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May 19 2025
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Probate Court

The Honorable Judge George M. McFaddin, Jr.

Probate Case No.: 2019-ES-10-00394
Common Pleas Case No.: 2024-CP-00921
Appellate Case No.: 2024-01074

In re: Veronique W. Pickett

Bayard Scott Pickett, Jr.,

Appellant,

v.

Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett Dated March 31, 1999 and as Trustee of the Kathleen E. Anderson Trust as Established under the Will of Veronique H.W. Pickett Dated March 31, 1999,

Respondents.

AND

Kathleen Anderson aka Kathleen Elizabeth Anderson, in her individual Capacity, Party in Interest/Counterclaimant.

APPELLANT'S RECORD ON APPEAL

May 15, 2025

Elizabeth J. Palmer, Esq.
S.C. Bar No. 73680
151 Meeting St., Suite 400
Charleston, SC 29401
(843) 414-5080
Attorney for Respondent

Paul B. Ferrara, III
S.C. Bar No. 70511
8887 Old University Blvd.
North Charleston, SC 29406
(843) 569-5511
Attorney for Appellant

Orders

1. March 11, 2019 Appointment of Scott Pickett as Personal Representative; **001**
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3. August 17, 2021 Order for Extension **003**
4. September 20, 2021 Order for Extension **004**
5. January 19, 2022 Order Closing the Estate; **005**
6. September 23, 2023 Order for Appointment of Special Administrator; **008**
7. October 26, 2023 Consent Order to Disburse Funds; **013**
8. January 24, 2024 Order Denying Motion for Reconsideration; **015**
9. February 8, 2024 Order Appointing Temporary Special Administrator; **023**
10. March 12, 2024 Order Granting Motion for Removal; **031**
11. April 15, 2024 Order of Pickett as Special Administrator; **032**
12. April 24, 2024 Order Denying Petition for Appointment of Successor **037**
13. April 24, 2024 Order Dismissing Appeal 2024-CP-10-00921; **044**
14. June 11, 2024 Order Denying Motion for Reconsideration; **048**
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12. June 27, 2023 Verified Petition for Appointment of Special Administrator; **077**
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STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
) IN THE PROBATE COURT
IN THE MATTER OF:) **CERTIFICATE OF APPOINTMENT**
VERONIQUE W. PICKETT)
(Decedent)) CASE NUMBER: 2019ES1000394-2

This is to certify that

BAYARD S. PICKETT, JR.

is/are the duly qualified

☒ PERSONAL REPRESENTATIVE
☐ SUCCESSOR PERSONAL REPRESENTATIVE
☐ SPECIAL ADMINISTRATOR

In the above matter and that this appointment, having been executed on the 11th day of March, 2019 is now in full force and effect.

RESTRICTIONS:

NONE

Executed this 29th day of March, 2019.

IRVIN G. CONDON, JUDGE OF PROBATE
BY ESTATE CLERK

Do not accept a copy of this certificate without the raised seal of the Probate Court.

FORM #141ES (1/2014)
62-1-305, 62-3-103

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	
COUNTY OF: CHARLESTON	)	
	)	**ORDER FOR EXTENSION**
IN THE MATTER OF:	)	
VERONIQUE W. PICKETT	)	CASE NUMBER: 2019ES1000394
(Decedent)	)	

After reviewing the foregoing request and the record, it appears that the request should be:

- ☒ Granted
- ☐ Final Extension; _____ prior extensions granted for same reason recited on Motion, no new information
- ☐ Granted for a shorter extension of _____ days
- ☐ Granted for a longer extension of _____days
- ☐ Denied and refer for Summons
- ☐ Personal Representative / Court to copy all interested parties with copy of Motion for Extension; Proof of Delivery to be filed within ten (10) days of date of this Order
- ☐ Final Extension due to timeframe imposed by SC Court Administration
- ☐ Denied / Hearing scheduled for _____
- ☐ Denied – see explanation below

60 DAY EXTENSION GRANTED.

Filing(s) are now due on or before the **16** day of **AUGUST**, **2021**, at 5:00 o'clock P.M.

IT IS SO ORDERED:

Executed this 15 day of June, 2021.

Irvin G. Condon

IRVIN G. CONDON, JUDGE OF PROBATE
TAMARA C. CURRY, ASSOCIATE JUDGE
LENNA S. KIRCHNER, ASSOCIATE JUDGE
PETER A. KOUTEN, ASSOCIATE JUDGE

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	
COUNTY OF: CHARLESTON	)	
	)	**ORDER FOR EXTENSION**
IN THE MATTER OF:	)	
VERONIQUE W. PICKETT	)	CASE NUMBER: 2019ES1000394
(Decedent)	)	

After reviewing the foregoing request and the record, it appears that the request should be:

- ☒ Granted
- ☐ Final Extension; _____ prior extensions granted for same reason recited on Motion, no new information
- ☐ Granted for a shorter extension of _____ days
- ☐ Granted for a longer extension of _____days
- ☐ Denied and refer for Summons
- ☐ Personal Representative / Court to copy all interested parties with copy of Motion for Extension; Proof of Delivery to be filed within ten (10) days of date of this Order
- ☐ Final Extension due to timeframe imposed by SC Court Administration
- ☐ Denied / Hearing scheduled for _____
- ☐ Denied – see explanation below

30 DAY EXTENSION GRANTED FOR INVENTORY AND APPRAISEMENT.

60 DAY EXTENSION GRANTED FOR CLOSING DOCUMENTS.

Filing(s) are now due on or before the **17** day of **SEPTEMBER**, **2021 AND OCTOBER 15, 2021**, at 5:00 o'clock P.M.

IT IS SO ORDERED:

Executed this 17 day of August, 2021.

IRVIN G. CONDON, JUDGE OF PROBATE
TAMARA C. CURRY, ASSOCIATE JUDGE
LENNA S. KIRCHNER, ASSOCIATE JUDGE
PETER A. KOUTEN, ASSOCIATE JUDGE

FORM #352ES (3/2018)
62-3-704, 62-3-706, 62-3-804

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	
COUNTY OF: CHARLESTON	)	
	)	**ORDER FOR EXTENSION**
IN THE MATTER OF:	)	
VERONIQUE W. PICKETT	)	CASE NUMBER: 2019ES1000394
(Decedent)	)	

After reviewing the foregoing request and the record, it appears that the request should be:

- ☐ Granted
- ☐ Final Extension; _____ prior extensions granted for same reason recited on Motion, no new information
- ☒ Granted for a shorter extension of 180 days
- ☐ Granted for a longer extension of _____days
- ☐ Denied and refer for Summons
- ☐ Personal Representative / Court to copy all interested parties with copy of Motion for Extension; Proof of Delivery to be filed within ten (10) days of date of this Order
- ☐ Final Extension due to timeframe imposed by SC Court Administration
- ☐ Denied / Hearing scheduled for _____
- ☐ Denied – see explanation below

INTERIM ACCOUNTING DUE WITHIN 30 DAYS.

180 DAY EXTENSION GRANTED FOR CLOSING DOCUMENTS.

Filing(s) are now due on or before the **20** day of **OCTOBER**, **2021 AND MARCH 18, 2022**, at 5:00 o'clock P.M.

IT IS SO ORDERED:

Executed this 20 day of September, 2021.

Irvin G. Condon

IRVIN G. CONDON, JUDGE OF PROBATE
TAMARA C. CURRY, ASSOCIATE JUDGE
LENNA S. KIRCHNER, ASSOCIATE JUDGE
PETER A. KOUTEN, ASSOCIATE JUDGE

IRVIN G. CONDON
Judge of Probate

TAMARA C. CURRY
Associate Judge of Probate

LENNA S. KIRCHNER
Associate Judge of Probate

PETER A. KOUTEN
Associate Judge of Probate

CHARLESTON
COUNTY
SOUTH CAROLINA

ESTATE DIVISION
HISTORIC COURTHOUSE
84 BROAD STREET
CHARLESTON, SC 29401
843-958-5030

January 19, 2022

NOTICE OF NON FILING AND RULE 4 ORDER (copy enclosed)

Dear Sir or Madam:

Enclosed is a copy of the Rule 4 Order the judge issued, a result of non compliance/inactivity with regards to the directives issued by this Court. I have been instructed to close the estate file. Please note that all unpaid filed creditors shall receive a copy of the Rule 4 Order, as well.

Please contact me should you have any questions: 843.958.5036 or 843.666.4701 or jrobinson@charlestoncounty.org .

Sincerely,

Jamie Robinson

EXHIBIT 7 FLF006

IRVIN G. CONDON
Judge of Probate

TAMARA C. CURRY
Associate Judge of Probate

LENNA S. KIRCHNER
Associate Judge of Probate

PETER A. KOUTEN
Associate Judge of Probate

CHARLESTON COUNTY
SOUTH CAROLINA

ESTATE DIVISION
HISTORIC COURTHOUSE
84 BROAD STREET
CHARLESTON, SC 29401
843-958-5030

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
6/26/2023 2:09PM

January 19, 2022

NOTICE OF NON FILING AND RULE 4 ORDER (copy enclosed)

Dear Sir or Madam:

Enclosed is a copy of the Rule 4 Order the judge issued, a result of non compliance/inactivity with regards to the directives issued by this Court. I have been instructed to close the estate file. Please note that all unpaid filed creditors shall receive a copy of the Rule 4 Order, as well.

Please contact me should you have any questions: 843.958.5036 or 843.666.4701 or jrobinson@charlestoncounty.org .

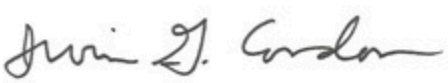
Sincerely,

Jamie Robinson

STATE OF SOUTH CAROLINA **COUNTY OF CHARLESTON** **THE ESTATE OF** **VERONIQUE W. PICKETT**	)	**IN THE PROBATE COURT** **CASE #2019ES1000394**
EX PARTE: **IRVIN G. CONDON** **JUDGE OF PROBATE**	)	**ORDER**

Pursuant to the authority granted unto this Probate Court by and in Probate Court Rule 4, as adopted and made effective by the Supreme Court on March 8, 1983, and upon and after due and appropriate compliance with the purport and purview of Law and Statute herein and hereto relevant and appertaining, the above captioned Case and/or Cause is closed and final discharge entered, with leave to restore upon good cause being shown provided that the subject Fiduciary shall be and is fully responsible and liable to the full extent of Law for any and all acts and doings, commissions and/or omissions, prior to the date hereof; but this Order does not alter or release any and all liabilities on and under said Bond prior to the date hereof.

GIVEN under the Hand and Seal of this Probate Court at Charleston, South Carolina, effective the 19 Day of January, 2022.



_____(SEAL)
IRVIN G. CONDON, JUDGE OF PROBATE
TAMARA C. CURRY, ASSOCIATE JUDGE OF PROBATE
LENNA S. KIRCHNER, ASSOCIATE JUDGE OF PROBATE
PETER A. KOUTEN, ASSOCIATE JUDGE OF PROBATE
OF AND FOR THE COUNTY OF CHARLESTON,
STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON IN THE MATTER OF: VERONIQUE W. PICKETT LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED BY THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999 AND AS TRUSTEE OF THE KATHLEEN E. ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999, Petitioners, v. BAYARD SCOTT PICKETT, JR., Respondent.	)	IN THE PROBATE COURT CASE NO: 2019-ES-10-0394 **ORDER FOR APPOINTMENT OF SPECIAL ADMINISTRATOR**

Date of Hearing:	**September 22, 2023**
Presiding Judge:	**David L. Michel, Associate Probate Judge**
Petitioner:	**Laura V. Jones (not in attendance)**
Petitioner's Attorneys:	**Elizabeth J. Palmer, Esquire**
Respondent:	**Bayard Scott Pickett, Jr.**
Respondent's Attorney:	**Paul B. Ferrara, III, Esquire**
Respondent:	**Kathleen Anderson (not in attendance)**
Respondent's Attorneys:	**Eric B. Laquiere, Esquire**
Court Reporter:	**Abby Bishop, Clark Bolen**

THIS MATTER comes before the Court upon a Petition for Formal Appointment of Special Administrator filed with this Court on June 27, 2023, by Laura V. Jones, in her capacity as the Trustee of the Laura V. Jones Trust and the Kathleen E. Anderson Trust, both established by the Will of Veronique W. Pickett dated March 31, 1999. Also before the Court is an Application

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for Subsequent Administration and Appointment of Personal Representative filed with this Court by Bayard Scott Pickett, Jr., on May 19, 2023.

Present at the hearing were Elizabeth J. Palmer, Esquire, attorney for Petitioner Laura V. Jones, Respondent Bayard Scott Pickett, Jr., and his attorney, Paul B. Ferrara, III, Esquire, and Eric B. Laquiere, Esquire, attorney for Katherine E. Anderson.

Based upon a review of the record in this matter, evidence and testimony presented at the hearing, and the laws of the State of South Carolina, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT AND PROCEDURAL HISTORY

1. The Decedent, Veronique W. Pickett, died on December 18, 2018. At the time of her death, she was a resident of Virginia Beach, Virginia, but owned real property in Charleston County, South Carolina.

2. At the time of her death, the Decedent was survived by her son, Bayard Scott Pickett, Jr., and her two granddaughters, Laura V. Jones and Kathleen E. Anderson.

3. On March 1, 2019, Bayard Scott Pickett, Jr., son of the Decedent, filed an Application for Informal Appointment of Personal Representative.

4. On March 11, 2019, Bayard Scott Pickett, Jr. (hereinafter, Respondent), was appointed as Personal Representative of the Estate and the Decedent's Will, dated March 31, 1999, was admitted to probate.

5. Pursuant to the Will, the devisees of the Estate are as follows with their respected shares as indicated:

50%: Bayard Scott Pickett, Jr., Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

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25%: Laura V. Jones Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

25%: Kathleen E. Anderson Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

6. By letter dated June 21, 2019, the Court notified Bayard Scott Pickett, Jr., that the Estate's Inventory and Appraisement was overdue and demanded that it be filed within twenty days. Not receiving the requested filings, by letter dated September 21, 2020, the Court again demanded that the Inventory and Appraisement and other required documents, be filed within 20 days. On March 25, 2021, the Court sent a final demand that Bayard Scott Pickett, Jr., file the required documentation, including, a Final Accounting and Proposal for Distribution. None of the requested or required documents were filed.

7. Due to Respondent's failure to file required documents after multiple demands by the Court dating back to June 21, 2019, the Court ultimately closed the Estate by Order dated January 19, 2022, pursuant to Rule 4. Bayard Scott Pickett, Jr., has not subsequently been reappointed as Personal Representative.

8. As of the date of the hearing in this matter, 4 ½ years after opening the Estate and being appointed as Personal Representative, Respondent had never filed an Inventory and Appraisement. Respondent also failed to file an Interim Accounting in those 4 ½ years, although he testified at the hearing that the Estate originally had approximately $80,000 in cash.

9. Additionally, Respondent testified at the hearing that he had, just that day, attempted to file an Inventory and Appraisement listing the Decedent's real property, located in Mt. Pleasant, SC, and valuing it at $4,000,000.

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10. Respondent further testified that he had just recently transferred the proceeds from the sale of the real property out of an Estate account and into various accounts, some of which are neither Estate, nor fiduciary.

CONCLUSIONS OF LAW

11. This Court has jurisdiction over this matter and venue is proper pursuant to S.C. Code Ann. §§ 62-1-302 and 62-3-201(b).

12. This Court finds that proper notice was given to all parties with an interest in this matter pursuant to S.C. Code Ann. § 62-1-401.

13. Pursuant to S.C. Code Ann. § 62-3-614(2), a special administrator may be appointed "in a formal proceeding by order of the court on the petition of any interested person and finding, after notice and hearing, that appointment is necessary to preserve the estate or to secure its proper administration including its administration in circumstances where a general personal representative cannot or should not act."

14. The Court finds that the appointment of a Special Administrator is necessary to preserve the Estate and to secure its proper administration. Therefore, the Court appoints C. Mac Gibson, Esquire as the Special Administrator of this Estate. Mr. Gibson has extensive experience in probate matters and has agreed to serve as a fiduciary to this Court.

15. Mr. Gibson, as Special Administrator, shall proceed with the administration of the Decedent's Estate pursuant to the South Carolina Probate Code.

NOW THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that, pursuant to S.C. Code Ann. § 62-3-614, C. Mac Gibson, Esquire, is hereby appointed as Special Administrator of the Estate of Veronique W. Pickett; it is further

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ORDERED, ADJUDGED, AND DECREED that Attorney Gibson shall not be required to obtain a bond and shall have all powers of a general Personal Representative in proceeding with the administration of this Estate; it is further

ORDERED, ADJUDGED, AND DECREED that all parties shall fully cooperate with the Special Administrator to ensure efficient and effective administration of the Estate; it is further

ORDERED, ADJUDGED, AND DECREED that the Special Administrator shall keep records of all his time devoted to this file and shall submit an Affidavit of Attorney's Fees, itemized statement of his bill, and a proposed order to the Court. These fees shall be paid from the Estate, upon Court approval, pursuant to the South Carolina Probate Code; it is further

ORDERED, ADJUDGED, AND DECREED that Petitioner Laura V. Jones may submit to the Court, and serve on all parties, an Affidavit of Attorney's Fees and itemized statement of costs incurred in connection with her Petition for Formal Appointment of Special Administrator. Respondent shall have 30 days from service thereof to submit any response; it is further

ORDERED, ADJUDGED, AND DECREED that this Order is subject to such further Orders of this Court as may become necessary.

IT IS SO ORDERED.



DAVID MICHEL
Associate Judge of Probate
Charleston County

This 27 day of September, 2023
Charleston, South Carolina.

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON IN THE MATTER OF: VERONIQUE W. PICKETT LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED BY THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999 AND AS TRUSTEE OF THE KATHLEEN B. ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999. Petitioners, v. BAYARD SCOTT PICKETT, JR., Respondent. v. KATHLEEN B. ANDERSON aka KATHLEEN ELIZABETH ANDERSON, in her individual capacity. Party in Interest /Counterclaimant	IN THE PROBATE COURT CASE NO: 2019-ES-10-0394 MOTION AND CONSENT ORDER TO DISBURSE FUNDS TO KATHLEEN ANDERSON

WHEREAS on October 25, 2023 Kathleen Anderson, by and through her attorney, Eric B. Laquiere, Esq., moved this Court with the consent of all opposing counsel; that this Court issue an order directing the disbursement of the sum of Twenty-Five Thousand ($25,000.00) Dollars to Kathleen Anderson, with this disbursement to be accounted for as a partial advance of funds due to The Kathleen Anderson Trust under the will of Veronique W. Pickett.

BASED UPON the foregoing, it is hereby

ORDERED, ADJUDGED AND DECREED that C. Mac Gibson, and/or Bayard Scott Pickett Jr, whichever one of them is currently authorized as the signor on the bank accounts in which the estate funds are deposited, is directed to transfer the sum of $25,000.00 from estate funds to Kathleen Anderson via a check endorsed to her; it is further

ORDERED, ADJUDGED AND DECREED that this disbursement is to be accounted for as a partial advance of funds due to The Kathleen Anderson Trust under the will of Veronique W. Pickett.

IT IS SO ORDERED.

DAVID L. MICHEL
Associate Probate Court Judge
Charleston County

October 26, 2023
Charleston, SC

Attest: A True Copy
Clerk of Court
Charleston County, South Carolina

I SO MOVE.

_____/s/ Eric B. Laquiere_____
Eric B. Laquiere, Attorney for Kathleen Anderson

I CONSENT.

_____/s/ Beth Palmer (w/ permission, email 10/25/23)_____
Beth Palmer, Attorney for Laura Jones

I CONSENT.

____/s/ Paul Ferrara (w/ permission, phone 10/25/23)_____
Paul Ferrara, Attorney for B. Scott Pickett Jr.

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON IN THE MATTER OF: VERONIQUE W. PICKETT LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED BY THE WILL OF VERONIQUE H. W. PICKETT DATED MARCH 31, 1999 Petitioner, v. BAYARD SCOTT PICKETT, JR., AND KATHLEEN E. ANDERSON AS TRUSTEE OF THE KATHLEEN E. ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999, Respondent.	)	IN THE PROBATE COURT CASE NO: 2019-ES-10-00394 **ORDER DENYING MOTIONS FOR RECONSIDERATION FOR APPOINTMENT OF SPECIAL ADMINISTRATOR**

Date of Hearing:	**January 16, 2024**
Presiding Judge:	**David L. Michel, Associate Probate Judge**
Petitioner:	**Laura V. Jones**
Petitioner's Attorneys:	**Elizabeth J. Palmer, Esquire**
Respondent:	**Bayard Scott Pickett, Jr.**
Respondent's Attorney:	**Paul B. Ferrara, III, Esquire**
Respondent:	**Kathleen Anderson**
Respondent's Attorneys:	**Eric B. Laquiere, Esquire**
Court Reporter:	**Molly Powell**

THIS MATTER comes before the Court upon Motions to Reconsider this Court's Order dated September 27, 2023. Respondent Pickett's Motion was filed on October 9, 2023 and Respondent Anderson's Motion was filed on October 9, 2023. Even though both Respondents failed to properly serve Petitioner within the time limit as required by the South Carolina Rules of

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Civil Procedure, the Motions proceeded on a hearing before the Court pursuant to Rule 59(e) Motion to Alter or Amend a Judgment. Respondents' Motions for Reconsideration are hereby **DENIED**.

