think you said you had a -- you had
10 gotten a, a permit and whatnot to do all this from the
11 ground up work on the house?

12 A. I've got a, a master's plumbing license at, at South
13 Carolina.

14 Q. Okay. And when you were redoing some of this, you
15 know, all, all of this plumbing work, was there an amount
16 or, or certain things that were done relating to making it
17 compliant for someone with a disability?

18 A. Yes, sir, the master bathroom is, is accessible for
19 ADA person.

20 Q. Okay. And whatabout like the shower and, and
21 fixtures, was there anything a little different about
22 that?

23 A. The shower and the fixture shower, it, it designed
24 for an ADA person and you got like body sprayers. You got
25 the regular showerhead and a handheld shower. But it got

Thomas Vandross - Direct examination
By Mr. Billingsley

1 wall -- it got a nozzle about 36 inches off the floor that
2 someone can sit on a chair or stool and shower themself.

3 Q. Okay. And once you did all this plumbing work in the
4 house, and any subsequent time after that, after Ms.
5 Prioleau moved in, did you -- had you done any other
6 repairs or anything over the years for her?

7 A. Yes, sir. Once I went back and work on the water
8 heater, putting the elements and thermostat, and it been a
9 few years later, and I work on -- I mean I, I, I install a
10 dishwasher that wasn't install at the time of the initial
11 plumbing was done.

12 Q. Okay. Just one moment, Your Honor.

13 (Pause.)

14 Q. Okay. And I just want to make sure I go over this.
15 Was there -- was there a time where you had to do --
16 redo any of the pipes relating to some squirrel damage?

17 Do you remember?

18 A. Yeah, I had -- if I had to do any -- replace?

19 Q. Did, did she get you to do some work when the
20 squirrels -- when some squirrels kind of got through some
21 of the water lines?

22 A. Oh, yes. Yes, she had a, a leak in the ceiling and
23 the squirrels gnawed a hole in, in the pipe and I had to
24 replace that.

25 Q. Okay. And what was involved with, with that repair?

Thomas Vandross - Direct examination
By Mr. Billingsley

1 Did you have to reroute them or just replace it or
2 what?

3 A. I had to re -- run a new line, abandoned that
4 original line, and ran a new line off the water -- from
5 the water heater and come up through to the floor to the
6 kitchen sink.

7 MR. BILLINGLSEY: All right. That's all the
8 questions I have for him, Your Honor.

9 THE COURT: All right. Mr. Jung, any questions?

10 MR. JUNG: I don't have any questions of the witness.
11 Thank you.

12 THE COURT: Thank you.

13 All right. Thank you, sir. I appreciate you being
14 here and coming down to Mr. Billingsworth's (sic) office.
15 I'm happy for you to call your next witness.

16 MR. BILLINGSLEY: Okay. And I think one of our other
17 attorneys, Ms. Smith, is there with them.

18 We're gonna call James Jenkins. So --

19 THE COURT: All right.

20 MR. BILLINGSLEY: -- if you'll give us a minute,
21 we'll swap them out.

22 THE COURT: All right. You're good.

23 MR. BILLINGSLEY: All right. And Ms. Smith is gonna
24 run get Mr. Jenkins real quick.

25 Okay.

James Jenkins - Direct examination
By Mr. Billingsley

1 THE COURT: All right. Mr. Jenkins, I'm gonna make
2 sure you're unmuted and will you go ahead and raise your
3 right-hand to be sworn?

4 JAMES JENKINS, being first duly
5 sworn, testified as follows:

6 THE COURT: All right. Thank you.

7 Yes, sir, your witness.

8 MR. BILLINGSLEY: Thank you, Your Honor.

9 DIRECT EXAMINATION

10 BY MR. BILLINGSLEY:

11 Q. All right. Mr. Jenkins, can you hear me all right?

12 A. Yes, sir.

13 Q. All right. So, Mr. Jenkins, do you, you know the
14 parties in this case, Ms. Emily Prioleau and Mr. John
15 Nick?

16 A. Yes, sir.

17 Q. Okay. And, and how long have you known them?

18 A. It's been well over 20 years.

19 Q. And you're aware of, of the house over on, on
20 Flanders that Ms. Prioleau lives in now?

21 A. Yes, sir.

22 Q. Okay. When it was purchased, did you have an
23 opportunity to go over there and, and look at it?

24 A. Not when it was purchased. But I had occasion to
25 have gone over there and to take a look at it to install

James Jenkins - Direct examination
By Mr. Billingsley

1 the air conditioning system there, yes.