The filing of motions and other pleadings in the Probate Court are governed by the South Carolina Probate Code and, where not inconsistent, the South Carolina Rules of Civil Procedure, including Rule 59(e). *In re: Estate of Timmerman*, 331 S.C. 455, 460, 502 S.E.2d 920, 922 (Ct. App. 1998) (see also S.C. Code Ann. §§ 14-23-280, 62-1-304). A party may not use a Rule 59 motion to re-litigate old matters or present issues that could have been raised prior to the judgment but were not. *Exxon Shipping Co. v. Baker*, 554 U.S. 471, 485 n.5 (2008); *Hickman v. Hickman*, 301 S.C. 455, 456, 392 S.E.2d 481, 482 (Ct. App. 1990).

Pursuant to Rule 59, SCRCP this Court has proper jurisdiction, and this Court issues its ruling on the Respondents' Motions to Reconsider after careful review of the Pleadings and after a hearing on same.

Under South Carolina law, a motion to reconsider is appropriate when "[a] party may wish to file such a motion when she believes the court has misunderstood, failed to fully consider, or perhaps failed to rule on an argument or issue, and the party wishes for the court to reconsider or rule on it." *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 24, 602 S.E.2d 772, 780 (2004).

Background

1. Decedent passed away on December 18, 2018 and she was predeceased by her husband, Bayard Scott Pickett, Sr.
2. Decedent was survived by her son, Respondent Bayard Scott Pickett, Jr. and her two granddaughters, Petitioner Laura V. Jones and Respondent Kathleen Elizabeth Anderson.

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Decedent's daughter, and mother of Laura and Kathleen, passed away on December 24, 2003, predeceasing Decedent.

3. Respondent Pickett filed an Application for Informal Probate of Will and Appointment as Personal Representative on or about March 4, 2019. Without objection, the Will dated March 31, 1999 was admitted to Probate and Respondent was appointed as Personal Representative.
4. On June 21, 2019, the Court issued statutory compliance letter #1 to Respondent Pickett that the Inventory and Appraisement should be filed within (20) days.
5. On September 21, 2020, the Court issued statutory compliance letter #2 to Respondent Pickett that the Inventory and Appraisement along with closing documents should be filed within (20) days.
6. On November 2, 2020, Respondent Pickett filed a Deed of Distribution with the Court but had not yet filed an Inventory and Appraisement as required by the South Carolina Probate Code.
7. On March 25, 2021 the Court issued statutory compliance letter #3 to Respondent Pickett that the Inventory and Appraisement along with closing documents should be filed within (20) days.
8. On April 13, 2021 the Court issued statutory compliance letter #4 to Respondent Pickett that the Inventory and Appraisement along with closing documents should be filed within (20) days.
9. On May 12, 2021 the Court issued statutory compliance letter #5 to Respondent Pickett that the Inventory and Appraisement along with closing documents should be filed within (20) days.

DLM

10. On November 24, 2021 the Court issued statutory compliance letter #6 to Respondent Pickett that the Inventory and Appraisement along with closing documents should be filed by December 29, 2021 or the Estate **shall be administratively closed**.
11. On January 19, 2022 the Court sent a Notice of Non Filing and Rule 4 letter to Respondent Pickett with a copy of the Order administratively closing the Estate.
12. On May 19, 2023 Respondent Pickett filed an Informal Application/Petition for Subsequent Administration.
13. On May 31, 2023 Petitioner Jones filed an Objection to the Appointment of Respondent Pickett as Personal Representative and requested that the Court appoint a Special Administrator.
14. On June 26, 2023 Petitioner Jones filed a Summons and Petition for the Appointment of a Special Administrator.
15. On June 26, 2023 Petitioner Jones filed an Amended Summons and Petition for the Appointment of a Special Administrator. On July 5, 2023 Petition Jones filed Respondent Pickett's Acceptance of Service regarding the same.
16. On August 4, 2023 Respondent Pickett filed an Answer and Requested a Jury Trial. (However, the appointment of a Special Administrator is the exclusive jurisdiction of the Court not a matter before a jury.)
17. On August 18, 2023 Respondent Anderson filed a Motion to Intervene and filed an Answer / Counterclaim / Crossclaim on August 21, 2023.
18. On September 22, 2023, the Court held a hearing regarding the Petition for Formal Appointment of a Special Administrator filed by Petitioner Jones.

DLM

19. On September 27, 2023 the Court issued an Order for Appointment of Special Administrator.

Arguments of Respondents

1. That the Court, in considering the formal petition of Petitioner Jones to appoint a special administrator, failed to make a required finding of malfeasance as required by S.C. Code Ann. § 62-3-611(b) and elicited by *Church v. McGee*, 391 S.C. 334, 705 S.E. 2d 481 (Ct. App. 2011).

In this case, the Court's Order of September 27, 2023 did not remove Respondent Pickett as Personal Representative. The Court filings speak for themselves. More specifically, this Court's Order dated January 19, 2022 clearly states that:

> Pursuant to the authority granted unto this Probate Court by and in Probate Court Rule 4, as adopted and made effective by the Supreme Court on March 8, 1983, and upon and after due and appropriate compliance with the purport and purview of Law and Statute herein and hereto relevant and appertaining, the above captioned Case and/or Cause is closed and final discharge entered, with leave to restore upon good cause being shown provided that the subject Fiduciary shall be and is fully responsible and liable to the full extent of Law for any and all acts and doings, commissions and/or omissions, prior to the date hereof; but this Order does not alter or release any and all liabilities on and under said Bond prior to the date hereof.

Therefore, the Estate was closed, and Respondent was no longer serving as Personal Representative as of January 19, 2022. This Order was not appealed by Respondent Pickett.

2. The Respondents further argue that the Court only found the inventory and appraisement and accounting were not filed. This act alone does not justify removal of the Personal Representative citing S.C. Code Ann. § 62-3-1001.

Again, the September 22, 2023 hearing was not a removal hearing, it was a hearing regarding Petitioner Jones' Formal Petition for Appointment of a Special Administrator. In this case, Respondent Pickett failed to file an Inventory and Appraisement within ninety days after his appointment. Per S.C. Code Ann. § 62-3-706 it clearly states:

DLM

> (A) Within ninety days after his appointment, a personal representative, who is not a special administrator or a successor to another representative who has previously discharged this duty, shall:
> (1) prepare an inventory and appraisement of probate property owned by the decedent at the time of his death, listing it with reasonable detail, and indicating as to each listed item, its fair market value as of the date of the decedent's death, and the type and amount of any encumbrance that may exist with reference to any item;
> (2) file the original of the inventory and appraisement with the court; and
> (3) mail a copy of the filed inventory and appraisement to interested persons who have filed a demand for notice of the filing of the inventory pursuant to Section 62-3-204.

It is clear from the Court record that Respondent Pickett did not file an Inventory as required by the South Carolina Probate Code and as a result the Estate was closed per the January 19, 2022 Order which was not appealed by Respondent Pickett. Respondents mistakenly cite S.C. Code Ann. § 62-3-1001 which addresses the Personal Representative's duties regarding the closing documents, more specifically, a full accounting, proposal for distribution, application for settlement, right to demand hearing, and proof of delivery. Respondent Pickett argues that he was not given an opportunity to fully explain the reason for delay in filing an Inventory and Appraisement. Again, this point is moot because the January 19, 2022 Order was not appealed.

3. Respondents argue that the probated Will of Decedent does not authorize the Court to appoint a special administrator.

Respondents argue that a "Court may not by juridical construction make a will for the decedent that he has not made for himself" citing *Guaranty Bank Trust Co. v. Byrd*, 292 S.C. 187, 189, 355 S.E.2d 529, 530 (S.C., 1986) That case concerns the construction of a Will regarding the distribution of estate assets, not the appointment of a special administrator. As per this Court's previous Order the law is clear:

> Pursuant to S.C. Code Ann. § 62-3-614(2), a special administrator may be appointed "in a formal proceeding by order of the court on the petition of any interested person and finding, after notice and hearing, that appointment is necessary to preserve the estate or to secure its proper administration including its administration in circumstances where a general personal representative cannot or should not act."

Again, the Court found that the appointment of a Special Administrator was necessary to preserve the estate and to secure its proper administration.

4. That Respondent Pickett filed a Summons and Petition for Subsequent Administration on May 18, 2023 and the Court did not make a finding as to why Respondent was not reappointed in the Order dated September 27, 2023.

Respondent Pickett's argument is a misstatement of the filings. The record is clear that Respondent Pickett filed an "Informal Application/Petition for Subsequent Administration" on May 19, 2023. On May 31, 2023 Petitioner filed an Objection to the Respondent's Informal Application. First, the Court would note S.C. Code Ann. § 62-3-309 regarding informal appointment proceedings. Second, this matter became a formal action, and a hearing was set regarding Petitioner's filed Objection along with Petitioner's subsequent Summons and Petition for Formal Appointment of a Special Administrator. Respondent Pickett argues that S.C. Code Ann. § 62-3-611 governs a removal of a personal representative, which is correct. As stated previously, the January 19, 2022 Order closing the Estate was not appealed and therefore Respondent Pickett was not the personal representative. Respondent Pickett contends that the September 22, 2023 hearing required his "removal as Personal Representative" before a Special Administrator could be appointed. That argument fails.

The Court would also reference Item 1 of Petitioner Jones' Memorandum in Opposition to Motions to Reconsider that was filed on October 23, 2023. As addressed earlier, Respondents failed to properly serve the Motions for Reconsideration as required by the South Carolina Rules of Civil Procedure. As a matter of law, these Motions were not properly before the Court. Nevertheless, the Court proceed with the hearing and consideration of the Motions.

DLM

After a review of the relevant pleadings, memoranda, and hearing notes, the Court finds that the Motions filed raise no new argument and present no new evidence, therefore, the Court respectfully **DENIES** the Motions.

Based upon the foregoing, it is now therefore, hereby:

ORDERED, ADJUDGED, AND DECREED that Respondents' Motions to Reconsider Order dated September 27, 2023 are respectfully **DENIED.**

IT IS SO ORDERED.

David L. Michel

David L. Michel
Associate Judge of Probate

This 24 day of January, 2024
Charleston, South Carolina

Attest: A True Copy

Clerk Probate Court
Charleston County, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	CASE NO: 2019-ES-10-0394
COUNTY OF CHARLESTON	)	
	)	
IN THE MATTER OF: VERONIQUE W. PICKETT	)	
	)	
LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED BY THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999, Applicant,	)	**ORDER FOR APPOINTMENT OF TEMPORARY SPECIAL ADMINISTRATOR**
	)	
v.	)	
	)	
BAYARD SCOTT PICKETT, JR., INDIVIDUALLY AND AS TRUSTEE OF THE BAYARD SCOTT PICKETT, JR., TRUST AS ESTABLISHED BY THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999, LAURA V. JONES, AS TRUSTEE OF THE KATHLEEN E. ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999, AND KATHLEEN E. ANDERSON, Respondents.	)	

This matter came before the Court on the Emergency Application to Appoint Temporary Special Administrator filed on February 5, 2024, by Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett, dated March 31, 1999 (hereinafter, "Applicant" or "Petitioner" or "Mrs. Jones"). For the reasons set forth herein, and after considering the emergency nature of this matter and the complexity of this Estate, this Court finds that the Emergency Application to Appoint a Temporary Special Administrator shall be granted.

DLM

PROCEDURAL HISTORY

1. The Decedent, Veronique W. Pickett, died on December 18, 2018. At the time of her death, she was a resident of Virginia Beach, Virginia, but owned real property in Charleston County, South Carolina.

2. At the time of her death, the Decedent was survived by her son, Respondent Bayard Scott Pickett, Jr., and her two granddaughters, Applicant Laura V. Jones and Kathleen E. Anderson.

3. On March 1, 2019, Respondent Bayard Scott Pickett, Jr. (hereinafter, "Respondent Pickett"), son of the Decedent, filed an Application for Informal Appointment of Personal Representative.

4. On March 11, 2019, Respondent Pickett was appointed as Personal Representative of the Estate and the Decedent's Will, dated March 31, 1999, was admitted to probate.

5. Pursuant to the Will, the devisees of the Estate are as follows with their respected shares as indicated:

50%: Bayard Scott Pickett, Jr., Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

25%: Laura V. Jones Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

25%: Kathleen E. Anderson Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

6. Due to Respondent Pickett's failure to file required documents after multiple demands by the Court dating back to June 21, 2019, the Court ultimately closed the Estate by Order dated January 19, 2022, pursuant to Rule 4, which Order terminated Respondent Pickett as Personal Representative.

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7. On May 19, 2023, Respondent Pickett filed an Application for Subsequent Administration, seeking to reopen the Estate and to be reappointed as Personal Representative.

8. On June 27, 2023, Mrs. Jones filed a Verified Petition for Appointment of Special Administrator and on September 20, 2023, she filed a Memorandum in Support of Petition for Appointment of Special Administrator.

9. Following a properly noticed hearing at which all interested parties were present and/or represented by counsel, the Court, by Order executed September 27, 2023, granted the Petition and appointed C. Mac Gibson, Jr., Esquire, as Special Administrator with all the powers of a general personal representative. In the Order, the Court found that Mr. Gibson's appointment "is necessary to preserve the estate and to secure its proper administration." The Court further ordered that "all parties shall fully cooperate with Special Administrator".

10. At no point has Respondent Pickett been reappointed as Personal Representative.

11. On October 9, 2023, Respondent Pickett filed a Motion to Reconsider, asking the Court to reconsider the appointment of a special administrator. Mrs. Jones filed a Memorandum in Opposition to Motions to Reconsider on October 23, 2023, arguing, in part, that the Motion to Reconsider was untimely as it was not served on all parties within 10 days as required by Rule 59(e), SCRCP. On January 16, 2024, Mrs. Jones filed a Supplemental Memorandum in Opposition to Motions to Reconsider.

12. After being unable to obtain Respondent Pickett's cooperation in obtaining information about the Estate's assets or the location of those assets, Mr. Gibson filed a Motion to Compel on November 11, 2023, asking the Court to order Respondent Pickett to provide an accounting and other documentation concerning the amount and location of the Estate's assets.

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13. By Orders entered January 24, 2024, the Court denied Respondent Pickett's Motion to Reconsider and granted Mr. Gibson's Motion to Compel, ordering Respondent Pickett to transfer all Estate funds, located in at least 4 different banks, 3 of which are believed to operate only in Virginia, to an Estate account to be opened by Mr. Gibson as Special Administrator.

14. By Notice of Intent served on February 2, 2024, Respondent Pickett appealed the Court's January 24, 2024 Orders as well as the September 27, 2023 Order for Appointment of Special Administrator.

15. On February 5, 2024, Mrs. Jones filed the Emergency Application for Appointment of Temporary Special Administrator that is presently before the Court.

APPLICABLE LAW

An interested person is defined to include "heirs, devisees, children, spouses, creditors, beneficiaries, and any others having a property right in or claim against a trust estate or the estate of a decedent, ward, or protected person which may be affected by the proceeding. It also includes persons having priority for appointment as personal representative and other fiduciaries representing interested persons. The meaning as it relates to particular persons may vary from time to time and must be determined according to the particular purposes of, and matter involved in, any proceeding." S.C. Code Ann. § 62–1–201(23).

A special administrator may be appointed:

(1) informally by the court on the application of an interested person when necessary:

(a) to protect the estate of a decedent prior to the appointment of a general personal representative or if a prior appointment has been terminated as provided in Section 62-3-609;

DLM

(b) for a creditor of the decedent's estate to institute any proceeding under Section 62-3-803; or

(c) to take appropriate actions involving estate assets;

S.C. Code Ann. § 62–3-614.

The appointment of a special administrator may be temporary. Estate of Boyce v. Work, 305 S.C. 43, 406 S.E.2d 184 (Ct. App. 1991) (the appointment of a Special Administrator is temporary and therefore not immediately appealable).

FINDINGS OF FACT & CONCLUSIONS OF LAW

I. Petitioner Jones is an Interested Person within the meaning of S.C. Code Ann. § 62-1-201.

On June 26, 2023, Mrs. Jones filed a Summons and Petition for the Appointment of a Special Administrator in her capacity as Trustee of the Laura V. Jones Trust which was established by Decedent's Will and is designated therein as a devisee of the Estate. On February 5, 2024, Mrs. Jones, again in her capacity as Trustee of the Laura V. Jones Trust, filed an Emergency Application to Appoint Temporary Special Administrator. Applicant Jones is clearly delineated as an Interested Person within the meaning of S.C. Code Ann. § 62–1–201(23) and may bring an emergency application for purposes of S.C. Code Ann. § 62–3-614.

II. The best interests of this Estate are protected by the appointment of a Temporary Special Administrator.

The ongoing litigation matters, tax matters, and the immediate need to collect and preserve the assets of this Estate require a fiduciary familiar with the issues and who lacks any actual or potential conflicts of interest. C. Mac Gibson, Jr., Esquire, has extensive experience in probate matters, is recognized for his knowledge in this area, and has ably served as a fiduciary to this Court. The appointment and service of Attorney Gibson as the Temporary Special Administrator

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for the Decedent's Estate is necessary to protect the Estate, to secure its proper administration, and to take appropriate actions involving Estate assets. The best interests of this Estate are protected by the appointment of Attorney Gibson as Temporary Special Administrator.

IT IS HEREBY ORDERED that the Emergency Application to Appoint Temporary Special Administrator is **GRANTED**; and

IT IS FURTHER ORDERED that:

1. C. Mac Gibson, Jr., Esquire, is appointed as the Temporary Special Administrator for the Decedent's Estate and shall proceed with the administration of the Estate pursuant to the terms of the Last Will of Veronique W. Pickett and the South Carolina Probate Code;
2. C. Mac Gibson, Jr., Esquire, shall serve as the Temporary Special Administrator of the Estate of Veronique W. Pickett pending the resolution of afore-mentioned appeals filed by Respondent and any further orders by this Court;
3. Until such time that a determination is made regarding Respondent Bayard Scott Pickett, Jr.'s appeal, C. Mac Gibson, Jr., Esquire, as Temporary Special Administrator, shall collect and hold any and all Estate funds or property to which this Estate may otherwise be entitled in a separate Estate account to be opened by Attorney Gibson, unless otherwise ordered by this Court;
4. That within thirty (30) days from the date of this Order the Respondent Pickett shall transfer, via wire or certified checks, all funds belonging to the Estate, whether located in accounts in the name of the Estate or in Respondent's individual name to the estate account that the Special Administrator has established;

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5. That within thirty (30) days from the date of this Order the Respondent Pickett shall provide all documentation to the Special Administrator regarding the sale of 213 and 215 King Street, Mount Pleasant including the closing statement and deed;
6. That within sixty (60) days from the date of this Order the Respondent Pickett shall provide the most recent bank statement for each account, including the original estate account, in which estate funds were being held along with a detailed accounting of each account from beginning balance to ending balance so the Special Administrator can verify the amount of the check/wire funds from each account to the new estate checking account controlled by the Special Administrator. (For example, if there are six accounts, there should be six detailed accountings provided with a closing statement for each);
7. That the Respondent's attorney shall resend within sixty (60) days all past and current statements for each bank account that held or holds any funds belonging to the Estate, whether the Respondent opened the account as then Personal Representative for the Estate of Veronique W. Pickett, or in his individual capacity, to the Special Administrator and such bank statements shall be in chronological order;
8. That the Special Administrator shall open an estate account in the name of the Special Administrator and the Estate of Veronique W. Pickett. At the time the Special Administrator opens such estate account, the Special Administrator shall notify such financial institution that no funds in the amount of Five Thousand ($5,000) or more shall be withdrawn from the estate account without the written authorization of the Special Administrator;

DLM

9. That the Special Administrator shall be permitted to speak, via Zoom, in person, or telephone, to the Respondent Pickett with his attorney present, concerning the assets of the Estate of Veronique W. Pickett; and

10. Pursuant to S.C. Code Ann. § 62-3-616, and other relevant statutory provisions of the South Carolina Probate Code, C. Mac Gibson, Jr., Esquire, as Temporary Special Administrator, shall have all the powers of a Personal Representative as applied under Article III, Part 7 (S.C. Code Ann. §§ 62-3-701 through 62-3-721) of the South Carolina Probate Code necessary to perform his duties, and such powers are incorporated herein by specific reference thereto.

AND IT IS SO ORDERED.

David L. Michel
Associate Judge of Probate
Charleston County Probate Court

This 8 day of February, 2024
Charleston, South Carolina

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
3/6/2024 4:58PM

STATE OF SOUTH CAROLINA)
) IN THE PROBATE COURT
COUNTY OF CHARLESTON)
) **MOTION FOR REMOVAL**
IN THE MATTER OF: VERONIQUE H.W. PICKETT)
) CASE NUMBER: 2019-ES-10-000394
(Decedent))

A formal proceeding concerning the above matter was commenced on FEBRUARY 20, 2024. The undersigned hereby moves for removal of this action to the Circuit Court and asserts that this action is removable because it involves the following:

- ☐ Probate of Will
- ☑ Appointment of Personal Representative
- ☐ Construction of Will
- ☐ Title to property in which the Estate of a decedent asserts an interest
- ☐ Internal or external matter involving a trust (excluding "special needs trusts")
- ☑ Action in which there is a right to trial by jury and in which the amount in controversy is at least $5,000
- ☐ Action concerning gifts under the SC Uniform Gifts to Minors Act

This Motion is made no later than ten (10) days from MARCH 6, 2024, the date on which all responsive pleadings were filed. By copy of this Motion, the undersigned is giving notice to interested persons as required by law.

Signature: _____
Print Name: PAUL B. FERRARA, III
Address: 8887 OLD UNIVERSITY BLVD.
N. CHARLESTON, SC 29406
Telephone (Work): 843-569-5511
(Home): _____
(Cell): _____
Email: PAUL@FERRARALAWFIRM.NET
Relationship to Decedent/Estate: ATTORNEY FOR BAYARD SCOTT PICKETT

ORDER FOR REMOVAL

It is hereby ORDERED on the Court's own Motion that this action be removed to the Circuit Court.
- ☐ Jurisdiction is retained as to all other matters involving this case.
- ☐ The related matters of _____ are also removed to serve the best interest of the Estate and/or the interest of judicial economy.

- ☒ The Motion for Removal is hereby GRANTED. This action shall be removed to the Circuit Court.
  - ☒ Jurisdiction is retained as to all other matters involving this case.
  - ☐ The related matters of _____ are also removed to serve the best interest of the Estate and/or the interest of judicial economy.

- ☐ It is hereby ORDERED that the Motion for Removal is DENIED because _____.

Executed this 12th day of March, 2024.

David L. Michel
David L. Michel, Associate Probate Judge

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
)
IN THE MATTER OF:)
VERONIQUE H.W. PICKETT)
(Decedent))

IN THE PROBATE COURT

APPLICATION/*PETITION FOR APPOINTMENT OF SPECIAL ADMINISTRATOR

CASE NUMBER: 2019-ES-10-00394

***COMPLETE THIS SECTION ONLY IF FILING PETITION FOR SPECIAL ADMINISTRATOR**

*LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED BY THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999 AND AS TRUSTEE OF THE KATHLEEN E. ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999, ,
Petitioner(s)

vs.

*BAYARD SCOTT PICKETT, JR.,
Respondent(s)

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
4/15/2024 6:25PM

☒ **INFORMAL** ☐ ***FORMAL**

Appointment of a Special Administrator is requested:

INFORMAL PROCEEDING:

- ☐ to protect the Estate of Decedent prior to the appointment of a general Personal Representative.
- ☐ to safeguard Estate assets until a Successor Personal Representative is appointed due to the death or disability of _____, the previously appointed Personal Representative.
- ☐ to enforce a creditor's security interest upon property of the Estate or to institute proceedings to establish the Decedent's liability to the extent of the limits of insurance protection only.
- ☒ to take appropriate actions involving Estate assets, specifically: TAKE ANY NECESSARY ACTIONS CONCERNING THE 2020 AMENDED TAX RETURN OF THE ESTATE OF VERONIQUE H.W. PICKETT, INCLUDING SIGNING AND FILING THE RETURN, AND COMMUNICATING WITH THE TAX AUTHORITIES
- ☐ to obtain medical, tax, or other confidential records, specifically: .
- ☐ to gain access to and take possession of any Wills, deeds to cemetery plots, and insurance policies, or other Estate related documents in Decedent's safe deposit box located at: .
- ☐ Other: .

FORMAL PROCEEDING:

- ☐ Appointment of a Special Administrator is requested to preserve the Estate and to secure the Estate and to secure the Estate's proper administration because: _____.
- ☐ Other: _____.

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***NOTE: IF THIS IS A FORMAL PROCEEDING, IN ADDITION TO A PETITION, YOU MUST ALSO FILE A SUMMONS (FORM SCCA 401PC) AND PAY THE STATUTORY FILING FEE OF $150.00. A HEARING IN THE PROBATE COURT ON THE PETITION MAY BE REQUIRED.**

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VERIFICATION

The undersigned, being sworn, states that the facts set forth in the foregoing statements are true to the best of the undersigned's knowledge, information and belief; and hereby submits to the Court's jurisdiction in this matter.

SWORN to before me this 13 day of April, 20 24

Notary Public for ~~South Carolina~~ VA
My Commission Expires: 3/28/25
SP#3640393

BERNABE MABANGLO NOTARY PUBLIC COMMONWEALTH OF VIRGINIA COMMISSION EXPIRES 3/28/2025

Signature: Bayard Scott Pickett Jr.

Print Name: BAYARD SCOTT PICKETT, JR.
Address: 4616 THOROUGHOOD DRIVE
VIRGINIA BEACH, SC 23455
Telephone (Work): 757-718-6500
(Home):
(Cell): 757-718-6500
Email: BAYARDSPICKETTJRINC@GMAIL.COM
Relationship to Decedent/Estate: SON

ORDER FOR HEARING

IT IS HEREBY ORDERED that a hearing on this matter be set for:

DATE: _____
TIME: _____
PLACE: _____

Pursuant to SCPC 62-1-401, Petitioner is ordered to give notice of this hearing to all interested persons at least twenty (20) days prior to the hearing date.

Executed this day of , 20 .

_____
, Probate Court Judge

ORDER OF APPOINTMENT

IT IS HEREBY ORDERED that the above application/petition for appointment of Special Administrator in the above estate be

☒ GRANTED ☐ DENIED as follows:

RESTRICTIONS: TAKE ANY NECESSARY ACTIONS CONCERNING THE 2020 AMENDED TAX RETURN OF THE ESTATE OF VERONIQUE H.W. PICKETT, INCLUDING SIGNING AND FILING THE RETURN, AND COMMUNICATING WITH THE TAX AUTHORITIES.

Executed this 16 day of APRIL, 2024.

David L. Michel

DAVID L. MICHEL, ASSOCIATE Probate Court Judge

QUALIFICATION AND STATEMENT OF ACCEPTANCE

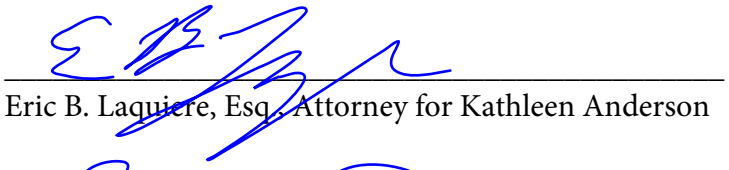
I accept appointment and agree to perform the duties and discharge the trust of the office of Special Administrator of the foregoing Estate and submit to the jurisdiction of the Court in this matter.

Signature: Bayard Scott Pickett Jr
Print Name: BAYARD SCOTT PICKETT, JR.
Address: 4616 THOROUGHOOD DRIVE
VIRGINIA BEACH, SC 23455
Telephone (Work): 757-718-6500
(Home):
(Cell): 757-718-6500
Email:

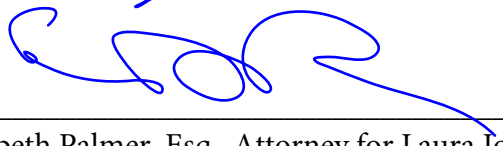
Attorney: PAUL B. FERRARA, III
Address: 8887 OLD UNIVERSITY BLVD.
N. CHARLESTON, SC 29406
Telephone: 843-569-5511
Email: PAUL@FERRARALAWFIRM.NET

DLM

I Consent to this Informal Application of Bayard Scott Pickett Jr for Limited Special Administrator granting authority to handle matters relating to the 2020 amended tax return.



Eric B. Laquiere, Esq., Attorney for Kathleen Anderson



Elizabeth Palmer, Esq., Attorney for Laura Jones

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
4/15/2024 6:25PM

DLM

ELECTRONICALLY FILED - 2024 Apr 24 10:46 AM - CHARLESTON - COMMON PLEAS - CASE#2024CP1001325

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	CASE NO: 2024-CP-10-01325
COUNTY OF CHARLESTON	)	
	)	
IN THE MATTER OF: VERONIQUE W. PICKETT	)	
	)	
BAYARD SCOTT PICKETT, JR.,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED BY THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999 AND AS TRUSTEE OF THE KATHLEEN E. ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999,	)	
	)	
Respondents/Defendants.	)	
	)	
v.	)	
	)	
KATHLEEN ANDERSON aka KATHLEEN ELIZABETH ANDERSON, in her individual capacity,	)	
	)	
Party in Interest/ Counterclaimant.	)	
	)	

ORDER DENYING PETITION FOR APPOINTMENT OF SUCCESSOR PERSONAL REPRESENTATIVE

This matter came before the Court on Petitioner Bayard Scott Pickett, Jr.'s Petition for Appointment of Successor Personal Representative ("Petition"), filed in the Probate Court on February 16, 2024, and removed to this Court by Order of Removal entered on March 12, 2024. On March 26, 2024, Petitioner filed a request for an emergency hearing on his Petition, supported

ELECTRONICALLY FILED - 2024 Apr 24 10:46 AM - CHARLESTON - COMMON PLEAS - CASE#2024CP1001325

by his Affidavit. On April 8, 2024, Respondent Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett Dated March 31, 1999 ("Respondent Jones"), filed a Memorandum of Law in Opposition to the Petition for Appointment of Successor Personal Representative. A hearing was held on April 15, 2024, attended by: Petitioner Pickett and his attorney, Paul Ferrara, Esquire; Elizabeth J. Palmer, Esquire, attorney for Respondent Jones; and Eric Laquiere, Esquire, attorney for Respondent Kathleen E. Anderson. After considering the parties' filings and arguments of counsel, and for the reasons set forth hereinbelow, the Petition is **DENIED**.

FACTUAL AND PROCEDURAL BACKGROUND

The Decedent, Veronique W. Pickett, died on December 18, 2018. At the time of her death, she was a resident of Virginia Beach, Virginia, but owned real property in Charleston County, South Carolina. At the time of her death, the Decedent was survived by her son, Petitioner Bayard Scott Pickett, Jr., and her two granddaughters, Respondent Jones and Kathleen E. Anderson.

On March 1, 2019, Petitioner, son of the Decedent, filed an Application for Informal Appointment of Personal Representative. On March 11, 2019, Petitioner was appointed as Personal Representative of the Estate and the Decedent's Will, dated March 31, 1999, was admitted to probate.

Pursuant to the Will, the devisees of the Estate are as follows with their respected shares as indicated:

50%: Bayard Scott Pickett, Jr., Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

25%: Laura V. Jones Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

25%: Kathleen E. Anderson Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

ELECTRONICALLY FILED - 2024 Apr 24 10:46 AM - CHARLESTON - COMMON PLEAS - CASE#2024CP1001325

During the time period that Petitioner was the appointed Personal Representative, he failed to fulfill his obligations as Personal Representative. By letter dated June 21, 2019, the Probate Court notified Petitioner that the Estate's Inventory and Appraisement was overdue and demanded that it be filed within twenty days. Petitioner did not comply. By letter dated September 21, 2020, the Probate Court again demanded that the Inventory and Appraisement, as well as a number of other documents required to administer and close the Estate, be filed within 20 days. Petitioner did not comply. Finally, on March 25, 2021, the Probate Court sent a final demand that Petitioner file the required documentation, including a Final Accounting and Proposal for Distribution. Petitioner again failed to comply.

The Probate Court subsequently issued a Rule to Show Cause and, ultimately, discharged Petitioner as Personal Representative and administratively closed the Estate by Order dated January 19, 2022.

On May 19, 2023, after Respondent Jones had made numerous demands for information as to the amount and location of Estate assets in Petitioner's possession, Petitioner filed an Application for Subsequent Administration, seeking to reopen the Estate and to be reappointed as Personal Representative. On June 27, 2023, Respondent Jones filed a Verified Petition for Appointment of Special Administrator.

Following a hearing, the Probate Court, by order entered September 27, 2023, granted Respondent's Petition and appointed C. Mac Gibson, Esquire, as Special Administrator with all the powers of a general personal representative. Accordingly, the Probate Court declined to appoint Petitioner as Personal Representative. In the Order for Appointment of Special Administrator, the Probate Court found that Mr. Gibson's appointment "is necessary to preserve the estate and to

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secure its proper administration." The Probate Court further ordered that "all parties shall fully cooperate with the Special Administrator".

On October 9, 2023, Petitioner filed a Motion to Reconsider, asking the Court to reconsider the appointment of a special administrator. This Motion was denied by order of the Probate Court entered on January 24, 2024. Also on January 24, 2024, the Probate Court entered an Order to Compel Transfer of Estate Funds, which ordered Petitioner to transfer all Estate funds in his possession to the Special Administrator and provide bank account statements for each account into which Petitioner had deposited Estate funds. Petitioner appealed the Order for Appointment of Special Administrator, the Order Denying Motion for Reconsideration, and the Order to Compel Transfer of Estate Funds. According to the Affidavit filed in this action by Petitioner on March 26, 2024, Petitioner continues to maintain possession and control of approximately $1,430,447.39 in funds belonging to the Estate.

On February 5, 2024, Respondent Jones filed an Emergency Application for Appointment of Temporary Special Administrator. The Probate Court entered an Order for Appointment of Temporary Special Administrator on February 8, 2024, again appointing Mr. Gibson to serve in that role. Specifically, the Probate Court determined that "[t]he appointment and service of Attorney Gibson as the Temporary Special Administrator for the Decedent's Estate is necessary to protect the Estate, to secure its proper administration, and to take appropriate actions involving Estate assets." Petitioner filed a Notice of Intent to appeal that order on February 20, 2024 (in the Circuit Court) and February 21, 2024 (in the Probate Court). Respondent Jones filed a Motion to Dismiss Appeal on the basis that it was not timely filed in the Probate Court and because the order itself is not immediately appealable. Respondent's Motion to Dismiss Appeal was heard and granted by this Court in Appellate Case No. 2024-CP-10-00921.

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In the interim, on February 16, 2024, Petitioner filed his Petition for Appointment of Successor Personal Representative, seeking to have himself re-appointed as Personal Representative. By Order entered on March 12, 2024, Petitioner's Petition was removed from the Probate Court to this Court. The Order for Removal indicates that the Probate Court retained jurisdiction as to all other matters involving this Estate.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1) Petitioner has statutory priority to be appointed Personal Representative due to the fact that he is named as such in the Decedent's Will. However, the Court must still make an independent inquiry into Petitioner's suitability to serve in that capacity. See S.C. Code Ann. § 62-3-103 ("to acquire the powers and undertake the duties and liabilities of a personal representative of a decedent, a person must be appointed by order of the court, **qualify**, and be issued letters.") (emphasis added); see also S.C. Code Ann. § 62-3-203(e)(2) ("No person is qualified to serve as a personal representative who is… a person whom the court finds unsuitable in formal proceedings.").

2) Based on his established pattern of disregarding the probate process, ultimately resulting in his discharge as Personal Representative in 2022, the Court finds that that Petitioner is not qualified. See In re McClam's Est., 245 S.C. 315, 320, 140 S.E.2d 478, 480 (1965) ("the granting of letters of administration is not automatic or mandatory as the person having the statutory priority may not be granted the administration if just cause be given").

3) By his own admissions in his Affidavit, Petitioner received, in his capacity as Personal Representative, approximately $84,963.38 in cash belonging to the Estate at the Decedent's death as well as $1,760,423.15 in proceeds from the sale of real property formerly owned by the Decedent/Estate. Petitioner admits that he has disbursed $2,830,909.27 as "expenses

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and advancements" and continues to possess $1,430,447.39 in funds belonging to the Estate. However, no Initial or Final Inventory or Proposal for Distribution, or any of the other probate filings required for administration of an estate, were ever filed by Petitioner when he was the appointed Personal Representative.

4) Moreover, Respondent Jones presented evidence that, in the interim between when Petitioner filed his Application for Subsequent Administration, seeking to reopen the Estate and be reappointed as the Personal Representative, and the time a Special Administrator was appointed, Petitioner disbursed over $40,000 in Estate funds. There can be no question that, with an application seeking reappointment pending, Petitioner was well-aware during this time period that he was not the Personal Representative of the Estate and, thus, was without the authority to make disbursements from the Estate's funds.

5) In this formal proceeding, the Court finds that Petition is unsuitable based on his established pattern of disregarding the probate process and directives from the Probate Court.

IT IS HEREBY ORDERED that Petitioner's Petition for Appointment of Successor Personal Representative is **DENIED**.

AND IT IS SO ORDERED!

_____
Judge George M. McFaddin, Jr.

April _____, 2024
Charleston, SC

ELECTRONICALLY FILED - 2024 Apr 24 10:46 AM - CHARLESTON - COMMON PLEAS - CASE#2024CP1001325

Charleston Common Pleas

Case Caption: Laura V Jones , plaintiff, et al VS Bayard Scott Pickett Jr

Case Number: 2024CP1001325

Type: Order/Other

So Ordered

S/George M. McFaddin, Jr., #2759

ELECTRONICALLY FILED - 2024 Apr 24 10:49 AM - CHARLESTON - COMMON PLEAS - CASE#2024CP1000921

THE STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

Appeal from Charleston County
Probate Court

David L. Michel, Associate Judge of Probate

Probate Case No. 2019-ES-10-00394
Appellate Case No.: 2024-CP-10-00921

In re: Veronique W. Pickett

Bayard Scott Pickett, Jr.,…….. . . . . Appellant,

v.

Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett Dated March 31, 1999 and as Trustee of the Kathleen E. Anderson Trust as Established under the Will of Veronique H.W. Pickett Dated March 31,1999…… . . . . . Respondents.

ORDER DISMISSING APPEAL

This matter came before the Court on the Motion to Dismiss Appeal, filed by Respondent Laura V. Jones as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett Dated March 31, 1999 ("Respondent"), on February 27, 2024, and amended on March 6, 2024. For the reasons set forth below, the Motion to Dismiss is **GRANTED** and this appeal is dismissed.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1) On February 8, 2024, the Charleston County Probate Court entered an Order for Appointment of Temporary Special Administrator (the "Order") in the Estate of Veronique W.

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Pickett (Probate Case No. 2019-ES-10-00394).

2) Appellant Bayard Scott Pickett, Jr., received notice of the entry of this Order on February 8, 2024. As such, with the President's Day holiday, any Notice of Intent to Appeal the Order was required to be served on all parties and filed in both the Circuit Court and Probate Court by February 20, 2024. See S.C. Code Ann. § 62-1-308(a) ("The notice of intention to appeal to the circuit court must be filed in the office of the circuit court ***and in the office of the probate court*** and a copy served on all parties not in default within ten days after receipt of written notice of the appealed from order, sentence, or decree of the probate court." (emphasis added); see also Witzig v. Witzig, 325 S.C. 363, 479 S.E.2d 297 (Ct. App. 1996) (holding that the specific ten-day period provided by S.C. Code Ann. § 62–1–308(a) controls over the general provisions of Rule 74, SCRCP ("Procedure on Appeal to the Circuit Court"), which allows a thirty-day period only "when no time is fixed by statute").

3) On February 20, 2024, Appellant Pickett served his Notice of Intent to Appeal the Order on all parties and also filed it in the Circuit Court. However, he did not file it in the Probate Court until February 21, 2024. Therefore, it was not timely filed, and this Court lacks appellate jurisdiction to consider the appeal. See Gallagher v. Evert, 353 S.C. 59, 68, 577 S.E.2d 217, 221 (Ct. App. 2002) (because appellant did not timely file and serve his appeal from the probate court, the circuit court lacked jurisdiction to address the merits of the appeal); see also Witzig, 325 S.C. at 366–67, 479 S.E.2d at 298 (finding appeal from the probate court to the circuit court not timely filed, thus, reinstatement of the probate court's order was required).

4) The Court also finds that the Order, which appointed a temporary special administrator, was not a final order and otherwise not immediately appealable. Only final orders from the probate court are appealable. See S.C. Code Ann. § 62-1-803(a) ("A person interested in

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a ***final*** order, sentence, or decree of a probate court may appeal to the circuit court…") (emphasis added); Fulmer v. Cain, 380 S.C. 466, 670 S.E.2d 652, 654 (2008) (holding that only final orders of the probate court are reviewable under S.C. Code Ann. § 62-1-308); Estate of Boyce v. Work, 305 S.C. 43, 44, 406 S.E.2d 184, 185 (Ct. App. 1991) (holding that an order appointing a temporary special administrator is not a final order and not immediately appealable).

IT IS HEREBY ORDERED that Respondent's Motion to Dismiss Appeal is GRANTED; and

IT IS FURTHER ORDERED that this appeal is dismissed and the matter is remanded to the Charleston County Probate Court for further proceedings.

AND IT IS SO ORDERED!

_____
Judge George M. McFaddin, Jr.

April _____, 2024
Charleston, SC

ELECTRONICALLY FILED - 2024 Apr 24 10:49 AM - CHARLESTON - COMMON PLEAS - CASE#2024CP1000921

Charleston Common Pleas

Case Caption: Bayard Scott Pickett Jr , plaintiff, et al VS Laura V Jones , defendant, et al

Case Number: 2024CP1000921

Type: Order/Other

So Ordered

S/George M. McFaddin, Jr., #2759

FORM 4

FLF048

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP1001325

Laura V Jones et al
PLAINTIFF(S)

Bayard Scott Pickett, Jr
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT**. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☑ **DECISION BY THE COURT**. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** *(CHECK APPLICABLE BOX)*: ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

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

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

After reading the motions to reconsider, SCRCP 59e motions, and after reviewing my hearing notes and your memoranda, I respectfully decline to alter, amend, or vacate the orders/rulings issued very soon after the hearing. Further, as we know, SCRCP 59e allows the court discretion regarding deciding the motions without a hearing. I issue this ruling without holding a hearing after considering the memoranda/briefs of the parties.

ORDER INFORMATION

This order ☐ ends ☑ does not end the case. ☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 06/10/2024 .