2 Q. Okay.

3 A. Uh-huh. (Affirmative).

4 Q. When was that?

5 A. I would imagine that was somewhere in 2008, 2009,
6 somewhere in there.

7 Q. Okay. And, at that time, what was the condition of
8 the, the property?

9 A. It was being worked on. It was being rehabilitated.
10 No one was living there at the time.

11 Q. Okay. And what's the work that you, that you did
12 there?

13 A. I've, over the year, has -- have had the
14 opportunities to go there to do repairs on the air
15 conditioning system, and, as it is now, the condensing
16 unit that sits there now, I had to replace it a few years
17 back.

18 Q. Okay. And who was getting you to do that work?

19 A. Emily, Emily Prioleau.

20 Q. Was she the one paying you?

21 A. Yes, sir.

22 Q. And I know you said you've known these parties for,
23 for a long time, you know over 20 years, what would -- how
24 would you guys usually visit with each other?

25 A. Oh, we would see each other at the car lot. At the

James Jenkins - Direct examination
By Mr. Billingsley

1 time, Mr. Nick had a car lot on Rivers Avenue and we
2 would -- it was like a little place that we would
3 rendezvous, and, you know, just to, to interact with one
4 another, you know, basic -- basically, basically almost on
5 a daily basis sometimes.

6 Q. Okay. Was that going on around, you know, 2008,
7 2009, 2010, those times?

8 A. Yes, sir, uh-huh. (Affirmative).

9 Q. Okay. Were you aware of, of any -- anything going on
10 with the -- with a purchase or, or, or the ownership of
11 this property?

12 A. Well, on my visits to the property, I was, I was just
13 surprised when I got there that there was a, a basement in
14 the house and I can recall one time being told that the
15 foundation or the structure underneath the, the main floor
16 on the, on the bottom floor had to be shored up. You
17 know, I was -- again, I was just surprised that there was
18 a house in the Charleston area with a basement cause I --
19 that's a rarity.

20 Q. Okay. But as far, as far -- did -- did you have any
21 conversations with Mr. Nick or, or anybody about who owns
22 the property?

23 Did that ever come up?

24 A. No, it, it never came up directly, no. But I, you
25 know, I just -- I thought, in the process, that, from them

James Jenkins - Direct examination
By Mr. Billingsley

1 just hearing little bits and pieces about it, I just
2 thought, at the time, that it was something that Mr. Nick
3 was act -- acting as the contractor on the job for, for
4 Emily.

5 MR. BILLINGLSEY: And Court's indulgence just for one
6 minute.

7 THE COURT: No, take your time.

8 (Pause.)

9 MR. BILLINGSLEY: And, Your Honor, that's all the
10 questions I'd have for him on direct.

11 THE COURT: Mr. Jung, any questions?

12 MR. JUNG: No, ma'am. No questions.

13 THE COURT: All right. Thank you, Mr. Jenkins, for
14 being here. I appreciate it.

15 THE WITNESS: Thank you.

16 THE COURT: All right. Any other witnesses,
17 Mr. Billingsley?

18 MR. BILLINGSLEY: Those, those are all of our --
19 those are all of our witnesses. So, I know that Mr. Jung
20 had indicated his client wanted some rebuttable. So,
21 we're happy to go to that.

22 MR. JUNG: Your Honor, I -- thank you. Thank you,
23 Mr. Billingsley. I have a couple of housekeeping.

24 I -- I've collected -- offer the deed as Defendant's
25 Exhibit 2. I mean I can call Mr. Nick and I assume y'all

1 admonish him he's still under oath if you can identify
2 this deed.

3 THE COURT: All right. Do you have any objection,
4 Mr. Billingsley, for him to present the deed?

5 MR. BILLINGLSEY: No.

6 THE COURT: I thought y'all had agreed on this but
7 --.

8 MR. BILLINGSLEY: Yeah, no -- no objection to the
9 deed.

10 THE COURT: All right.

11 MR. BILLINGLSEY: Yes, ma'am.

12 THE COURT: So, Mr. -- so, by stipulation, you can --
13 I'm gonna just mark that as Plaintiff's -- but actually I
14 believe it's Plaintiff's No. 1.