Veronique W Pickett
Laura V Jones Trustee
Laura V Jones for Laura V Jones
Veronique H W Pickett
Laura V Jones for Laura V Jones

RECEIVED
Jun 25 2024
SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

ELECTRONICALLY FILED - 2024 Jun 11 8:44 AM - CHARLESTON - COMMON PLEAS - CASE#2024CP1001325

Court Reporter:

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

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Charleston Common Pleas

Case Caption: Laura V Jones , plaintiff, et al VS Bayard Scott Pickett Jr

Case Number: 2024CP1001325

Type: Order/Electronic Form 4

So Ordered

S/George M. McFaddin, Jr., #2759

ELECTRONICALLY FILED - 2024 Aug 12 4:07 PM - CHARLESTON - COMMON PLEAS - CASE#2024CP1000921

THE STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

Appeal from Charleston County
Probate Court

David L. Michel, Associate Judge of Probate

Probate Case No. 2019-ES-10-00394
Appellate Case No.: 2024-CP-10-00921

In re: Veronique W. Pickett

Bayard Scott Pickett, Jr.,…….. . . . . Appellant,

v.

Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett Dated March 31, 1999 and as Trustee of the Kathleen E. Anderson Trust as Established under the Will of Veronique H.W. Pickett Dated March 31,1999…… . . . . . …… Respondents.

ORDER DENYING APPELLANT'S MOTION FOR RECONSIDERATION

This matter, an appeal from the Charleston County Probate Court, came before this Court on the Motion for Reconsideration filed by Appellant Bayard Scott Pickett, Jr., on May 6, 2024. Appellant's Motion sought reconsideration of this Court's Order, entered on April 24, 2024, granting the Motion to Dismiss Appeal filed by Respondent Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett Dated March 31, 1999. Based upon the Court's review of Appellant's Motion to Reconsider and the other pleadings on file, as well as the Court's notes from the hearing held on the Motion to Dismiss, the Motion for Reconsideration is **DENIED**. Pursuant to Rule 59(f), this matter was decided without a hearing.

AND IT IS SO ORDERED!

Judge George M. McFaddin, Jr.

August _____, 2024
Charleston, SC

ELECTRONICALLY FILED - 2024 Aug 12 4:07 PM - CHARLESTON - COMMON PLEAS - CASE#2024CP1000921

ELECTRONICALLY FILED - 2024 Aug 12 4:07 PM - CHARLESTON - COMMON PLEAS - CASE#2024CP1000921

Charleston Common Pleas

Case Caption: Bayard Scott Pickett Jr , plaintiff, et al VS Laura V Jones , defendant, et al

Case Number: 2024CP1000921

Type: Order/Other

So Ordered

S/George M. McFaddin, Jr., #2759

ELECTRONICALLY FILED - 2019 Dec 26 11:58 AM - CHARLESTON - COMMON PLEAS - CASE#2019CP1006634

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NO.: 2019CP10_____
DUKE R. HIGHFIELD,	)	
	)	
PLAINTIFF,	)	
	)	
vs.	)	
	)	**SUMMONS**
BRIDGEPOINT PROPERTY MANAGEMENT, LLC, BRANTLEY JACO, SCOTT PICKETT, PAMELA PICKETT, and SCOTTY PICKETT,	)	
	)	
DEFENDANTS.	)	
	)	

TO: THE ABOVE-NAMED DEFENDANTS BRIDGEPOINT PROPERTY MANAGEMENT, LLC, BRANTLEY JACO, SCOTT PICKETT, PAMELA PICKETT, AND SCOTTY PICKETT:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the subscribers at their offices at 25 Calhoun Street, Suite 400, P. O. Box 993 Charleston, SC 29402, within thirty (30) days after the service hereof, exclusive of the day of such service. If you fail to do so, judgment by default will be rendered against you for the relief demanded in the Complaint.

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YCRLAW, LLP

By: s/ William O. Sweeny IV
William O. Sweeny IV, SC Bar#78668
25 Calhoun Street, Suite 400
P. O. Box 993
Charleston, SC 29402
(843) 720-5456
bsweeny@ycrlaw.com
Attorneys for the Plaintiff

Charleston, South Carolina

December 26, 2019

ELECTRONICALLY FILED - 2019 Dec 26 11:58 AM - CHARLESTON - COMMON PLEAS - CASE#2019CP1006634

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NO.: 2019CP10_____
DUKE R. HIGHFIELD,	)	
	)	
PLAINTIFF,	)	
	)	
vs.	)	
	)	**COMPLAINT**
BRIDGEPOINT PROPERTY MANAGEMENT, LLC, BRANTLEY JACO, SCOTT PICKETT, PAMELA PICKETT, SCOTTY PICKETT, and THE PICKETT BAYARD SCOTT TRUST,	)	(JURY TRIAL REQUESTED)
DEFENDANTS.	)	

The above-named Plaintiff, Duke R. Highfield, would show unto this Honorable Court as follows:

PARTIES AND JURISDICTION

1. The Plaintiff, Duke R. Highfield, was and remains a citizen and resident of Charleston County, South Carolina, both now and at the time of the residential property lease and the wrongful actions of the Defendants constituting the basis of this lawsuit.

2. Upon information and belief, Defendant Bridgepoint Property Management, LLC, was a limited liability company organized and existing under the laws of the State of South Carolina, with its principal place of business in Charleston County, South Carolina, at the time of the residential property lease and the wrongful actions of the Defendants constituting the basis of this lawsuit.

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3. Upon information and belief, Defendant Brantley Jaco was a citizen and resident of Charleston County, South Carolina, at the time of the residential property lease and the wrongful actions of the Defendants constituting the basis of this lawsuit.

4. Upon information and belief, Defendant Scott Pickett was a citizen and resident of the State of Virginia at the time of the residential property lease and the wrongful actions of the Defendants constituting the basis of this lawsuit.

5. Upon information and belief, Defendant Pamela Pickett was a citizen and resident of the State of Virginia at the time of the residential property lease and the wrongful actions of the Defendants constituting the basis of this lawsuit.

6. Upon information and belief, Defendant Scotty Pickett was a citizen and resident of Charleston County, South Carolina, at the time of the residential property lease and the wrongful actions of the Defendants constituting the basis of this lawsuit.

7. Upon information and belief, Defendant The Pickett Bayard Scott Trust was a trust established and existing under the laws of the State of South Carolina, which owned, and managed through its agents including the other herein named Defendants, the real property situated at 213 King Street in Mount Pleasant, South Carolina ("the Property").

8. Upon information and belief, most or all of the intentional and wrongful acts of the Defendants took place within or directed to Charleston County, South Carolina.

9. This Court has personal and subject matter jurisdiction over the claims and parties described herein.

10. Venue is proper in this Court pursuant to S.C. Code Ann. § 15-7-30.

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FACTS

11. On August 21, 2018, Plaintiff executed a Bridgepoint Property Management, LLC, Residential Rental Agreement in Charleston County, South Carolina for the residential property situated at 213 King Street in Mount Pleasant, South Carolina, 29464 ("the Lease").

12. As with every lease governing the rental of residential property in South Carolina, the Lease provides certain warranties and assurances to the residential tenant including, but not limited, to the warranty of habitability and the duties of good faith and fair dealing.

13. The South Carolina Residential Landlord and Tenant Act governs the application, enforcement, and interpretation of the Lease.

14. When the Plaintiff executed the Lease, it was reasonable and customary for him to expect the Defendants to provide him, his four children, and his pet with a safe and habitable home, free from known dangerous defects such as mold or other environmental problems. To this point, the Lease required Plaintiff to pay a monthly rental fee of $4,400.00 with a deposit of $4,400.00.

15. Prior to the execution of the Lease, one or more of the Defendants was on actual or constructive notice of moisture and mold problems at the Property, which were not disclosed to and were intentionally withheld from Plaintiff, and which constitutes a misrepresentation regarding the habitability and safety of the Property.

16. The Lease provided that the Plaintiff was to have all rights to enjoy and possess the property until September 30, 2019 and in conformance with The South Carolina Residential Landlord and Tenant Act.

17. Plaintiff made all payments he was required to make under the terms of the Lease.

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18. At no point prior to the expiration of the Lease on September 30, 2019, have the Defendants provided written notice of material breach of the Lease with a reasonable right to cure to Plaintiff.

19. At no point since the expiration of the Lease on September 30, 2019, have the Defendants provided any written notice of material breach of the Lease, which was not remedied within a reasonable time to cure, to the Plaintiff.

20. Literally the day after Plaintiff made all payments required under the Lease, on September 2, 2019, one or more of the Defendants, acting with the knowledge and in concert with the other Defendants, did dispossess Plaintiff of the Property by changing the locks on the premises without any prior notice to Plaintiff of this intentional and wrongful act.

21. In addition and on September 2, 2019, one or more of the Defendants, acting with the knowledge and in concert with the other Defendants, did remove and destroy the personal property of the Plaintiff, including but not limited to a mold kit which Plaintiff had situated within the Property that was intended to test the health and environmental conditions therein. Again, Defendants provided no prior notice to Plaintiff of this intentional and wrongful act.

22. The wrongful acts of the Defendants outlined in Paragraphs 19 and 20, above, were done without any judicial process or approval by any judicial or law enforcement body.

23. Alarmingly – and in furtherance of commerce capable of repetition and which threatens the general public – Plaintiff's personal property was destroyed and he and his family were wrongfully dispossessed of the Property by the Defendants as an intentional act of retaliation. This act of retaliation and intimidation was in response to Plaintiff reporting to one or more Defendants the presence of mold in the Property, and related environmental and health concerns, on or before August 3, 2019.

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24. Plaintiff reported to one or more Defendants the presence of mold in the Property, and related environmental and health concerns, on or before August 3, 2019, and continued to communicate his concerns through the time he was dispossessed of the Property on September 2, 2019.

25. Over the course of the Lease, one or more of the Defendants did repeatedly abuse the right of access and did trespasses upon the Property, wherein one or more of the Defendants or their agents entered the property without proper required notice.

26. Upon being intentionally and wrongfully dispossessed of the Property, having had his personal property which was intended to protect his family intentionally and wrongfully destroyed, and having endured repeated violations of abuse of access and trespass by one or more of the Defendants – Plaintiff did attempt to discuss these issues with the Defendants Bridgepoint Property Management, LLC and Brantley Jaco on the Bridgepoint portal (a web-based communications portal intended to be utilized throughout the term of the Lease).

27. In further retaliation and intimidation of Plaintiff – and in furtherance of commerce capable of repetition and which threatens the general public – Plaintiff was locked out of the Bridgepoint portal prior to the expiration of the Lease term on or before September 10, 2019. As such, he was intentionally and wrongfully dispossessed of his communications with the agent of the landlord Defendant Bridgepoint Property Management, LLC.

28. The Lease contains a variety of illegal and void provisions pursuant to South Carolina law and The South Carolina Residential Landlord and Tenant Act. For instance, the Defendants apparently assert the right to spontaneously and unilaterally terminate the Lease, dispossess Plaintiff and his family of the Property, and destroy Plaintiff's personal property without prior notice and judicial process – and despite Plaintiff having made all payments owed

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under the Lease – such that the Defendants have written and are enforcing a prohibited rental agreement (as described in S.C. § Code 27-40-330). Additionally, the Defendants apparently assert the right to provide a home which has known environmental problems in violation of the warranty of habitability under the terms of the Lease – such that the Defendants have written and are enforcing a prohibited rental agreement (as described in S.C. § Code 27-40-330).

29. In response to various communications regarding his concerns over the health conditions of the property and his mistreatment, Plaintiff was repeatedly told to "read our lease." Thus, by both word and action, the Defendants did deliberately use and exercise a rental agreement containing provisions known to be prohibited by the explicit terms of The South Carolina Residential Landlord and Tenant Act.

30. Plaintiff has endured false accusations by one or more Defendants of doing or saying things that did not happen, in furtherance of the Defendants' commercial gain.

31. Plaintiff received a security deposit notice dated September 23, 2019, prior to expiration of the Lease, and had received no opportunity to attend the inspection or mitigate the allegedly charged expenses. That notice intentionally and wrongfully withheld $754.83 of Plaintiff's security deposit.

32. The Defendants intentionally violated the rights of Plaintiff and were negligent, negligent *per se*, reckless, wanton, careless, and grossly negligent in the following particulars:

a) Unlawful ouster in violation of S.C. Code § 27-40-660.

b) Retaliation in violation of S.C. Code § 27-40-910.

c) Misuse of a lease containing prohibited terms in violation of S.C. Code § 27-40-330.

d) Abuse of access and trespass in violation of S.C. Code § 27-40-780.

e) Non-judicial ejectment in violation of S.C. Code §§ 27-40-20 and 760.

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f) Wrongful withholding of security deposit in violation of S.C. Code § 27-40-410.

g) Conversion or destruction of personal property of Plaintiff's mold kit and attendant property (which is also the spoliation of evidence in the present lawsuit).

h) Negligent or intentional misrepresentation of the Defendants' prior actual and constructive notice of moisture and mold problems, which were not disclosed to Plaintiff and threatened the health and safety of Plaintiff and his family in furtherance of monetary profit.

i) Unfair trade practices through the misuse of an illegal and oppressive lease and the assertion that it is legal to use it in the manner it has been used (i.e. allowing non-judicial unilateral eviction and destruction of personal property without any notice or ability to contest through due process), which is not explicitly set forth in the lease (despite repeated references to "read our lease"). It is in the public interest that leases be fair and enforced through judicial process.

j) Conspiracy through the utilization of covert discussions and planning amongst the Defendants to wrongfully eject Plaintiff after receiving all of his rental payments and to destroy his personal property that was intended to protect Plaintiff and his family and which posed a threat to the economic profits of the Defendants.

k) In failing to use the degree of care and caution a reasonably prudent person would have used under the circumstances then and there prevailing.

All of which independently and in combination was the sole direct and proximate cause of the injuries and actual damages suffered by Plaintiff, including costs and attorney's fees, treble damages, and punitive damages, and all in violation of the laws and statutes of the State of South Carolina.

33. The Property was owned by the Defendant Pickett Bayard Scott Family Trust, which used it at all pertinent times as a residential rental property through the actions of its agents the Defendants Bridgepoint Property Management, LLC, Brantley Jaco, Pamela Pickett, Scott Pickett, and Scotty Pickett. Said Defendants acted in concert and with each other's actual or

ELECTRONICALLY FILED - 2019 Dec 26 11:58 AM - CHARLESTON - COMMON PLEAS - CASE#2019CP1006634

constructive consent; accordingly, the Defendants are jointly and severally liable for the wrongful actions and damages complained of herein.

FOR A FIRST CAUSE OF ACTION
(Negligence)

34. The Plaintiff incorporates the preceding allegations of this Complaint as if fully set forth herein.

35. The Defendants were negligent in the following particulars:

a) Failing to draft and enforce the Lease in a reasonably prudent manner including, but not limited to, the provision of Plaintiff's access, the provision of a habitable dwelling, access of the property by the Defendants, and the administration of the security deposit;

b) Excluding Plaintiff and his family from the Property prior to the expiration of the term of the Lease;

c) Destroying the personal property of the Plaintiff;

d) Entering and trespassing on the Property without proper required prior notice;

e) Misleading Plaintiff as to the condition of the property;

f) Failing to maintain the property and prevent mold and moisture problems; and

g) In failing to use the degree of care and caution a reasonably prudent person would have used under the circumstances then and there prevailing.

All of which independently and in combination was the sole direct and proximate cause of the injuries and actual damages suffered by Plaintiff.

FOR A SECOND CAUSE OF ACTION
(Negligence *Per Se*)

36. The Plaintiff incorporates the preceding allegations of this Complaint as if fully set forth herein.

ELECTRONICALLY FILED - 2019 Dec 26 11:58 AM - CHARLESTON - COMMON PLEAS - CASE#2019CP1006634

37. Defendants' conduct herein described and incorporated constitutes negligence *per se* due to the violation of the Laws of South Carolina, entitling Plaintiff to an award of actual and punitive damages.

FOR A THIRD CAUSE OF ACTION
(Recklessness, Willfulness and Wantonness)

38. The Plaintiff incorporates the preceding allegations of this Complaint as if fully set forth herein.

39. Defendants' conduct herein described and incorporated was done with knowledge that it was likely to result in damages to the Plaintiff and his family, entitling Plaintiff to an award of actual and punitive damages.

FOR A FOURTH CAUSE OF ACTION
(Violations of South Carolina Landlord Tenant Act)

40. The Plaintiff incorporates the preceding allegations of this Complaint as if fully set forth herein.

41. Defendants have violated the following South Carolina Statutes, without limitation:

a) Unlawful ouster in violation of S.C. Code § 27-40-660 (which provides for recovery of 3 months' rent or twice actual damages, whichever is greater, plus reasonable attorney's fees);

b) Retaliation in violation of S.C. Code § 27-40-910 (which provides for recovery of 3 months' rent or twice actual damages, whichever is greater, plus reasonable attorney's fees);

c) Misuse of a lease containing prohibited terms in violation of S.C. Code § 27-40-330 (which provides for (a) actual damages plus an amount not to exceed the security deposit and reasonable attorney's fees for deliberate misuse or (b) actual damages plus an amount not to exceed three months' periodic rent and reasonable attorney's fees for malicious misuse);

ELECTRONICALLY FILED - 2019 Dec 26 11:58 AM - CHARLESTON - COMMON PLEAS - CASE#2019CP1006634

d) Wrongful withholding of security deposit in violation of S.C. Code § 27-40-410 (which provides for recovery of actual damages and reasonable attorney's fees).

e) Abuse of access and trespass in violation of S.C. Code § 27-40-780 (which provides for actual damages and reasonable attorney's fees); and

f) Non-judicial ejectment in violation of S.C. Code §§ 27-40-20 and 760 (which provides grounds for the recovery of actual damages and punitive damages).

42. All of which independently and in combination was the sole direct and proximate cause of the injuries and actual damages suffered by Plaintiff, including costs and attorney's fees, treble damages, and punitive damages, and all in violation of the laws and statutes of the State of South Carolina.

FOR A FIFTH CAUSE OF ACTION
(Conversion and Destruction of Personal Property)

43. The Plaintiff incorporates the preceding allegations of this Complaint as if fully set forth herein.

44. Without notice to Plaintiff and without Plaintiff's consent, nor approval by a governing judicial body, the Defendants did convert and destroy the personal property of Plaintiff, including his mold kit and attendant property, which was within the Property when the Defendants wrongfully entered and ejected Plaintiff from it.

45. As a result, the Plaintiff has suffered actual damages and is entitled to an award of actual and punitive damages.

FOR A SIXTH CAUSE OF ACTION
(Spoliation of Evidence)

46. The Plaintiff incorporates the preceding allegations of this Complaint as if fully set forth herein.

ELECTRONICALLY FILED - 2019 Dec 26 11:58 AM - CHARLESTON - COMMON PLEAS - CASE#2019CP1006634

47. Without notice to Plaintiff and without Plaintiff's consent, nor approval by a governing judicial body, the Defendants did convert and destroy the personal property of Plaintiff, including his mold kit and attendant property, which was within the Property when the Defendants wrongfully entered and ejected Plaintiff from it. This property was evidence in the present action that Plaintiff's intentionally destroyed for financial profit and to attempt to protect themselves from the allegations at issue herein.

48. As a result, the Plaintiff has suffered actual damages and is entitled to an award of actual and punitive damages as well as a jury instruction regarding the adverse inference to be drawn from the Defendants' wrongful destruction of evidence.

FOR A SEVENTH CAUSE OF ACTION
(Negligent or Intentional Misrepresentation)

49. The Plaintiff incorporates the preceding allegations of this Complaint as if fully set forth herein.

50. Defendants had actual or constructive knowledge of the moisture and mold problems in the Property and misled the Plaintiff as to the absence of that condition through their wrongful acts and omissions. Plaintiff did reasonably rely upon the negligent or intentional misrepresentations of the Defendants and entered the Lease, which he would not have entered had Defendants informed him of the truth that they had a duty to know.

51. As a result, the Plaintiff has suffered actual damages and is entitled to an award of actual and punitive damages.

FOR AN EIGHTH CAUSE OF ACTION
(Unfair Trade Practices)

52. The Plaintiff incorporates the preceding allegations of this Complaint as if fully set forth herein.

ELECTRONICALLY FILED - 2019 Dec 26 11:58 AM - CHARLESTON - COMMON PLEAS - CASE#2019CP1006634

53. As a result of Defendants' wrongful conduct complained of herein, the Plaintiff has suffered actual damages as a result of the use or employment by Defendants of unfair or deceptive methods, acts or practices declared unlawful by S.C. Code § 39-5-20. These actions are capable of repetition and implicate the common good.

54. The Plaintiff has suffered actual damages and is entitled to an award of three times the actual damages sustained as well as reasonable attorney's fees and costs.

FOR A NINTH CAUSE OF ACTION
(Civil Conspiracy)

55. The Plaintiff incorporates the preceding allegations of this Complaint as if fully set forth herein.

56. Defendants did agree, in carrying out the wrongful acts complained of herein, to break the law at some time in the future or to achieve a lawful aim by unlawful means.

57. As a result, the Plaintiff has suffered actual damages and is entitled to an award of actual and punitive damages.

WHEREFORE, Plaintiff prays for judgment against Defendants for actual damages, punitive damages, treble damages, pre-judgment and post-judgment interest, attorney's costs and fees, and for such other relief as the Court deems proper. The Plaintiff also requests a trial by jury.