15 MR. JUNG: All right. And then No. 2 would be the
16 notice to quit on September 7 of 2022.

17 (WHEREUPON, the deed was received into evidence as
18 Plaintiff's Exhibit No. 1 to be marked at a later time.)

19 THE COURT: Oh, that's correct. I'm sorry. You had
20 referenced that.

21 MR. BILLINGLSEY: Yeah.

22 THE COURT: Y'all both had agreed to that as well.

23 MR. JUNG: Okay.

24 THE COURT: So that will be Plaintiff's 1 and 2.

25 (WHEREUPON, the notice to quit was received into

1 evidence as Plaintiff's Exhibit No. 2 to be marked at a
2 later time.)

3 MR. JUNG: All right. And if -- I just want to ask
4 one question of Mr. Nick.

5 Mr. Nick---

6 THE COURT: All right. Mr.---

7 MR. JUNG: ---do you own this property?

8 Sorry.

9 THE COURT: That's okay.

10 Mr. Nick, you're still under oath. So you're still
11 testifying pursuant to your oath.

12 THE WITNESS: Yes, ma'am.

13 THE COURT: Okay. Go ahead.

14 THE WITNESS: I understand.

15 JOHN NICK, having been
16 previously sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. JUNG:

19 Q. Mr. Nick, this is a copy of the deed of the property
20 at 5528 Flanders Avenue, correct?

21 A. Correct.

22 Q. And do you own this property in your individual
23 capacity or did you take title in the name of Nick's Auto
24 Sales?

25 A. In Nick's Auto Sales.

John Nick - Direct examination
By Mr. Jung

1 Q. All right. Now, lastly, I wanted to -- do you have
2 any response to the references that Ms. Prioleau made
3 about the disabled grandchildren and, and how that
4 affected anything in terms of your relationship or your
5 consent that she was living in the house with these
6 grandchildren?

7 A. I always was sympathetic to the kids and Ms. Prioleau
8 for, for a fact -- matter of fact. And, in the beginning,
9 I did, did some preparation on the house in response to
10 her having a, a, a -- thoughts of purchasing it.

11 And like Mr. -- I think the gentleman -- the plumber
12 just said, he came in as a friend of both us and he was a
13 plumber and gave us the best price to plumb the property
14 and we allowed him to do that. And, in the process, we
15 both decide to make it handicap accessible if Ms. Prioleau
16 want to move into it.

17 But some time around the first month of 2010, she
18 lost confidence in the situation and withdraw the money.
19 In my opinion, she took the deal off of the table. I
20 didn't react then because the fact that my family was in
21 jeopardy. So, she just used that as a weapon to stay in
22 the property.

23 Q. Okay. You're referring to the, the payment of what I
24 believe was \$80,000 that she made from Nick's Auto Sales?

25 A. Yeah, we, we saying 80,000. My memory it was closer

John Nick - Direct examination
By Mr. Jung

1 to 93,000. It's two different checks.

2 Ms. Emily have those proof. She have those checks.

3 But she just had (indiscernible).

4 Q. All right. And you're saying that the -- that that
5 payment was material to your opinion about whether you
6 were gonna sell this property to her?

7 A. Yes.

8 Q. Okay.

9 A. And some of those funds would of went toward that.
10 But the amount that she unauthorized withdrawal more than
11 30 percent exceeded that, that was -- that would of went
12 toward the purchasing of the house.

13 Q. All right. All right. All right. Thank you.

14 I have nothing else, Your Honor.

15 THE COURT: Any cross-examination of Mr. Nick, Mr.
16 Billingsley?

17 MR. BILLINGLSEY: Just really, just really, really
18 short.

19 CROSS-EXAMINATION

20 BY MR. BILLINGSLEY:

21 Q. Really briefly, Mr. Nick.

22 I know we would -- talked about this too much before.
23 But, you know, the current state of, of the house now, I
24 know that this -- the, the house before was on -- it was
25 purchased, you know, 38,000 plus a few thousand for

John Nick - Cross-examination
By Mr. Billingsley

1 your -- the closing costs. But the value of the house now
2 has substantially increased.

3 Is that fair to say?

4 A. Was that my question?

5 Q. Yeah, I --.

6 A. Yes, sir, I think it is. I hadn't officially
7 checked. But I think it was.

8 Q. Okay. Do you have any, any I -- idea what that would
9 be or have you had any offers on the property that would
10 give you an indication what, what the value might be of
11 the property?

12 A. Oh, till recently I was offered like 250.

13 MR. BILLINGLSEY: Those are all the questions I have
14 for him, Your Honor.

15 MR. JUNG: Nothing further, Your Honor.

16 THE COURT: All right. Thank you. I don't have any
17 additional questions. I think I've -- I think I
18 understand exactly where we are.

19 I am happy -- we're at a bench trial. So, I don't
20 require a closing statement. If you want to make a
21 closing argument, I'm happy for y'all to do so. But I
22 also have your briefs. So it's completely up to y'all.

23 MR. JUNG: That's all right, Your Honor. I've
24 heard -- I, I wouldn't waste your time. You -- my brief
25 would -- I was repeating myself. So I would waive that if

1 Mr. Billingsley worth -- willing, willing to do the same.

2 THE COURT: Mr. Billingsley, are you willing to waive
3 that or you want to make a statement?

4 MR. BILLINGLSEY: I, I think the only -- I would
5 pre -- just make some -- a, a short -- very short
6 statement --

7 THE COURT: Sure.

8 MR. BILLINGSLEY: -- just to make sure I've covered
9 it, you know, for the record and then to make sure that
10 it -- that it's clear from that I guess the -- then what
11 she's asking for.

12 I think Your Honor's heard the evidence and where
13 things stand. A little bit of an unusual case as far as
14 a -- with what we, we deal, deal with and we've had some
15 issues.

16 I think we've had that in the brief about, you know,
17 I know there's the big issue with the statute of frauds
18 and there's a few arguments that we've made, the resulting
19 trust, you know, argument that wouldn't require the
20 statute of frauds.

21 Also, the, the equitable estoppel through -- and I'm
22 sure if the, if, if the case was, was in my brief or not,
23 which is why I just wanted to mention it, it was the
24 Bradshaw v. Ewing. It's 297 S.C. 242 from 1988/89 I think
25 it was filed and it really -- it, it just -- it lays out

1 a, a -- when you're dealing with real property and the
2 statute of frauds but a request for specific performance
3 based on partial performance by one party.

4 So, I wanted to make sure that's covered. For the
5 record, I think it re -- it requires -- in that case, they
6 were looking for -- there's a purchaser and they had an
7 agreement but an oral agreement after that and they were
8 looking -- it looks at possession. It looks at
9 improvements and it looks at the, the price or amount or
10 what the deal is with that.

11 This is a -- really a -- obviously a nontraditional
12 type case as far as somebody going through a purchase or, you
13 know, or something like that in the normal way. But I
14 think Ms. Prioleau, through that case, has shown that she
15 has herself has possession, that's not in dispute, that
16 she had made improvements. You know, it was a burned out
17 house that had to be built up to specifications and
18 understand he said he felt like she took some of her money
19 out.

20 But she did still move in the home in June after
21 that. She still, after 2010, had given him, at least what
22 she could show evidence wise, another 10,000 plus 20,000
23 for his, his, his legal expenses. She was spending money
24 in the business.

25 So, I, I think there were some -- there were some

1 funds. There were some funds exchanged and we'd ask the
2 Court to consider, you know, Bradshaw v. Ewing and, and
3 that partial performance in that and consider the
4 circumstances. Understand it's kind of a wide -- possible
5 wide range of what, what could get ordered or awarded.

6 So, we would just ask for the consideration. If
7 poss -- if she's not awarded the home, if possession is
8 awarded to Mr. Nick, to consider, you know, the
9 circumstances she's in for having to move and when
10 considering a timeframe or something along those lines and
11 consider what she's put into this home and all that
12 because, at the end of the day, you know, from her
13 testimony and from what, you know, some of the witnesses
14 that she's paid to keep the house up.