ELECTRONICALLY FILED - 2019 Dec 26 11:58 AM - CHARLESTON - COMMON PLEAS - CASE#2019CP1006634

YCRLAW, LLP

By: s/ William O. Sweeny IV
William O. Sweeny IV, SC Bar#78668
25 Calhoun Street, Suite 400
P. O. Box 993
Charleston, SC 29402
(843) 720-5456
bsweeny@ycrlaw.com
Attorneys for the Plaintiff

Charleston, South Carolina

December 26, 2019

EFILED IN OFFICE
CLERK OF PROBATE
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
JUN 15, 2021 01:19 PM

FLF069

STATE OF SOUTH CAROLINA)
) IN THE PROBATE COURT
COUNTY OF: CHARLESTON)
) **MOTION FOR EXTENSION**
) **Request #1**
IN THE MATTER OF:)
VERONIQUE H.W. PICKETT) CASE NUMBER: 2019ES-1000394-2
)
(Decedent))

- ☒ INVENTORY AND APPRAISEMENT
- ☒ ACCOUNTING
- ☐ ALLOWANCE AND/OR DISALLOWANCE OF CLAIMS
- ☒ CLOSING DOCUMENT(S)
- ☐ OTHER: _____

BAYARD SCOTT PICKETT, JR. is/are the duly qualified and acting Personal Representative(s) of the above estate.

I/We request an extension of 60 days to allow the Personal Representative(s) to complete and/or file the above referenced document or action for the following reason(s):
THE ESTATE HAS PENDING LITIGATION AND THE CERTIFIED PUBLIC ACCOUNTANT IS WORKING ON THE FINAL TAX RETURN TO DETERMINE THE AMOUNT OF MONEY THE ESTATE MAY OWE THE INTERNAL REVENUE SERVICE.

Executed this 4th day of JUNE, 2021.

Attorney for the Personal Representative / Personal Representative

Signature: 
Print Name: PAUL B. FERRARA III
Address: 8887 OLD UNIVERSITY BLVD.
NORTH CHARLESTON, SC 29406
Telephone (Work): 843-569-5511
(Home):
(Cell):
Email: paul@ferraralawfirm.net

Co-Personal Representative Signature:
Print Name:
Address:

Telephone (Work):
(Home):
(Cell):
Email:

FORM #352ES (3/2018)
62-3-704, 62-3-706, 62-3-804

EFILED IN OFFICE
CLERK OF PROBATE
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
AUG 17, 2021 08:56 AM

FLF070

STATE OF SOUTH CAROLINA)
IN THE PROBATE COURT

COUNTY OF: CHARLESTON)

MOTION FOR EXTENSION
Request #2

IN THE MATTER OF:
VERONIQUE H.W. PICKETT)

CASE NUMBER: 2019-ES-10-00394-2

(Decedent))

- ☒ INVENTORY AND APPRAISEMENT
- ☒ ACCOUNTING
- ☐ ALLOWANCE AND/OR DISALLOWANCE OF CLAIMS
- ☒ CLOSING DOCUMENT(S)
- ☐ OTHER: _____

BAYARD SCOTT PICKETT is/are the duly qualified and acting Personal Representative(s) of the above estate.

I/We request an extension of 60 days to allow the Personal Representative(s) to complete and/or file the above referenced document or action for the following reason(s):
THE ESTATE HAS PENDING LITIGATION AND THE CERTIFIED PUBLIC ACCOUNTANT IS STILL WORKING ON THE FINAL TAX RETURN TO DETERMINE THE AMOUNT OF MONEY THE ESTATE MAY OWE THE INTERNAL REVENUE SERVICE.

Executed this 16TH day of AUGUST, 2021.

Attorney for the Personal Representative / Personal Representative
Signature: 
Print Name: PAUL B. FERRARA III
Address: 8887 OLD UNIVERSITY BLVD.
NORTH CHARLESTON, SC 29406
Telephone (Work): 843-569-5511
(Home):
(Cell):
Email: paul@ferraralawfirm.net

Co-Personal Representative Signature:
Print Name:
Address:

Telephone (Work):
(Home):
(Cell):
Email:

EFILED IN OFFICE
CLERK OF PROBATE
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
SEP 17, 2021 03:58 PM

FLF071

STATE OF SOUTH CAROLINA)
COUNTY OF: CHARLESTON)

IN THE PROBATE COURT

MOTION FOR EXTENSION
Request # 3

IN THE MATTER OF:
VERONIQUE H.W. PICKETT
(Decedent)

CASE NUMBER: 2019-ES-1000394-2

- [x] INVENTORY AND APPRAISEMENT
- [x] ACCOUNTING
- [x] ALLOWANCE AND/OR DISALLOWANCE OF CLAIMS
- [x] CLOSING DOCUMENT(S)
- [ ] OTHER: _____

BAYARD SCOTT PICKETT is/are the duly qualified and acting Personal Representative(s) of the above estate.

I/We request an extension of 365 days to allow the Personal Representative(s) to complete and/or file the above referenced document or action for the following reason(s):
THE ESTATE HAS ONGOING PENDING LITIGATION AND WE ARE STILL AWATING THE FINAL TAX RETURN

Executed this 17th day of SEPTEMBER, 2021.

Attorney for the Personal Representative / Personal Representative
Signature: _____
Print Name: Paul B. Ferrara, III
Address: 8887 Old University Blvd.
North Charleston, SC 29406
Telephone (Work): (843) 569-5511
(Home):
(Cell):
Email: paul@ferraralawfirm.net

Co-Personal Representative Signature: _____
Print Name:
Address:

Telephone (Work):
(Home):
(Cell):
Email:

FORM #352ES (3/2018)
62-3-704, 62-3-706, 62-3-804

FLF072

STATE OF SOUTH CAROLINA)
)
COUNTY OF: CHARLESTON)
)
IN THE MATTER OF:)
VERONIQUE H.W. PICKETT)
(Decedent))

IN THE PROBATE COURT

MOTION FOR EXTENSION
Request # 3

CASE NUMBER: 2019-ES-1000394-2

- ☑ INVENTORY AND APPRAISEMENT
- ☑ ACCOUNTING
- ☑ ALLOWANCE AND/OR DISALLOWANCE OF CLAIMS
- ☑ CLOSING DOCUMENT(S)
- ☐ OTHER: _____

21 SEP 27 PM 12:36
CHARLESTON COUNTY PROBATE COURT

BAYARD SCOTT PICKETT is/are the duly qualified and acting Personal Representative(s) of the above estate.

I/We request an extension of 365 days to allow the Personal Representative(s) to complete and/or file the above referenced document or action for the following reason(s):
THE ESTATE HAS ONGOING PENDING LITIGATION AND WE ARE STILL AWATING THE FINAL TAX RETURN

Executed this 17th day of SEPTEMBER, 2021.

Attorney for the Personal Representative / Personal Representative
Signature: _____
Print Name: Paul B. Ferrara, III
Address: 8887 Old University Blvd.
North Charleston, SC 29406
Telephone (Work): (843) 569-5511
(Home):
(Cell):
Email: paul@ferraralawfirm.net

Co-Personal Representative Signature: _____
Print Name:
Address:

Telephone (Work):
(Home):
(Cell):
Email:

FORM #352ES (3/2018)
62-3-704, 62-3-706, 62-3-804

ELECTRONICALLY FILED - 2023 May 19 8:26 AM - CHARLESTON - COMMON PLEAS - CASE#2019CP1006634

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON	IN THE COURT OF COMMON PLEAS
DUKE R. HIGHFIELD, Plaintiff, vs. BRIDGEPOINT PROPERTY MANAGEMENT, LLC, BRANTLEY JACO, SCOTT PICKETT, PAMELA PICKETT, SCOTTY PICKETT, AND THE PICKETT BAYARD SCOTT TRUST, Defendants.	Civil Action No. 2019CP1006634 **STIPULATION OF DISMISSAL WITH PREJUDICE**

Pursuant to Rule 41(a) of the *South Carolina Rules of Civil Procedure*, Plaintiff in the above-captioned case, by and through the undersigned counsel, hereby dismisses this case with prejudice. Defendants consent to this dismissal with prejudice. The parties agree to bear their own respective costs.

WE SO STIPULATE:

CLEMENT RIVERS, LLP

s/ Jeffrey Wiseman
Jeffrey Wiseman, 73121
Christian E. W. Fober, Esquire, 102520
Post Office Box 993
Charleston, South Carolina 29402
(843) 720-5456

ATTORNEYS FOR PLAINTIFF

Date: May 19, 2023

WE CONSENT:

McANGUS, GOUDELOCK & COURIE, L.L.C.

s/ Shawn M. Bevans
Shawn M. Bevans, 100542
735 Johnnie Dodds Blvd, Suite 200 (29464)
Mt. Pleasant, South Carolina 29465

Paul B. Ferrara, III, Esquire, 70511
Ferrara Law Firm, PLLC
8887 Old University Boulevard, Suite 201
N. Charleston, South Carolina 29406

ATTORNEYS FOR BRANTLEY JACO BRIDGEPOINT PROPERTY MANAGEMENT, LLC

Date: May 19, 2023

ELECTRONICALLY FILED - 2023 May 19 8:26 AM - CHARLESTON - COMMON PLEAS - CASE#2019CP1006634

WE CONSENT:

FERRARA LAW FIRM, PLLC

s/ Paul B. Ferrara, III
Paul B. Ferrara, III, Esquire, 70511
8887 Old University Boulevard, Suite 201
N. Charleston, South Carolina 29406

ATTORNEYS FOR DEFENDANTS

Date: May 19, 2023

WE CONSENT:

CLAWSON & STAUBES, LLC

s/ Michael L. Leech
Michael L. Leech, Esquire, 100516
126 Seven Farms Drive, Suite 200
Charleston, South Carolina 29492

ATTORNEYS FOR DEFENDANT THE PICKETT BAYARD SCOTT TRUST

Date: May 19, 2023

FLF075

STATE OF SOUTH CAROLINA)
)
COUNTY OF: CHARLESTON)
)
)
IN THE MATTER OF:)
VERONIQUE W. PICKETT)
(Decedent))

IN THE PROBATE COURT

APPLICATION/*PETITION FOR SUBSEQUENT ADMINISTRATION

CASE NUMBER: 2019-ES-10-00394

***ONLY COMPLETE THIS SECTION IF FILING PETITION FOR SUBSEQUENT ADMINISTRATION**

*BAYARD SCOTT PICKETT
Petitioner(s)
vs.
*THE ESTATE OF VERONIQUE W. PICKETT
Respondent(s)

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
5/19/2023 11:12AM

☒ **INFORMAL** ☐ ***FORMAL**

The undersigned states as follows:

1. Subsequent administration of the above Estate is needed because:
☐ The following additional property in the above estate has been discovered. A description of the property and its approximate value at the date of Decedent's death is:

☒ Other reason: LITIGATION AGAINST THE ESTATE HAS SETTLED.

2. ☒ I served as Personal Representative under the previous administration and fiduciary bond requirement:

☒ was waived by Decedent's Will
☐ was waived pursuant to the filing of Waivers of Bond
☐ was waived by the Court
☐ was required and an appropriate bond is attached

☐ I did not serve as Personal Representative under the previous administration; my priority for this appointment is:

☐ named as Primary Personal Representative in Will
☐ named as Alternate Personal Representative in Will
☐ nominee of above Primary Personal Representative in Will
☐ nominee of above Alternate Personal Representative in Will
☐ surviving spouse of Decedent who is devisee of Decedent or nominee of said spouse
☐ other devisee of Decedent (describe): or nominee of said devisee
☐ surviving spouse of Decedent or nominee of said spouse
☐ other heir of Decedent (describe):
☐ creditor (Forty-five (45) days after death must have passed) or nominee of creditor; written statement of claim, Form 371ES, is attached
☐ other (describe):

***NOTE: IF THIS IS A FORMAL PROCEEDING, IN ADDITION TO A PETITION, YOU MUST ALSO FILE A SUMMONS (FORM SCCA 401PC) AND PAY THE STATUTORY FILING FEE OF**

$150.00.
A HEARING IN THE PROBATE COURT ON THE PETITION MAY BE REQUIRED.

VERIFICATION

The undersigned, being sworn, states that the facts set forth in the foregoing statements are true to the best of the undersigned's knowledge, information and belief; and hereby submits to the Court's jurisdiction in this matter.

SWORN to before me this 18TH day of MAY, 20 23

Notary Public for South Carolina
My Commission Expires: 12/20/2024

Signature: Scott Pickett
Print Name: BAYARD SCOTT PICKETT, JR.
Address: 4616 THOROUGHGOOD DRIVE
VIRGINIA BEACH, VA 23455
Telephone (Work):
(Home):
(Cell): (757) 718-6500
Email: BAYARDSPICKETTJRINC@GMAIL.COM
Relationship to Decedent/Estate: SON

ORDER FOR HEARING

IT IS HEREBY ORDERED that a hearing on this matter be set for:

DATE: _____
TIME: _____
PLACE: _____

Pursuant to SCPC 62-1-401, Petitioner is ordered to give notice of this hearing to all interested persons at least twenty (20) days prior to the hearing.

Executed this day of , 20 .

_____
, Probate Court Jud

ORDER FOR SUBSEQUENT ADMINISTRATION

IT IS HEREBY ORDERED that be appointed Personal Representative to administer property not previously administered as indicated in the above application/petition.

☐ Bond previously waived
☐ Previous bond waivers on file
☐ Other:

Executed this day of , 20 .

_____
, Probate Court Judge

QUALIFICATION AND STATEMENT OF ACCEPTANCE

I accept this appointment and agree to perform the duties and discharge the trust of the office of Personal Representative of this estate and to submit to the Court's jurisdiction in this matter.

Signature: Scott Pickett
Print Name: BAYARD SCOTT PICKETT, JR.
Address: 4616 THOROUGHGOOD DRIVE
VIRGINIA BEACH, VA 23455
Telephone (Work):
(Home):
(Cell): (757) 718-6500
Email: BAYARDSPICKETTJRINC@GMAIL.COM

Attorney: PAUL B. FERRARA, III
Address: 8887 OLD UNIVERSITY BLVD.
NORTH CHARLESTON, SC 29406
Telephone: (843) 569-5511
Email: PAUL@FERRARALAWFIRM.NET

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	CASE NO: 2019-ES-10-0394
COUNTY OF CHARLESTON	)	
	)	
IN THE MATTER OF: VERONIQUE W. PICKETT	)	
	)	
LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED BY THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999 AND AS TRUSTEE OF THE KATHLEEN B. ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999,	)	**AMENDED SUMMONS**
	)	EZ FILING PROBATE COURT CHARLESTON COUNTY, SOUTH CAROLINA 2019ES1000394 6/27/2023 2:18PM
Petitioners,	)	
	)	
v.	)	
	)	
BAYARD SCOTT PICKETT, JR.,	)	
	)	
Respondent.	)	
	)	
	)	

TO THE RESPONDENT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Petition herein, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Petition upon the subscribers, Saxton & Stump, LLC, at their offices at 151 Meeting Street, Suite 400, Charleston, South Carolina 29401, within thirty (30) days of the service hereof, exclusive of the day of such service.

YOU ARE HEREBY GIVEN NOTICE FURTHER that, if you fail to appear and defend and fail to answer the Petition as required by this Amended Summons within thirty (30) days after the service hereof, judgment by default will be rendered against you for the relief demanded in the Petition.

By: */s/ Elizabeth J. Palmer*

Elizabeth J. Palmer
Saxton & Stump, LLC
151 Meeting Street, Suite 400
Charleston, SC 29401
(843) 414-5080
ep@saxtonstump.com

ATTORNEY FOR PETITIONERS

Charleston, SC
June 27, 2023

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
)
IN THE MATTER OF:)
VERONIQE W. PICKETT)
(Decedent))

IN THE PROBATE COURT

APPLICATION/*PETITION FOR APPOINTMENT OF SPECIAL ADMINISTRATOR

CASE NUMBER: 2019-ES-10-00394

***COMPLETE THIS SECTION ONLY IF FILING PETITION FOR SPECIAL ADMINISTRATOR**

*LAURA V. JONES, AS TRUSTEE OF THE LAURA V JONES TRUST AS ESTABLISHED BY THE WILL O VERONIQUE H.W. PICKETT DATED MARCH 31 1999 AND AS TRUSTEE OF THE KATHLEEN E ANDERSON TRUST AS ESTABLISHED UNDER TH WILL OF VERONIQUE H.W. PICKETT DATE MARCH 31, 1999,
Petitioner(s)

vs.

*BAYARD SCOTT PICKETT, JR.,
Respondent(s)

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
6/27/2023 2:18PM

☐ **INFORMAL** ☒ ***FORMAL**

Appointment of a Special Administrator is requested:

INFORMAL PROCEEDING:

- ☐ to protect the Estate of Decedent prior to the appointment of a general Personal Representative.
- ☐ to safeguard Estate assets until a Successor Personal Representative is appointed due to the death or disability of _____, the previously appointed Personal Representative.
- ☐ to enforce a creditor's security interest upon property of the Estate or to institute proceedings to establish the Decedent's liability to the extent of the limits of insurance protection only.
- ☐ to take appropriate actions involving Estate assets, specifically: _____.
- ☐ to obtain medical, tax, or other confidential records, specifically:_____.
- ☐ to gain access to and take possession of any Wills, deeds to cemetery plots, and insurance policies, or other Estate related documents in Decedent's safe deposit box located at: _____.
- ☐ Other: _____.

FORMAL PROCEEDING:

- ☒ Appointment of a Special Administrator is requested to preserve the Estate and to secure the Estate and to secure the Estate's proper administration because: SEE ATTACHED.
- ☐ Other: _____.

***NOTE: IF THIS IS A FORMAL PROCEEDING, IN ADDITION TO A PETITION, YOU MUST ALSO FILE A SUMMONS (FORM SCCA 401PC) AND PAY THE STATUTORY FILING FEE OF $150.00. A HEARING IN THE PROBATE COURT ON THE PETITION MAY BE REQUIRED.**

VERIFICATION

The undersigned, being sworn, states that the facts set forth in the foregoing statements are true to the best of the undersigned's knowledge, information and belief; and hereby submits to the Court's jurisdiction in this matter.

SWORN to before me this 23rd day of June, 20 23

Notary Public for ~~South Carolina~~ VA
My Commission Expires: 11/30/25

KRISTEN MICHELLE REECE NOTARY PUBLIC REG # 7930332 MY COMMISSION EXPIRES 11/30/2025 COMMONWEALTH OF VIRGINIA

Signature:
Print Name: LAURA V. JONES
Address: 4517 CLYDE STREET
VIRGINIA BEACH, VA 23455
Telephone (Work): (757) 500-7800
(Home):
(Cell): (757) 776-2206
Email: LJONES@CARDINALBAYTITLELLC.COM
Relationship to Decedent/Estate: TRUSTEE OF DEVISEES

ORDER FOR HEARING

IT IS HEREBY ORDERED that a hearing on this matter be set for:

DATE: _____
TIME: _____
PLACE: _____

Pursuant to SCPC 62-1-401, Petitioner is ordered to give notice of this hearing to all interested persons at least twenty (20) days prior to the hearing date.

Executed this day of , 20 .

_____
, Probate Court Judge

ORDER OF APPOINTMENT

IT IS HEREBY ORDERED that the above application/petition for appointment of Special Administrator in the above estate be
☐ GRANTED ☐ DENIED as follows:

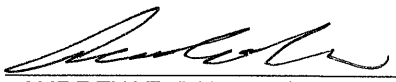
RESTRICTIONS: _____

Executed this day of , 20 .

_____
, Probate Court Judge

QUALIFICATION AND STATEMENT OF ACCEPTANCE

I accept appointment and agree to perform the duties and discharge the trust of the office of Special Administrator of the foregoing Estate and submit to the jurisdiction of the Court in this matter.

Signature: 

Print Name: ANDREW E. RHEA, ESQUIRE
EVANS, CARTER, KUNES & BENNETT, PA

Address: 115 CHURCH STREET
CHARLESTON, SC 29401

Telephone (Work): (843) 577-2300

(Home):

(Cell):

Email: RHEA@ECKB.COM

Attorney:

Address:

Telephone:

Email:

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
FLF084
2019ES1000394
6/26/2023 2:09PM

ATTACHMENT TO PETITION FOR APPOINTMENT OF SPECIAL ADMINISTRATOR

This Petition for Appointment of Special Administrator is being submitted by Laura V. Jones, Individually and as Trustee of the Laura V. Jones Trust ("Jones Trust") and the Kathleen E. Anderson Trust ("Anderson Trust"), both as established under the Will of Veronique H.W. Pickett dated March 31, 1999 (the "Will"). The Jones Trust and the Anderson Trust are devisees under the Will of the Decedent which was admitted to probate on or about March 11, 2019, by this Court. As set forth more fully herein, the grounds for this Petition are:

1. The Decedent passed away on December 18, 2018. She was predeceased by her husband, Bayard Scott Pickett, Sr.

2. She was survived by her son, Respondent Bayard Scott Pickett, Jr., and her two granddaughters, Petitioner Laura V. Jones and Kathleen Elizabeth Anderson. Decedent's daughter, and the mother of Jones and Anderson, passed away on December 24, 2003, predeceasing the Decedent.

3. Respondent filed an Application for Informal Probate of Will and Appointment as Personal Representative on or about March 1, 2019. Without objection, the Will of Veronique H.W. Pickett dated March 31, 1999 (the "Will") was admitted to probate (Will is attached as **Exhibit 1**). On May 11, 2019, Respondent was appointed Personal Representative of the Estate.