15 She put in her money to help build -- help rehab this
16 house and loaned him, over the years, even though we don't
17 have documentation I know for everything, but still a
18 significant amount of documentation, and, as he's
19 testified, there's been -- it's around 250 he's got an
20 offer for. He had initially put in, you know, about 38 to
21 41 on that.

22 So, that's a significant gain that he would -- that
23 he would accomplish by that and we, we think this is just,
24 you know, he didn't ask for the -- for, for rent or
25 anything on this property back until 2022. We think that

1 should also count for something as far as that there
2 really was some agreement for him -- for her to get the
3 property.

4 So we just ask the Court to consider those things.
5 Just want to make sure those cases are on the record. The
6 other case before that equitable estoppel kind of goes
7 along with was the Springob versus University of South
8 Carolina and just want to make sure those are in
9 consideration.

10 THE COURT: Okay. All right. Thank y'all.

11 I'm gonna take it under advisement. Let me take a
12 look at some of this case law and I, I don't usually sit
13 on things long. So I'll, I'll be in touch with y'all as
14 soon as possible.

15 MR. JUNG: Thank you, judge.

16 MR. BILLINGLSEY: Okay.

17 MR. JUNG: Thank you, Mr. Billingsley.

18 THE COURT: Thank you.

19 MR. BILLINGSLEY: And just to confirm, judge, for
20 the, the evidence, we need to do a cover letter and submit
21 that and I, I believe we need to redact anything out of it
22 that's personal, identifiable.

23 Is that right?

24 THE COURT: That's correct. Like that checking
25 account numbers, the bank account numbers that were on

1 there. I, I think I saw that some were---

2 MR. BILLINGSLEY: Right.

3 THE COURT: ---redacted. But if you -- if they
4 haven't all been redacted, y'all just want to
5 double-check.

6 MR. BILLINGSLEY: Right. I think we've redacted a
7 couple. I did so. It might just take me -- I think I'll
8 have some time this afternoon to do that.

9 THE COURT: Okay. All right. That sounds good.

10 MR. JUNG: Thank you, judge.

11 THE COURT: Thank y'all so much.

12 MR. JUNG: Appreciate this opportunity. Thank you.

13 MR. BILLINGSLEY: All right. Have a good day.

14 THE COURT: All right. Thank you.

15

16 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Family Court for Charleston County, South Carolina, on the 28th day of October, 2024.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

March 7th, 2025

A handwritten signature in cursive script that reads "Pamela E. Green". The signature is written in dark ink and is positioned above a horizontal line.

PAMELA E. GREEN, Court Reporter



Department of Transplant Surgery
162 Ashley Avenue
Charleston, SC, 29425
Phone: 843-792-5097
Fax: 843-876-2968

April 14, 2025

1st Request Date: 4/14/2025

Cantanya L Prioleau
Po Box 62764
North Charleston SC 29419

Dear Cantanya L Prioleau,

Thank you for starting your Kidney transplant evaluation at the Medical University of South Carolina. Based on your recent visit with our transplant team, below is a list of required transplant testing needed to complete your evaluation. We would like your testing to be completed by 7/14/2025. Once your testing is complete, you will be scheduled to come to Charleston, SC to meet with one of our providers.

Transplant Evaluation Testing to be completed by you:

- ~~Exercise~~ Stress Test--Please call 843-876-5146 to schedule at MUSC.
- ~~Colonoscopy~~--Please call 843-792-6982 to schedule at MUSC.
- ~~Pap smear~~--Maintain appointment on 6/13/2025 at MUSC.
- ~~Mammogram~~--Please call 843-792-9729 to schedule at MUSC.
- ~~CT Abdomen/Pelvis~~ without contrast--Please call 843-792-9729 to schedule at MUSC.

Please ask your doctor to fax the results of your tests to 843-876-2968 or let us know when and where your testing was done so we can request the records.

Vaccination recommendations (not required):

HBV vaccination
Annual Flu vaccination
Pneumococcal vaccination
Zoster vaccination unless otherwise contraindicated (may still be a candidate for the inactivated recombinant zoster vaccine)
COVID vaccine

Exhibit C

Once we have the results of your testing, the transplant team will meet to review your information to determine if a transplant is a safe option for you.

If you have any questions, please call the MUSC Transplant Center at 843-792-5097.

Sincerely,

The Kidney Transplant Program

To learn more about the living donor program, please visit our website at **musclivingdonor.org** or contact the living donor team at 843-792-5097.

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Medical University of South Carolina
171 Ashley Avenue
Charleston SC 29425
United States of America

Patient Health Summary

This document contains information that was shared with Cantanya L Prioleau on April 28, 2025. It might not contain the entire record from Medical University of South Carolina.

Demographics

Name: Cantanya L Prioleau
Address: PO BOX 62764 5528 Flanders Ave North Charleston, SC 29406 NORTH CHARLESTON SC 29419
Date of birth: ~~06/11/1977~~ Legal sex: Female Language: English
Email: ~~cprioleau77@gmail.com~~
Home phone: ~~843-412-0695~~
Mobile: ~~843-742-0505~~

Relationships

Name	Relation to patient	Phone numbers
Emily Prioleau	Mother	Mobile: 843-693-0184 (primary) Home: 843-693-0184
~~A. Williams~~	~~Daughter~~	Home: ~~843-871-0377~~ Mobile: ~~843-693-0177~~
~~Q. Williams~~	~~Aunt/uncle~~	Mobile: ~~843-520-1255~~ (primary)
~~Melissa Thompson~~	~~Relative~~	—
~~Darlene D. Davis~~	~~Relative~~	Mobile: ~~470-222-7090~~ (primary)

Vital Signs

Medications

ergocalciferol 1,250 mcg
(50,000 unit) capsule
Commonly known as:
Drisdol

spironolactone 50 mg
tablet
Commonly known as:
Aldactone

bumetanide 1 mg tablet
Commonly known as:
Bumex

sodium bicarbonate 650
mg tablet

+ more

 Go to Medications

Current Health Issues

Anemia in stage 5 chronic
kidney disease, not on
chronic dialysis

Anemia of chronic disease

~~Anxiety about health~~

~~Diabetic nephropathy~~
associated with type 2
diabetes mellitus

+ more

 Go to Health Issues

Recommended Actions

 You can now view
details for a
requested
HEMOGLOBIN and
HEMATOCRIT from
your visit with
Jordan S, RN.

View details

 You can now view
details for a
requested
ECHOCARDIOGRAM
PHARMACOLOGICAL
STRESS TEST from
your visit with Kelly
T, RN.

View details

 You can now view
details for a
requested ADULT
ROUTINE EKG from
your visit with Kelly
T, RN.

View details

 You can now view
details for a
requested
HEMOGLOBIN and
HEMATOCRIT from
your visit with Taylor
R, RN.

View details

My Health Goal



You have no
health goals
shared with your
care team.

Sharing a health goal
with your care team
can help them discuss
your plan of care with
you at future visits.

+ Add goal

Allergies

Banana
Reactions: **Severe**
Swelling

Latex
Reactions: **Severe**
Shortness Of
Breath

Penicillin G
Reactions: **Severe**
Hives

Lisinopril
Reactions: Cough

Tree Nuts
Reactions: Itching

RECEIVED

Apr 28 2025

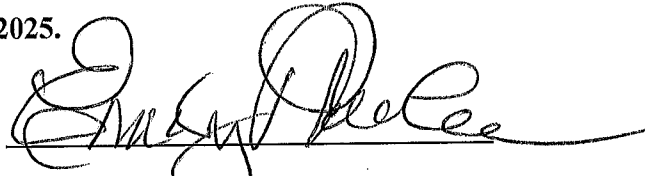
SC Court of Appeals

CERTIFICATE OF SERVICE:

I hereby certify that a copy of the foregoing Motion for Extension of Time to be served on April 28, 2025 be emailing and mailing a true copies thereof to has been served upon counsel for the Respondent as follows:

William B. Jung, Attorney for John Nick
1156 Bowman Road, Ste 200,
Mount Pleasant, SC 29464
Email: bradjung@msn.com
(deposited in U.S. Mail)

on this 29th day of April, 2025.



Emily Prioleau

Exhibits

Exhibit B: Transcript from the Court of Common Peas (obtained by my former counsel)

Exhibit C: Redacted Medical Documentation – medical information confirming my daughter's condition, treatment, evaluations, and the necessity for a kidney transplant