4. Decedent's Will instructed that her probate estate be distributed to the following trusts (created by her Will) as follows:

50%: Bayard Scott Pickett, Jr., Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

25%: Laura V. Jones Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

25%: Kathleen E. Anderson Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

See Will, § 5.4, Art. 6.

5. Upon information as belief[1], the Estate's largest asset was the Decedent's 50% interest in two pieces of real property in Mount Pleasant, SC. Specifically, 213 King Street and 215 King Street (collectively, the "Mt. Pleasant Property").

6. Although Decedent's Will dictated that the Mt. Pleasant Property be distributed as set forth above, Respondent took no action to administer this Estate for over a year. The Mt. Pleasant Property was leased and earning income during this time period, but that income has never been accounted for.

7. The Decedent's Will, § 3.3, further provided that her personal property be distributed, per stirpes, to her issue in trust. No personal property has ever been accounted for or distributed.

8. At some point in the late summer/early fall of 2020, Respondent entered into a contract to sell the Mt. Pleasant Property for $4,000,000.

9. By Deed of Distribution executed on September 14, 2020, and filed with this Court on November 2, 2020, Respondent distributed the Estate's interest in the Mt. Pleasant Property to the three trusts created by Decedent's Will. A copy of the Deed of Distribution is attached as **Exhibit 2.**

[1] Due to Petitioner's failure to ever file an Inventory and Appraisement, the true contents of the Decedent's probate estate remain unknown and at this point in time, may never be fully ascertained.

10. Given that the Estate's 50% interest in the Mt. Pleasant Property had been distributed, the "Sellers" of that 50% interest were the three trusts created by Decedent's Will and those three trusts should have received their respective share of the proceeds. That did not happen.

11. It is believed that the sale of the Mt. Pleasant Property closed on September 14, 2020 (which was the same day Respondent executed the Deed of Distribution). Despite Petitioner's attorney's requests that the proceeds be held in escrow to determine the proper distribution of the same, it is believed that Respondent or someone acting on his behalf instructed the escrow attorney to distribute the proceeds, in excess of $1,760,000, that should have gone to the three trusts created under the Decedent's Will **to him**. It is unknown where Respondent took these proceeds or in what capacity he has represented to others that he holds these proceeds (i.e., whether they are in a fiduciary/ estate / trust account). It is also unknown whether these proceeds are appropriately invested or if they have even been earning any interest at all in the past three years.

12. Of the approximate $440,000 of those proceeds (25%) that should have been distributed to the Jones Trust, Respondent has distributed only $130,000.

13. Respondent and his attorney have systematically refused Petitioner's requests for information. In advance of the pending real estate transaction, Petitioner's former attorney wrote to Respondent's attorney to request various information, including an accounting. *See* 8/12/20 letter to Ferrara, attached as **Exhibit 3**. Upon information and belief, none of the requested information was provided.

14. On September 9, 2020, Petitioner spoke with Respondent and requested information about the sale and about what Respondent intended to do with the proceeds.

Respondent initially became irate with Petitioner, his niece, but ultimately agreed to have his attorney send Petitioner all requested financial records. This never happened.

15. On September 17, 2020, Petitioner's former attorney sent an email to the buyer's closing attorney (*see* 9/17/20 EM to Hellman Yates, **Exhibit 4**), as well as to Respondent's attorney (*see* 9/17/20 EM to Ferrara, **Exhibit 5**), pleading that the proceeds from the sale be held in escrow until outstanding issues and concerns were resolved. The latter email stated:

> *My clients request that all sale proceeds remain in escrow until we can work through both the tax and estate issues before any funds are automatically distributed. We have grave concerns that the documents you have quickly forced down my client's backs reflect grave errors in how the sale proceeds are distributed to the beneficiaries.*
>
> *What is more, your short sighted consideration of the tax ramifications of this closing in electing to at the twelve hour confer with a CPA gives us the logical impression that you do not know what you are doing at the most, or are inattentive at the very least.*
>
> *I want confirmation from you and from the escrow attorney that all funds will be held in escrow until we can work through the estate and tax issues. I would recommend that we sign an escrow agreement to allow us the proper amount of time. I have advised my clients not to sign any estate related distribution documents until we are all on the same page.*

See **Exhibit 5**.

16. In response, Respondent's attorney replied: "I suspect you do not realize what type of client you are dealing with. I fully understand what I am doing." *See* **Exhibit 5**. At one point, Petitioner was even told that, because her attorney was not licensed in South Carolina, Respondent had no obligation to provide the requested information or take the requested steps to preserve the proceeds of the sale.

17. Respondent continued to ignore and refuse Petitioner's requests for information concerning the property sale, the location of the proceeds, the nature of any disbursements from

the proceeds, and an explanation as to why the proceeds belonging to her trust, the Jones Trust, and her sister Kathleen's trust (the Anderson Trust, of which Petitioner is Trustee), had not been distributed. Nearly six months following the sale of the property, Petitioner again requested this information and, again, that request was ignored. *See* 3/18/21 email to Ferrara, attached as **Exhibit 6**.

18. Respondent is not fit to serve in any fiduciary capacity and has already demonstrated to this Court that he is incapable, or at a minimum, unwilling, to properly administer this Estate. By letter dated June 21, 2019, this Court notified Respondent that the Estate's Inventory and Appraisement was overdue and demanded that it be filed within twenty days. Respondent did not comply. By letter dated September 21, 2020, this Court again demanded that the Inventory and Appraisement, as well as a number of other documents required to administer and close the Estate, be filed within 20 days. Finally, on March 25, 2021, this Court sent a final demand that Respondent file the required documentation, including, a Final Accounting and Proposal for Distribution. Respondent again failed to comply.

19. The Court subsequently issued a Rule to Show Cause and, ultimately, closed the Estate by Order dated January 19, 2022 (attached as **Exhibit 7**). This Order specifically states that "[Respondent] shall be and is fully responsible and liable to the full extent of Law for any and all acts and doings, commissions and/or omissions…".

20. Not having received any information or documentation from Respondent concerning the location and amount of Estate and/or Trust assets still in Respondent's possession, Petitioner was again forced to retain counsel. By letter dated March 23, 2023 (attached as **Exhibit 8**), Petitioner's attorney renewed the requests for information and also set forth various concerns and questions concerning Respondent's actions and omissions in his fiduciary capacities. Despite

representations that documentation would be forthcoming, nothing – not a single bank statement to even show the existence/balance of the $1.76mm – has been received to date.

21. On May 18, 2023, Petitioner's attorney spoke with Respondent's attorney and indicated that Petitioner would be taking legal action against Respondent. The very next day, on May 19, 2023, Respondent filed an Application for Subsequent Administration, seeking to be re-appointed as Personal Representative. It was only by chance that Petitioner learned of Respondent's Application for Appointment, as neither she nor her attorney were notified by Respondent that it had been filed.

22. Petitioner filed an Objection to the Appointment of Respondent as Personal Representative on May 31, 2023.

23. Respondent has:

a. exhibited a persistent neglect of fiduciary duties, leading to the Court's prior Rule 4 closing of this Estate;

b. misappropriated, and at a minimum, negligently administered, over $1.76 mm in cash and over $100,000 worth of personal property that rightfully belongs to this Estate and its devisees; and

c. repeatedly refused to provide information or documentation to Devisees despite many requests for the same.

24. Respondent is liable to the Estate and its Devisees for damages resulting from his negligence and/or willful misconduct and is not fit to serve as Personal Representative.

25. The appointment of a special administrator is necessary to preserve the Estate, to secure its proper administration, and to investigate and pursue any claims that the Estate may have

against Respondent for any damages resulting from his breaches of fiduciary duties and misappropriation.

26. Petitioner requests that Andrew Rhea, Esquire, with the firm of Evans, Carter, Kunes & Bennett, P.A., be appointed as Special Administrator. Mr. Rhea practices in the areas of probate and tax law and has the requisite skill and experience to competently administer this Estate, including a forensic review of Respondent's actions and the handling any tax issues that have arisen, or may arise, as a result thereof. A copy of Mr. Rhea's CV is attached as **Exhibit 9**.

27. Petitioner believes that it is in the best interests of the Estate to have an impartial, third-party that has the skill and experience to appropriately handle the administration of this Estate appointed as Special Administrator.

WHEREFORE, Petitioner Laura V. Jones, as Trustee of the Laura V. Jones Trust and the Kathleen E. Anderson Trust, both as established under the Will of Veronique H.W. Pickett dated March 31, 1999, prays that her Petitioner for Appointment as Special Administrator be granted; that the Court appoint Andrew Rhea, Esquire, as Special Administrator with all the powers and duties of a Personal Representative; that the Court award Petitioner's attorneys' fees and costs against Respondent, individually, pursuant to S.C. Code Ann. § 62-1-111; and that the Court award such further equitable and legal relief as the Court deems just and proper.

[SIGNATURE ON FOLLOWING PAGE]

SAXTON & STUMP

/s/ Elizabeth J. Palmer
Elizabeth J. Palmer, Esquire
151 Meeting Street, Suite 400
Charleston, South Carolina 29401
(843) 414-5080
ep@saxtonstump.com

Attorney for Laura V. Jones, Individually and as Trustee of the Laura V. Jones Trust and the Kathleen E. Anderson Trust, both as established under the Will of Veronique H.W. Pickett dated March 31, 1999

Charleston, South Carolina
June 26, 2023

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PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
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STATE OF SOUTH CAROLINA)
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COUNTY OF CHARLESTON)

LAST WILL AND TESTAMENT
OF
VERONIQUE H. W. PICKETT

I, **VERONIQUE H. W. PICKETT**, a resident of the County of Charleston and State of South Carolina, and a citizen of the United States, do make, publish and declare this as and for my Last Will and Testament, hereby revoking any and all former Wills and Codicils by me at any time heretofore made.

My husband is Bayard Scott Pickett and my children are Veronique W. P. Anderson and Bayard Scott Pickett, Jr.

ARTICLE 1

Appointment of Fiduciaries

I appoint my husband, Bayard Scott Pickett, as my Personal Representative and as Trustee of the Trust created under Article 5. If my husband should fail to qualify or cease to act, I appoint my children, Veronique W. P. Anderson and Bayard S. Pickett, Jr., acting jointly, or the survivor solely, as Personal Representative or Trustee, or both, as the case may be.

1.1 **Ancillary Administration**. If my Personal Representative or Trustee is not permitted to act as my Personal Representative or as my Trustee, as the case may be, in a jurisdiction, they shall select an individual or entity to serve in such capacity in that jurisdiction, shall determine the compensation to be paid to such fiduciary, and shall delegate to such fiduciary any and all powers and discretion granted herein. I authorize my Personal Representative or my Trustee, as the case may be, in such jurisdiction to employ a person or entity, without designation of fiduciary capacity, as custodian or agent, to acquire, hold, register, or dispose of property in his, her or its name or the name of his, her or its nominee, to prepare accounts and tax returns, and to perform such other functions as may be required, and to pay out of income and, if insufficient, out of principal, the charges and expenses arising therefrom.

ARTICLE 2

Payment of Enforceable Claims

Except as may specifically be provided otherwise in this Will, I direct that all of my legally enforceable debts of a current nature, expenses incurred in the administration of my estate, and funeral and burial expenses (including the expenses of my last illness), including the cost of a suitable memorial, be paid out of my residuary estate. With respect to long term notes and debts secured by mortgages on or security interests in specific property, my Personal Representative, during the administration of my estate, shall pay such installments as they come due out of my residuary estate, and any such property shall be distributed by my Personal Representative subject to such debt. My Personal Representative may continue, renew, and/or refinance any indebtedness upon such terms and with such security for its repayment as he deems advisable.

ARTICLE 3

Gift of Personal Property

3.1 Disposition by Memorandum. I may leave with this, my Last Will and Testament, a list in my handwriting, or signed by me, directing the distribution of specific items of personal property to named individuals as specified in said list. If no such written list is found or identified by my Personal Representative within ninety (90) days after my Personal Representative's qualification, it shall be conclusively presumed that there is no such list and any subsequently discovered list shall be ineffective. It is my direction that my Personal Representative follow my instructions as specified in any such list in the distribution of said articles of personal property.

3.2 Conflicts. Should there be a conflict as to the disposition of any specific item or article between any memorandum I have left and a specific gift of such property under this Will, I direct that the list or memorandum which I may have left shall control such disposition over any specific gift provisions of this Will.

3.3 Remaining Personal Property. I give, devise and bequeath all tangible personal property not effectively disposed of by memorandum or by specific gift under this Will, including furniture, furnishings, silver, books and pictures (but not including securities, cash on

hand or on deposit, and other personal property relating to investments) which I may own at my death, and all policies of insurance relating to such property, to my beloved husband, Bayard Scott Pickett, if he survives me. If he does not survive me, I give, devise and bequeath such tangible personal property, per stirpes, to such of my issue as shall survive me, to be divided among them in such manner as they shall agree, or failing agreement for any reason whatsoever, then in such manner as my Personal Representative shall determine. If neither my husband nor any of my issue survive me, said property shall become part of my residuary estate.

3.4 Packing and Shipping Expenses. I direct that all costs and expenses, including the expense of packing, shipping, insuring and transporting, incurred by the delivery of the bequests made in this Article shall be borne by my Personal Representative as an expense of administration and shall not be charged against any of said devises.

ARTICLE 4

Exercise of Powers of Appointment

I do not intend by this Will to exercise any power of appointment.

ARTICLE 5

Gift of Credit Shelter Amount in Trust

5.1 Creation of the Trust. If my husband, Bayard Scott Pickett, survives me, I give to my Trustee such fractional share of all the rest, residue and remainder of my estate (my "residuary estate") (the "Credit Shelter Amount") as is equal to the largest amount that can pass under this Will free of Federal estate tax by reason of the Federal unified credit and the state death tax credit (provided the use of this credit does not require an increase in the state death taxes paid) allowable to my estate (under the Internal Revenue Code then in effect). The Credit Shelter Amount shall be computed after taking account of (i) my prior adjusted taxable gifts and any reduction in them pursuant to Treasury Regulation §25.2701-5, (ii) taxable gifts under previous Articles of this Will, (iii) property passing outside of this Will but includable in my estate which does not qualify for the marital or charitable deduction, and (iv) charges to principal that are not allowed as deductions in computing my Federal estate tax. For the purpose of establishing the share disposed of by this Article, the values finally determined in the federal estate tax proceedings

relating to my estate shall be used. Furthermore, for purposes of determining the fractional share, the Federal estate tax payable because of my death shall be computed as if: (i) there were no credit except (a) the credit for state death taxes to such extent as state death taxes would not thereby be incurred or increased and (b) the unified credit; (ii) there were no disclaimer of any property (or interests therein) that, but for such disclaimer, would otherwise qualify for the marital deduction; and (iii) there were no failure to elect under §2056(b)(7) of the Internal Revenue Code to qualify any property for the marital deduction. I recognize that no amount may be disposed of by this Article and that the amount disposed of by this Article may be affected by my Personal Representative's actions in exercising tax elections.

5.2 Trust Property and Distributions of Trust Income and Principal. My husband, as Trustee, shall pay or apply so much or all or none of the net income and/or principal of this Trust (even to the extent of its exhaustion) to or for the benefit of that class of persons consisting of my husband and my issue, as he, as Trustee, shall determine to be necessary or advisable from time to time for their maintenance in health and reasonable comfort, education and support in their accustomed manner of living. My husband, as Trustee, is instructed to consider himself as the Primary Beneficiary of the Trust and, consistent with the mandate of ascertainable standards contained herein, is requested to refrain from paying income or principal of the Trust to or for the use or benefit of any other beneficiary unless he has first determined that he is adequately provided for (subject to the above named standards of maintenance in his health and reasonable comfort, education and support in his accustomed manner of living). It is my intention that the power which is being granted to my husband, as Trustee, in the immediately preceding sentence shall be a power limited by an ascertainable standard, as defined in Treasury Regulation Section 20.2041-1(c)(2), and such power shall not be a general power of appointment. In addition, my husband, as Trustee, shall not have the power to make any determination with respect to any payment or application which would discharge any of his legal obligations, all such determinations shall only be made by a Special Trustee (whose decision making authority shall be specifically limited to such determinations) after being appointed by the majority vote of my husband and my then living children for the purpose of making any such determinations. Any income not so paid shall be added to principal.

5.3 Distributions of $5,000 or 5% of Trust Principal. My Trustee shall pay to my husband, so much or all, if any, of the principal of this Trust, not to exceed in value for any calendar year five thousand dollars ($5,000.00), and if my husband shall be living on the last day of such year, such additional amount (if any) as five percent (5%) of the value (of the last day of the year) of the principal exceeds the value previously withdrawn for such year pursuant to this sentence, as my husband may direct in writing at any time, or from time to time, during the year. Distribution shall be made within 10 days after delivery to my Trustee of the instrument of withdrawal, except that a distribution of a withdrawal as of the last day of a year shall be made within 30 days after the close of the year.

5.4 Trust Termination and Distribution. Upon the death of my husband, the Trust provided for under this Article shall terminate and my Trustee shall divide the then remaining Trust assets into separate shares, per stirpes, for my then living issue, each such separate share thereby created to be held in further trust pursuant to the provisions of Article 7, below.

ARTICLE 6
Residuary Estate

All the rest, residue and remainder of my property and estate, real and personal, of whatever nature and wherever situated, including any property before mentioned but not effectively disposed of (my "residuary estate"), I give, devise and bequeath to my husband, if he survives me. If he shall not be living at my death my residuary estate shall be divided into separate shares, per stirpes, for my then living issue, each such separate share thereby created to be held in further trust pursuant to the provisions of Article 7, below.

My husband, Bayard Scott Pickett shall have the right, by an acknowledged instrument delivered to my Personal Representative within nine months of my death, to disclaim an interest in any portion or all of any property which he may receive under this Will, in which event the property constituting such disclaimed portion shall be added to the Trust created under Article 5, above.

ARTICLE 7

Issue Trust

7.1 Separate Shares. If any amounts are directed to be held, In Trust, pursuant to the terms and conditions of this Article, each such amount to be held as a separate Trust for the benefit of the person entitled to receive that share and his or her issue (the child or other issue of mine for whose benefit a separate share is determined is referred to as the "Primary Beneficiary"). If the Primary Beneficiary of this Trust has attained the age of thirty-five (35) at the time of the Trust's establishment, or at such time as the Primary Beneficiary attains the age of thirty-five (35), the Primary Beneficiary shall become the sole Trustee and any then acting Trustee(s) other than the Primary Beneficiary shall automatically cease to serve as Trustee(s). After the Primary Beneficiary of any Trust created under this Article has attained the age of thirty-five (35) and if he or she has elected not to serve as Trustee, he or she shall have the power to appoint a substitute Trustee or Trustees and also shall have the power to remove and replace any then acting Trustee, either with himself or herself or with another Trustee.

7.2 Income and Principal Distributions. The Primary Beneficiary, as Trustee of the separate trust for his and his issue's benefit shall pay to or apply for his own benefit, and for the benefit of his issue, so much or all, if any, of the net income and so much or all of the principal of this Trust as he, as Trustee hereunder, shall determine to be necessary or advisable for both his own, and his issue's, maintenance in health and reasonable comfort, support in their accustomed manner of living, and education, including college and professional education. It is my intention that this power which is being granted to the Primary Beneficiary, as Trustee, in the immediately preceding sentence shall be a power subject to an ascertainable standard, as defined in Treasury Regulations Section 20.2041-1(c)(2), and such power shall not be a general power of appointment.

7.3 Distribution Guidelines - The Primary Beneficiary. My Trustee shall be extremely liberal in exercising the discretion conferred upon him, and preference shall be given to the health, education, support and comfortable maintenance of the Primary Beneficiary for whom the Trust is established, rather than for the benefit of the other eligible income beneficiaries or the conservation of principal for the benefit of the remaindermen. No payment or application

of any amount from the Trust shall be made to any beneficiary of the Trust, other than to or for the benefit of the Primary Beneficiary of the Trust, unless the Trustee shall determine that the Primary Beneficiary is adequately provided for.

7.4 Distributions of $5,000 or 5% of Trust Principal. Once the Primary Beneficiary has attained the age of thirty (30), my Trustee shall pay to him or her, so much or all, if any, of the principal of the Trust, not to exceed in value for any calendar year five thousand dollars ($5,000.00), and if the Primary Beneficiary shall be living on the last day of such year, such additional amount (if any) as five percent (5%) of the value (as of the last day of the year) of the principal exceeds the value previously withdrawn for such year pursuant to this sentence, as the Primary Beneficiary may direct in writing at any time, or from time to time, during the year.

7.5 Death of the Primary Beneficiary. Upon the death of the Primary Beneficiary, the Trust for such Primary Beneficiary under this Article shall terminate, and the principal and any accumulated income of the Trust shall at that time be:

7.5.1 Limited Power of Appointment. Paid over and delivered by my Trustee to or IN TRUST for the benefit of the persons and objects and in such proportions and in further trust or otherwise, with the same or other or additional Trustees, and with the same or another situs, as the Primary Beneficiary shall appoint by Will duly admitted to probate expressly referring to this power of appointment; provided, however, (i) that the power of appointment shall not be exercisable to any extent in favor of the Primary Beneficiary, the Primary Beneficiary's estate, the Primary Beneficiary's creditors or creditors of the Primary Beneficiary's estate; (ii) that the power of appointment shall only be exercisable in favor of my descendants or their spouses; and (iii) that any exercise in favor of a spouse of one of my descendants may grant to such spouse no greater than an income interest for life in the appointed assets. To the extent the Primary Beneficiary does not effectively exercise this limited power of appointment, the unappointed property shall be;

7.5.2 Power of Appointment not Exercised. Divided among the Primary

Beneficiary's then living issue per stirpes, and each share to be held by my Trustee, IN TRUST, for the benefit of the person for whom the share is set apart, subject to the trust provisions of this Article; that person being the "Primary Beneficiary" and the Trustee of the separate Trust; and if upon termination of a Trust, no issue of the deceased Primary Beneficiary is then living, the then remaining principal of the Trust shall be;

7.5.3 Primary Beneficiary Without Issue. Paid over and distributed per stirpes among the then living issue of my most remote descendant who is an ancestor of the deceased Primary Beneficiary and who has issue then living, or if none;

7.5.4 Per Stirpes Distribution. Paid over and distributed per stirpes among my then living issue;

subject, except in the case of the exercise of the power given herein to appoint (whether outright or In Trust subject to other provisions), to the trust provisions of this Article.

7.6 Trustees Protected. Any exercise by my Trustee of these powers, which are made in good faith and subject to the ascertainable standards set forth herein shall be fully protected and shall be binding and conclusive upon all persons interested in this Trust.

7.7 Trust Term Limitations. Notwithstanding the foregoing provisions of this Article, each Trust established under this Article shall terminate not later than twenty-one (21) years after the death of the last to die of my husband and my issue who are living (or in being) at the date of my death. Within the final year of this Trust prior to a mandatory termination under this §7.7, the Trustee (other than any beneficiary - if there is no Trustee other than a beneficiary then acting, a Special Trustee shall be appointed for the purposes of making the distributions on termination) shall distribute the then assets of the Trust to and among that class of persons consisting of the Primary Beneficiary of the Trust and his or her issue; provided, however, that if the Primary Beneficiary has no issue then living, then, with the consent of the Primary Beneficiary, the class of permissible distributees shall include my other issue then living. The Trustee (or Special Trustee, as the case may be) shall consider the financial needs and resources

of the Primary Beneficiary and his or her issue (or my other issue, as the case may be) at that time, giving primary consideration to the needs and resources of the Primary Beneficiary, as well as to the various estate and gift tax situations of the various beneficiaries at that time. The Trustee (or Special Trustee, as the case may be) is requested, but not directed, to consider any requests the Primary Beneficiary may make as to any such distributions of the Trust assets, favoring particularly the Primary Beneficiary or such other beneficiaries as the Primary Beneficiary may request (though any such requests from the Primary Beneficiary shall in no manner be deemed to be more than a request, the sole and absolute discretion as to any such decision residing in the Trustee (who is not a beneficiary), or the Special Trustee, as the case may be).

7.8 Generation Skipping Transfers. If, upon the death of any beneficiary, a generation-skipping transfer of property (within the meaning of §2611(a) of the Internal Revenue Code) would occur with respect to such Trust property, then such beneficiary shall have a general testamentary power of appointment over a fractional share of such assets which is equal to an amount, if any, which, when included in the estate of such person will result in the maximum reduction in the sum of generation-skipping transfer taxes and estate, legacy, succession and inheritance taxes imposed by reason of the death of such person with respect to such Trust property when compared with the sum of the generation-skipping transfer taxes and estate, legacy, succession and inheritance taxes which would have been imposed if no testamentary power of appointment were created hereunder. Any such testamentary general power of appointment may be exercised by appointment to such person's estate or otherwise and may be exercised by an appointment outright or in further trust subject to such terms and conditions as the donee of this power may determine; provided, however, that this power of appointment may only be exercised by specific reference thereto in such person's Will duly admitted to probate, and provided further, that such general power of appointment shall be exercisable only with the consent of the Trustee who is (i) neither a beneficiary of the Trust (if there is no such independent Trustee then acting and there arises a need to grant or deny such consent, such an independent Trustee shall be appointed by a court of competent jurisdiction), nor (ii) a potential remainderman of the Trust's assets should the appointment power not be exercised. To the extent that any such general power of appointment is granted but not exercised, the assets which are subject to the power shall pass as they would have had the power not been granted.

ARTICLE 8

Disabled Persons and Their Property

8.1 Disabled Person. A "disabled person" is a minor or a person who (i) has been determined to be legally incapacitated to act on his or her own behalf by a court of competent jurisdiction, or as to whom a such court has appointed a guardian to act on his or her behalf, (ii) in the written opinion of two licensed physicians or psychiatrists appointed by the Trustee is deemed to be physically or mentally incapable of managing his or her affairs although a judicial declaration of the incapacity may not have been made, or (iii) as to whom the Trustee has creditable and current evidence that such individual has disappeared, is unaccountably absent, or is being detained under duress in such a manner as to be unable effectively and prudently to attend to his or her own financial best interests. The incapacity shall be deemed to continue until the court order or circumstances have been revoked or become inapplicable.

8.2 Title To Property Vested. Whenever under this Will any property is to be distributed to a person under a disability (a "disabled person"), title to that property shall vest in the disabled person, but payment may be deferred and held by my Personal Representative or Trustee, as the case may be, who shall apply so much or all or none of the principal and income as he may determine, in the exercise of his sole and absolute discretion (without regard to the other income or other resources of the disabled person), for the disabled person's comfort and welfare. When the disability ceases, the property and any accumulated income shall be delivered to the disabled person or to his or her legal representatives. Any income accumulated shall be added to and accounted for as part of the principal.

8.3 Distributions for Disabled Person's Benefit. In case the income or principal payment under this Will or under any Trust created hereunder or any share thereof shall become payable to a disabled person, then such amounts shall be paid out by my Personal Representative or Trustee, as the case may be, in such of the following ways as the Personal Representative or Trustee, in his sole and absolute discretion, deems best: (1) directly to the disabled person; (2) to the disabled person's parent, guardian, custodian under the applicable state Uniform Gifts to Minors Act, committee, conservator, or to an individual with whom the disabled person resides; (3) to an appropriate relative or friend for the care, support and education of the disabled person;

or (4) by the Personal Representative or Trustee using such amounts directly for the disabled person's care, support and education. The receipt of the distributee shall constitute a full and sufficient discharge to the Personal Representative or Trustee, as the case may be. The powers for the management of assets granted to Fiduciaries in this Will shall be applicable to any property dealt within this Article.

ARTICLE 9

Payment of Transfer and Death Taxes

I direct that all estate and inheritance taxes assessed with respect to my estate herein disposed of, or any part thereof, or on any bequest or devise contained in this my Last Will and Testament (which term wherever used herein shall include any and all codicils hereto) or on any insurance upon my life, or on any jointly owned property, or any other property, transfers or interests included in my Gross Estate (as that term is defined in Section 2031 of the Internal Revenue Code of 1986, as amended or any successor thereto), be apportioned among all probate as well as non-probate interests which are included in my Gross Estate for the purposes of calculating the taxes payable at my death. The apportionment shall be based ratably upon the values at which such interests or properties are valued in my Gross Estate as finally determined for federal estate tax purposes. However, such apportionment shall not apply to the gifts made under Article 3, above, or to any and all interests which qualify for the federal estate tax marital deduction, the federal GST exemption and/or the federal estate tax charitable deduction. So far as practicable my Personal Representative shall deduct the amount of such taxes allocable to each beneficiary from the amount distributable to such beneficiary, and shall recover from all others for the benefit of my estate their allocable parts of such taxes.

Notwithstanding the preceding paragraph of this Article, any generation-skipping transfer tax payable by reason of my death shall be charged, and the liability for the payment of such generation-skipping transfer tax shall be determined according to the law imposing such generation-skipping transfer tax.

In determining the estate tax and other transfer tax liability, and the income tax liability, related to my estate, the decision of my Personal Representative as to all available tax elections

(including but not limited to the election whether to deduct certain administration expenses for income tax or for estate tax purposes) shall be conclusive on all persons concerned. My Personal Representative shall be under no liability to any person as a result of the election made. In addition, no compensating adjustments between principal and income or in the amount of any gift under this Will shall be made as a result of any such election made by my Personal Representative, nor shall any person be entitled to a right of reimbursement with respect to the economic consequences of any such election. If my Personal Representative joins with my husband in filing income tax returns, or consents for gift tax purposes to having gifts made by either of us during my life considered as made one-half by each of us, any resulting liability shall be borne by my estate and my husband in such proportions as my Personal Representative and my husband may agree.

ARTICLE 10

Removal, Appointment and Succession of Fiduciaries

10.1 Resignation Procedure. Any Fiduciary at any time serving hereunder, whether as Personal Representative or as a Trustee of any Trust provided for in this Will, may resign at any time by written notice to another then acting Co-Fiduciary (if there is one) with respect to the Estate or the affected Trust, or, if none, to the then beneficiary or one of the then beneficiaries of the Estate or such Trust, setting forth the effective time and date of such resignation on or before such effective time.

10.2 Appointment of Successor Trustees and Co-Trustees. Any Trustee (including any substitute or successor Trustee) shall have the right at any time after qualifying as Trustee to appoint a successor Trustee to act in the place of the appointing Trustee, either immediately or in the future upon any stated contingency. Any such appointment may be changed from time to time prior to the date it becomes effective. If any initial Trustee or any such successor, for any reason, fails or ceases to act without having appointed a Trustee who succeeds the former Trustee, any remaining Trustee may appoint another Trustee to act in the former Trustee's place. In addition, the Trustee or Trustees acting at any time (acting jointly and unanimously if more than one) shall have the right to appoint one or more Co-Trustees.

10.3 Removal and Replacement of Trustee. So long as he is alive and not a disabled person, my husband shall have the right at any time to remove any then acting Trustee and appoint a successor Trustee or Trustees in such Trustee's place, if, and only if, the powers granted to such Trustee are subject to ascertainable standards as defined in Treasury Regulation § 20.2041-1(c)(2). At such time as my husband is unable to exercise any such removal and/or appointment power, such power shall be exercised by the majority vote of my children. The legal guardian for each such child who has not attained the age of twenty-five (25) (or the person who was such beneficiary's legal guardian at the time he or she attained the age of majority) shall have one vote for each such person he or she represents. A Trustee whose powers are not subject to ascertainable standards may be removed by the my husband, but any successor Trustee appointed by him may only be an individual or corporate successor trustee that is not related or subordinate to my husband within the meaning of §672(c) of the Internal Revenue Code.

10.4 Successor Trustees and Permissible Appointees. If no Trustee appointed hereunder is able to serve, such vacancy shall be filled (by appointment by the person or persons granted the power to appoint Trustees under this Will) by an individual over the age of twenty-five (25), or a corporate trust department of a national bank or trust company which has a paid in capital and surplus of no less than twenty-five million dollars ($25,000,000). An individual who may be a beneficiary of the Trust (whether vested or contingent) shall be an eligible appointee if and only if (i) the beneficiary is to be appointed to act in the capacity of Co-Trustee with an independent Trustee or with another beneficiary/trustee who has an adverse interest to such beneficiary, or (ii) the powers to be exercised by such beneficiary as Trustee are subject to ascertainable standards as that term is defined in Treasury Regulation §20.2041-1(c)(2).

10.5 Appointment of Additional Trustees. All the Trustees of any Trust serving at any time, acting jointly, may appoint one or more individuals over age twenty-five (25) or a bank or trust company to act as an additional Trustee(s).

10.6 Delegation of Ministerial Acts. Each Fiduciary hereunder is authorized, by acknowledged instrument filed with such Fiduciary's Co-Fiduciary or Co-Fiduciaries, to delegate to such other Co-Fiduciary or Co-Fiduciaries, or any one of them, such Fiduciary's duties with

respect to general ministerial acts, specifically including the signing of checks, the execution of tax returns and the execution of instruments of contract, sale or conveyance with respect to my Estate's or a particular Trust's assets, including the opening of checking, brokerage or similar accounts. This authority to delegate ministerial duties does not permit a Fiduciary to delegate fiduciary powers, authorities or discretions conferred upon such Fiduciary under this Will, the purpose of this delegation authority being intended solely to facilitate the administration of my Estate, and any Trusts created under this Will, through the delegation of non-discretionary duties. Upon written assurance by any Fiduciary that such Fiduciary has been delegated such ministerial duties, any third parties shall accept the signature of such Fiduciary as binding upon my Estate or the affected Trust, shall not require further authorization of any other Fiduciary, and shall be indemnified and held harmless to the extent of the Estate's or such Trust's assets (as the case may be) on account of any loss, liability or expense arising out of the acceptance of the signature of any Fiduciary as the basis of any transfer, withdrawal or other transaction.

10.7 Termination of Fiduciary Powers. An outgoing Fiduciary, upon the effective date of removal, resignation, or incapacity, shall cease to have any powers or discretion hereunder. At the earliest possible date after a Fiduciary ceases for any reason to be a Fiduciary hereunder, there shall be delivered to such Fiduciary's successor or to another then acting Fiduciary hereunder all of the assets (Trust or otherwise) which were in the possession of such Fiduciary and there shall be made available to each successor Fiduciary a complete financial record and inventory of assets affected thereby. With respect to any properties thus transferred by the outgoing Fiduciary or by such Fiduciary's representative, such Fiduciary shall stand and be discharged of all further duties and obligations.

10.8 Successor Fiduciary Powers and Authority. Each successor Fiduciary, upon assumption of such position, shall have the same powers, rights, discretion, duties, and obligations as the predecessor Fiduciary. Title to the entire property (of the Trust or otherwise) shall automatically vest in any successor Fiduciary without the necessity of any conveyance. The assumption of authority by a successor Fiduciary shall not be complete until such successor executes a written acceptance of such appointment showing the authority for such succession (a copy of which shall promptly be delivered personally or sent by certified mail to the outgoing

Fiduciary or to such Fiduciary's legal representative).

10.9 Exoneration from Liability for Acts of Prior Fiduciaries. Each successor Fiduciary shall be exempt from any liability in any way related to the prior actions or omissions of the previous Fiduciaries and each shall be entitled to accept as conclusive any accountings and statement of assets furnished by any predecessor Fiduciary.

10.10 Trustee Settlements. The Primary Beneficiary of any Trust created hereunder or, if none, any adult who is at the time (a) a beneficiary entitled to receive income distributions from any Trust created hereunder, and (b) not then serving as a Trustee, may at any time or from time to time settle any Trustee's or former Trustee's accounts and to the extent permissible by law each settlement shall be binding and conclusive upon all persons who may be interested in the Trust, whether directly or contingent, born or unborn, infant or adult. If the person herein designated with the power to consent to settlements is a disabled person, such power shall only be exercised by his or her guardian or other legal representative.

ARTICLE 11
Fiduciary Provisions

11.1 Inventory; Appraisals; Bond. Except as otherwise required by law, neither my Personal Representative nor my Trustee shall be required to file any inventory or appraisal or any annual or other returns or reports to any court or to give bond in any jurisdiction, but shall make available a statement of receipts and disbursements and an investment review of the assets of the Estate or the Trust at least annually to each person then entitled to income from my Estate or any Trust.

11.2 Notice. Any notice or other instrument required or permitted to be given, made, executed, or delivered hereunder shall be in writing duly signed by (or, where permitted hereunder, on behalf of) the party or parties giving, making, or executing the same and shall be physically delivered or sent by certified or express mail (or equivalent postal or private express service) to all parties, if any, entitled thereto (when so sent, such notice or communication shall be plainly addressed to such person at such person's last known address). Any such instrument

required to be given or sent to the estate of any deceased or incapacitated person shall be physically delivered or sent, in like manner, to the personal representative (or one of the personal representatives) of such person at such representative's last known address or, if there be no such personal representative known to the sender, to the estate of such person at his or her last known address.

If any instrument is sent by mail (or express service) as provided above, the third day following the date of its receipt by the postal service (or such express service), as evidenced by a dated postal (or express) service receipt showing the addressee's name and proper address (as described above), shall be deemed to be the effective date of delivery of the notice or other communication contained in such instrument. In all other cases, the date of actual physical delivery shall be the effective date of delivery and, except as such instrument may specifically provide for a later effective date, it shall be effective for all purposes from such date.

Copies of all instruments of amendment, revocation, exercise of power, designation, release, disclaimer, etc., as well as of trustee resignation, removal, appointment, and/or acceptance, the original of which shall be attached hereto, shall, upon request, be promptly delivered or sent by mail by the Trustee receiving or initiating the same to each other then interested party (i.e., the other then Trustee or Trustees, if any, of the affected Trust or Trusts, and each present beneficiary of the affected Trust or Trusts).

11.3 Notice to Disabled Parties. If a person under a disability is a party to any legal proceeding relating in any manner to any Trust created by this Agreement, service of process upon the disabled person shall not be required if another individual, not under a disability, is a party to the proceeding and has the same interest as the disabled person.

11.4 Fiduciaries Protected. Each Fiduciary shall be fully protected for any action taken in good faith, in accordance with the advice of counsel, or in reliance thereon. No Fiduciary acting hereunder shall be responsible for the act, default or omission of any other Fiduciary, nor for the default or misconduct of any agent or attorney appointed by the Fiduciary, or any of them, except that any corporate Fiduciary shall be liable for the default or misconduct of its own agents,

officers, or employees. Each Fiduciary shall be liable only for his, her or its own willful misconduct or gross negligence.

ARTICLE 12

Fiduciary Powers

In the administration of the Estate and of any Trusts established under this Will, my Personal Representative and Trustee shall have all the powers granted by law, including but not limited to the powers granted to Personal Representatives by S. C. Code Section 62-3-715, and to Trustees by the Uniform Trustee Powers Act (S. C. Code Section 62-7-701, et. seq.), which powers shall not be revoked or reduced if said statutes should hereafter be repealed or restrictively amended. It is my intention in specifying the following powers to give broad discretion and flexibility to my Personal Representative and my Trustee. However, in no event, shall any power to be exercised or interpreted in any fashion which shall not give to my husband as the sole beneficiary of any Trust qualifying for the marital deduction the degree of beneficial enjoyment of the Trust property which principles of the law of Trusts accord to a person who is unqualifiedly designated as the life beneficiary of the Trust. Without limiting the foregoing, my Personal Representative and Trustee shall have the following powers:

12.1 Determinations. To determine what property is covered by general descriptions in this Will.

12.2 Payment of Expenses. To pay all debts and funeral and burial expenses (including the expenses of my last illness, which I direct shall be paid out of my estate) as soon as the convenience of my estate will permit and without regard to any limitation in applicable laws as to the amount of such expenses, and to pay or deliver any legacy without waiting the time prescribed by law.

12.3 Investments and Reinvestments. To invest or reinvest in such securities or other property, real or personal (whether within or without the United States), and to retain any property received by them for such periods as they determine, including specifically retention of, or investment in, assets which may be for the use of the beneficiary or beneficiaries of any such Trust, even though such asset or assets may not be of a character, or of such a percentage of the total Trust, as would otherwise be deemed proper Trust investments. I request that my Trustee honor the wishes of the Trust beneficiaries as to the disposition or retention of any

original property of the Trust, or any Trust asset which is of a personal use nature, unless the Trustee determines that such wishes are clearly in contradiction to the purposes and terms of any such Trust.

12.4 Management and Holding of Assets. To invest and reinvest all or part of the assets of my estate or of any Trust created hereunder in any common trust fund of any corporate Fiduciary; to employ a bank, trust company, or securities brokerage firm located anywhere within the United States, at the discretion of my Personal Representative or the Trustee, as the case may be, but at the expense of my estate or the Trust, as custodian or agent; to have stock and securities registered in the name of such agent or custodian or nominee thereof without designation of fiduciary capacity; and to appoint such bank, trust company, or securities brokerage firm to perform such other ministerial functions as my Fiduciary(ies) may direct. While such stock or securities are in the custody of any such bank, trust company, or securities brokerage firm, my Fiduciary(ies) shall be under no obligation to inspect or verify such stock or securities nor shall my Fiduciary(ies) be responsible for any loss by such bank, trust company, or securities brokerage firm.

12.5 Consolidation and Division of Assets. To hold and administer the assets of my estate or the Trusts created hereby in one or more consolidated funds, in whole or in part, in which any separate Trusts shall have undivided interests. Generally, and subject only to the provisions of this Will, my Fiduciary(ies) shall hold, manage, control, use, invest, reinvest and dispose of trust properties to the same extent as may a fee simple owner of such properties.

12.6 Life Insurance. To invest Trust assets in any life insurance policy or policies (including term insurance) on the life of one or more of the beneficiaries of the Trusts, or on the life of any person or persons in whom one or more of the beneficiaries of the Trusts have an insurable interest and to exercise any and all rights, powers, options and elections relating to any such policies; provided, however, that under no circumstances shall any person who is the insured under any policy of insurance owned by any Trust participate in any determination concerning the policy or its proceeds or in any manner or fashion exercise any incident of ownership (as that term is defined in Treasury Regulation §20.2042-1(c)(2)) over such policy.

12.7 Borrowing. To borrow such sums, on a secured or unsecured basis, from any source (including themselves), for such period and upon such terms as they deem necessary or convenient in the administration of my estate or of such Trust, and to secure any such loan by mortgage or pledge. No lender shall be bound to see to

or be liable for the application of the proceeds, and no Personal Representative or Trustee shall be personally liable, and each such loan shall be payable only out of assets of my estate or the Trust.

12.8 **Lending**. To lend all or any portion of the funds of any Trust created hereunder to any beneficiary, with or without security and with or without interest, to make any Trust property available as security for a loan obligation or undertaking made or to be made by any beneficiary, or to guarantee a loan to be made to, or any obligation to be assumed by, any beneficiary (notwithstanding in each case that the beneficiary may also be a Trustee), subject to those terms and conditions as the Trustee may in his discretion impose.

12.9 **Receipts, Disbursements and Allocations**. To allocate receipts and disbursements between income and principal in such manner as my Trustee (other than any beneficiary) determines, even though a particular allocation may be inconsistent with otherwise applicable state law; provided, however, that this power shall not apply to permit any allocation to income of administrative expenses to the extent that such allocation would result in a "material limitation" (as that term is used in the Federal Estate Tax Regulations under Internal Revenue Code §2055 and/or §2056) on the rights of any charitable beneficiary or of my husband with respect to any gift or Trust which qualifies for the estate tax charitable deduction or marital deduction, as the case may be; and provided further, that this power shall not apply with respect to any Trust which qualifies for the marital deduction during the life of my husband as to any allocation which would cause the trust not to qualify for the estate tax marital deduction. Upon the sale or other disposition of property which has been unproductive or underproductive of income, no part of the proceeds received shall be allocated to income, except (i) in the case of property qualifying for the marital deduction, in which case such allocation shall follow state law, and (ii) in the discretion of the Trustee (other than any beneficiary).

12.10 **Distributions**. Without the consent of any beneficiary, to make distributions (including the satisfaction of any pecuniary bequest) in cash or in specific property, real or personal, or an undivided interest, or partly in cash and partly in such property, and to do so without regard to the income tax basis of specific property allocated to any beneficiary (including any Trust) and without making pro-rata distributions of specific assets. In addition, my Personal Representative is authorized to select specific assets in funding fractional share devises and is not required to select a percentage of each specific asset.

12.11 **Occupancy and Use**. Except as may be otherwise specified elsewhere in this Will as to any specific property, my Trustee shall have the power to permit any

person having an interest in the income of any Trust created hereunder to occupy real property, or to use personal property, held by any such Trust upon such terms as my Trustee deems proper, whether rent free or for the payment of taxes, insurance, maintenance and ordinary repairs, or other expenses, or upon such terms and conditions as the Trustee determines.

12.12 **Unproductive, Wasting and Personal Use Assets.** In addition to the powers granted under this Article, my Trustee (other than any beneficiary) is expressly authorized to invest and reinvest the Trust funds without regard to the production of current income. The Trustee should invest and reinvest the Trust funds in assets which are expected to produce a reasonable rate of appreciation or are expected to produce substantial personal enjoyment for the Trust's beneficiaries. Such assets may include, but are not limited to, personal use real estate, personal property such as works of art and antiques, undeveloped real estate, discounted debt obligations, and remainder interests, whether such interests will produce current enjoyment and benefits or enjoyment and benefits after any term of years or the deaths of one or more individuals, which terms or deaths may not be expected to occur within the term of this Trust. HOWEVER, in reinforcing of the intent of this Will as to all fiduciary powers in general and as to this power in particular, this power is subject to the express limits imposed under this Will, that my husband may at any time require that the Trustee for a Trust established under this Will which my Fiduciaries intend to qualify for the marital deduction make any nonproductive property productive and any such dealings with, payments on, or investments in non-productive property by such Trust must give my husband the degree of beneficial enjoyment of the trust property which principles of the law of trusts accord to a person who is unqualifiedly designated as the life beneficiary of the trust.

12.13 **Related Party Transactions.** To sell to or purchase from, at fair market value at the time of such purchase, property of any character from any Trust I may have established during my lifetime and to retain such property so long as my Trustee hereunder may deem advisable, whether or not such property is of the class in which Trustees are authorized by law or any rule of court to invest; and to make loans to, or borrow from, any such Trust or Trusts upon such terms and conditions as the Trustee deems advisable.

12.14 **Management of the Closely Held Businesses.** In connection with (a) the continuation of operation of any business or investment interests owned by my husband or me prior to my death which become a part of any Trust under this Will (whether by purchase by my Trustee or bequest under the Will or otherwise), or (b) the establishment of any new business or investment, my Trustee is specifically

authorized: (i) to invest sums or additional sums in any such business even to the extent that the Trust may be invested largely or entirely in that business; (ii) to hold the interest in any form, including, but not limited to, general or limited partnership interests; and (iii) to act as or to select other persons to act as directors, officers, agents, or in other capacities with respect to the business, and to be compensated for those services (and for any other services rendered by him in respect of the operation of the business) without regard to his being a Trustee under this Agreement. Such power shall include the power to organize, either alone or jointly with others, new corporations, partnerships, limited partnerships, limited liability companies or other business entities; and generally to exercise with respect to the continuance, management, sale or liquidation of any business which my estate or any Trust may own or in which it may be financially interested, or of any new business or business interest, all the powers which I could have exercised.

12.15 **Division or Combination of Trusts.** In the event that the Trustee determines that it is more feasible or advisable to administer the Trust or any shares or interests created hereunder as separate trusts or shares (whether for administrative, liability, environmental, or other reasons), the Trustee shall have the power to divide any such Trust into further trusts or shares. The Trustee shall also have the power to combine any such Trust created hereunder with any other Trust, whether created by me or another person, if the terms of the trusts are substantially the same and the Trustees are the same.

12.16 **Uneconomical Trusts.** If at any time any Trust created hereunder has a net asset value (adjusted for inflation by the Consumer Price Index from the date of my death), as determined by the Trustee, of Fifty Thousand ($50,000) Dollars or less, the Trustee (other than any beneficiary), in his sole and absolute discretion, if he determines that it is uneconomical to continue such Trust, may terminate such Trust and distribute the Trust Estate to the Trust's then Primary Beneficiary, or if none, to the person or persons then entitled to receive or have the benefit of the income therefrom, or to the legal representative of such person. If there is more than one income beneficiary, the Trustee shall make such distribution to such income beneficiaries in the proportion in which they are beneficiaries or if no proportion is designated, to such beneficiaries, per stirpes.

12.17 **Limitations.** Notwithstanding the foregoing, nothing in this Will shall be construed as permitting a beneficiary who may also be a Trustee of any Trust created hereunder to exercise any rights or powers which may be in excess of any limitations imposed by law or elsewhere in this Will upon the exercise of such powers (such as, for example, those limited by ascertainable standards, or otherwise prohibited to such Trustee).

ARTICLE 13

Definitions

13.1 Executor, Trustee, Fiduciary. Whenever the word "Executor", "Trustee", "Fiduciary", and/or "Personal Representative", or any modifying or substituted pronouns therefor are used in this my Will, such words and respective pronouns shall be held and taken to include both the singular and the plural, the masculine, feminine and neuter gender thereof, and shall apply equally to the executor, personal representative, fiduciary, or trustee named herein and to any successor or substitute executor, fiduciary, trustee or personal representative acting hereunder, and such successor or substitute shall possess all the rights, powers and duties and the authority and responsibility conferred upon my executor, fiduciary, trustee and/or personal representative originally named herein.

13.2 Children, Issue, etc. The terms "children", "issue", "descendant", or words of similar import shall include (a) legally adopted children or their issue, as the case may be, but, in the case of an adopted person, only if the adoption occurred during the adopted person's minority or reflected an earlier parent-child relationship that existed during the adopted person's minority, and (b) persons conceived before the death of such child's parent, but born thereafter.

13.3 Spouse. My "husband" shall mean the person to whom I was legally married and living with, if any, and with respect to which marriage no action for separation or dissolution had commenced at the time of my death. The term "spouse", when referring to any beneficiary, shall mean the person, if any, to whom such beneficiary is legally married and living with and with respect to which marriage no action for separation or dissolution has commenced, at the time any distribution is to be made to the beneficiary's spouse hereunder, or at the time any other transaction or matter involving the beneficiary's spouse is to be effected hereunder, or, as to transactions or other matters occurring at or after the beneficiary's death, to whom such beneficiary was legally married and living with and with respect to which marriage no action for separation or dissolution had commenced at the time of the beneficiary's death.

13.4 "Per Stirpes". The phrase "per stirpes" as used herein is used as it was

defined under South Carolina law prior to the adoption of the South Carolina Probate Code on July 1, 1987. Thus, the term "per stirpes" as used herein is intended to describe the division of shares at each generation regardless of whether there is surviving issue representing that generation. The term "per stirpes" with reference to the issue of any individual shall mean that the stock begins with the children of such individual and that no distribution at any generational level shall be "per capita". If no issue representing a generation are surviving, the number of shares for that generation shall equal the number of predeceased issue of that generation leaving surviving issue. If issue representing a generation are surviving, the number of shares for that generation shall equal the number of issue of that generation surviving, plus the number of predeceased issue of that generation leaving surviving issue.

ARTICLE 14

Spendthrift Provisions

With the exception of any powers or discretions which may be exercised by a beneficiary solely in a fiduciary capacity, no beneficiary of any Trust created herein shall have the right, power, or authority to sell, assign, pledge, mortgage, anticipate, or in any manner encumber, alienate, or impair all or any part of his or her interest in such Trust or in the principal or income of such Trust. The beneficial and legal interest in, and the principal and income of, any such Trust and every part thereof shall be free from the interference or control of any creditor of any beneficiary of this Trust and shall not be subject to the claims of any such creditor nor liable to attachment, execution, bankruptcy, or any other process of law.

ARTICLE 15

Termination of Trusts

Notwithstanding any other provision of this Will to the contrary, each Trust established hereunder shall terminate not later than twenty-one (21) years after the death of the survivor of my husband and my issue who are living (or in being) at the time of my death.

ARTICLE 16

Fiduciary Limitations

16.1 Limitations on Tax Sensitive Powers. No particular Trustee or other Fiduciary

shall possess, or participate in the exercise of, any power given the Fiduciary by this Will or by law to make any determination with respect to:

16.1.1 Legal Obligations. Any payment or application which would discharge any legal obligation of such particular Fiduciary personally; or

16.1.2 §2041(b)(1)(A) Powers - Power of Appointment Limitations. Any power to consume, invade or appropriate property for the benefit of, such particular Fiduciary personally (neither the preceding portion of this paragraph nor any otherwise applicable rule of law shall limit such particular Fiduciary's possession or participation in the exercise of any power (or severable portion thereof) granted in this Will to such Fiduciary personally to consume, invade or appropriate property for the benefit of such Fiduciary which is limited by an ascertainable standard relating to the health, education, support or maintenance of such Fiduciary personally); or

16.1.3 §25.2511-1(g)(2) Powers - Taxable Gift Limitations. Any transfer of, or power to transfer, property to or for the benefit of another person, if such Fiduciary personally has any beneficial interest in the property subject to the determination (neither this subparagraph nor any otherwise applicable rule of law shall limit such particular Fiduciary's possession or participation in the exercise of any fiduciary power (or severable portion thereof) granted in this Will to such Fiduciary to make any payment to, or expenditure for the benefit of such other person, the exercise or non-exercise of which is limited by a reasonable fixed or ascertainable standard which is set forth in this Will).

16.2 Additional Fiduciary Limitations. All powers given to the Trustee and other Fiduciaries in this Will are exercisable only in a fiduciary capacity. Notwithstanding any other provisions of this Will, no Fiduciary who is a beneficiary hereunder or who is obligated to support a beneficiary hereunder shall ever participate in (i) the exercise of, or decision not to exercise, any discretion over payments, distributions, applications, appointments or accumulations of income or principal by the Fiduciary(ies), (ii) the exercise of discretion to allocate receipts or expenses between principal and income, (iii) the exercise of any discretion with respect to an insurance

policy held hereunder, (iv) holding property as custodian for a minor or as donee of a power during minority, or selecting any such custodian or donee, (v) decisions to exercise tax options, (vi) any decision to retain or invest in unproductive or underproductive property (which does not produce an appropriate value in beneficial use for the appropriate beneficiary in lieu of income), or (vii) the exercise of any power to amend or affect beneficiaries' powers of withdrawal over additions, which may be in excess of the limitations imposed by the preceding section of this Article, nor may such Fiduciary remove and replace any Fiduciary with any other Fiduciary who is a related or subordinate party to such removing Fiduciary within the meaning of §672(c) of the Internal Revenue Code unless (a) the Fiduciary being appointed has a substantial adverse interest to the appointing Fiduciary or (b) the powers of the Fiduciary being replaced are subject to the limitations contained in the preceding section of this Article. In the event that there arises a need to exercise a discretion or power which all of the then acting Fiduciaries are prohibited from exercising, that discretion or power may be exercised by a Special or an Independent Trustee or Fiduciary, after being duly appointed as such, by a court having jurisdiction over the Trust's administration.

ARTICLE 17

Spouse Deemed to Survive

If my husband, Bayard Scott Pickett, and I die simultaneously or under circumstances so that the order of our deaths cannot be established by proof, he shall be deemed for purposes of this Will to have survived me.

ARTICLE 18

Jurisdiction, Governing Law and Trust Removal

18.1 Jurisdiction and Governing Law. Except as provided in the next section of this Article, all questions pertaining to the construction, validity and effect of this Will and any Trusts hereby created shall be determined in accordance with the laws of the State of SOUTH CAROLINA.

18.2 Trust Removal. The Trustee of any Trust created under this Will may at any time and from time to time (i) declare that the construction and effect of all or any portion of the

Trust shall from that date be determined in accordance with the law of a different jurisdiction; provided, the designated jurisdiction must be a jurisdiction (a) where a portion of the Trust property or its indicia is located or is to be removed and (b) under the laws of which the Trust (or the portion of the Trust) would not be invalid or revocable, (ii) change the situs of the Trust, and (iii) pay or transfer the whole or any part of the Trust's income and principal to the Trustee or Trustees for the time being of any irrevocable Trust with the same or similar provisions under which the beneficiary or beneficiaries of the Trust under this Will (and no other person or persons) are the beneficiary or beneficiaries to be held by the Trustee or those Trustees as an addition to the property held in that Trust (freed and discharged from the trusts, powers and provisions of this Will) whether or not the Trustee or Trustees of that Trust are domiciled or resident in SOUTH CAROLINA or the United States (or in such other place to which this Trust shall have been previously removed), or whether or not the Trust is governed by the laws of SOUTH CAROLINA or the United States (or by such other place to which this Trust shall have been previously removed), and the receipt of such Trustee or Trustees shall constitute full discharge of the Trustee.

ARTICLE 19

Headings

The article and section headings used in this Last Will and Testament are for convenience only and are not to be considered as part of this Last Will and Testament.

EXECUTION

IN WITNESS WHEREOF, I, VERONIQUE H. W. PICKETT, the Testatrix, sign my name to this instrument this 31 day of March, 1999, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Veronique W. Pickett (SEAL)
VERONIQUE H. W. PICKETT

We, Edward G. Bennett and Brenda F. Nelson, the witnesses, sign our names to this instrument, and at least one of us, being first duly sworn, does hereby declare generally and to the undersigned authority that the Testatrix signs and executes this instrument as her Last Will and that she signs it willingly and that each of us, in the presence and hearing of the Testatrix, hereby signs this Will as witness to the Testatrix' signing, and that to the best of our knowledge the Testatrix is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Edward G. Bennett

Brenda F. Nelson

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

Subscribed, sworn to and acknowledged before me by VERONIQUE H. W. PICKETT the Testatrix and subscribed and sworn to before me by Edward G. R. Bennett witness, this 3/4 day of March, 1999.

Brenda F. Nelson (SEAL)
Notary Public for South Carolina
My commission expires: 10-20-2005

EXHIBIT 2

After Recording, Please Return to:
Ferrara Law Firm, PLLC
8887 Old University Blvd.,
North Charleston, SC 29406
20-092

FLF120

BP0920070

PGS: 6

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	
COUNTY OF CHARLESTON	)	DEED OF DISTRIBUTION (Real Property Only)
IN THE MATTER OF: VERONIQUE W. PICKETT	)	
	)	NOT A WARRANTY DEED
(Decedent)	)	*(Deed Drawn, Title Not Examined)*
	)	CASE #: 2019-ES-1000394

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
6/26/2023 2:09PM

The undersigned states as follows:

Decedent died on December 18, 2018; and probate of the Estate is being administered in the Probate Court for Charleston County, South Carolina in File Number 2019-ES-10-00394.

I was appointed Personal Representative on March 11, 2019.

Decedent owned real property described as follows:

Tax Map Number: 532-05-00-002 and 532-05-00-200

Property Address: 213 and 215 King Street, Mount Pleasant, SC 29464.

Legal Description: See attached Exhibit "A"

In accordance with the laws of the State of South Carolina, the Personal Representative does hereby release all of the Personal Representative's right, title and interest, including statutory and/or testamentary powers, over the real estate property described to the beneficiaries named below:

Bayard S. Pickett, Jr. a/k/a Bayard Scott Pickett, Jr. as Trustee of the Bayard Scott Pickett, Jr. Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999
4616 Thoroughgood Dr.
Virginia Beach, VA 23455

Laura V. Jones, as Trustee of the Laura V. Jones Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999
2229-B Greenwell Road
Virginia Beach, VA 23455

Laura V. Jones, as Trustee of the Kathleen Elizabeth Anderson Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999
9509 First View Street, Apt. 3
Norfolk, VA 23503

FILED
20 NOV -2 PM 12:08
PROBATE COURT
CHARLESTON COUNTY

After Recording, Please Return to:
Ferrara Law Firm, PLLC
8887 Old University Blvd.,
North Charleston, SC 29406
20-092

FLF121

IN WITNESS WHEREOF the undersigned, as Personal Representative(s) of the above Estate, has executed this Deed of Distribution, on this 14th day of September, 2020.

SIGNED, SEALED, AND DELIVERED IN THE PRESENCE OF:

Witness # 1 Paul B. Ferrara III

Jillian Cohen

ESTATE OF VERONIQUE W. PICKETT

By: Bayard S. Pickett Jr. a/k/a Bayard Scott Pickett Jr. pr
Bayard S. Pickett, Jr. a/k/a Bayard Scott Pickett, Jr., Personal Representative

STATE OF SOUTH CAROLINA)
) ACKNOWLEDGMENT
COUTNY OF CHARLESTON)

I, Paul B. Ferrara, III, Notary Public for the State of South Carolina do hereby certify that, Bayard S. Pickett, Jr. a/k/a Bayard Scott Pickett, Jr., as Personal Representative of the Estate of VERONIQUE W. PICKETT, personally appeared before me this day and acknowledged the due execution of the foregoing Deed of Distribution.

Witness my hand and seal this 14th day of September, 2020.

Notary Public for South Carolina
My Commission Expires: 6/26/2024

PAUL B. FERRARA, III
Notary Public-State of South Carolina
My Commission Expires
June 26, 2024

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Ferrara Law Firm, PLLC
8887 Old University Blvd.,
North Charleston, SC 29406
20-092

EXHIBIT "A"

ALL that lot, piece or parcel of land, situate, lying and being in the Town of Mt. Pleasant, County and State aforesaid, known an designated as No. 213 King Street (Lot 9) on a plat entitled "Plat Showing A Property Line Adjustment Between Lots 9 & 10, Block 53, Town of Mt. Pleasant, a/k/a No. 213 & No. 215 King Street" dated December 9, 1994, and recorded in Plat Book DA, Page 304, of the R.M.C. Office for Charleston County.

Said lot having such metes, bounds, buttings, boundings, courses and distances as will by reference to said plat more fully and at large appear.

TMS: 532-05-00-002

DERIVATION: This being the identical property conveyed to Bayard S. Pickett and Veronique Wildhagen Pickett by deed of Helen Matthews Wildhagen dated September 7, 1976 and recorded September 7, 1976 in Book H-110 at Page 233 and also conveyed to Bayard S. Pickett and Veronique S. Pickett by Quit Claim Deed of Helen Matthews Wildhagen dated March 16, 1995 and recorded March 22, 1995 at Book R-253 at Page 123 in the Charleston County RMC Office. Thereafter, the property was conveyed to Bayard Scott Pickett, Jr. as Trustee under the Will of Bayard Scott Pickett dated March 31, 1999 by Deed of Distribution from the Estate of Bayard Scott Pickett as referenced in Charleston County Probate Estate Case No.: 2010-ES-138, and recorded April 28, 2011, in Book 0184, Page 503 in the Register of Deeds Office (formerly RMC Office) for Charleston County, South Carolina. Further conveyed to Bayard S. Pickett, Jr. a/k/a Bayard Scott Pickett, Jr., as Trustee of the Bayard Scott Pickett, Jr. Trust as established under the Will of Bayard Scott Pickett, Sr. dated March 31, 1999; Laura V. Jones, as Trustee of the Laura V. Jones Trust, as established under the Will of Bayard Scott Pickett, Sr. dated March 31, 1999; and Laura V. Jones, as Trustee of the Kathleen Elizabeth Anderson Trust as established under the Will of Bayard Scott Pickett, Sr. dated March 31, 1999, by deed of Bayard S. Pickett, Jr. a/k/a Bayard Scott Pickett, Jr., as Trustee under the Will of Bayard Scott Pickett, Sr. dated March 31, 1999, recorded simultaneously herewith in said ROD Office.

ALSO

ALL that lot, piece or parcel or lot of land, situate, lying and being in the Town of Mt. Pleasant, County and State aforesaid, known and designated as 215 King Street (Lot 10) on a plat entitled "Plat Showing A Property Line Adjustment Between Lots 9 & 10, Block 53, Town of Mt. Pleasant, a/k/a No. 213 & No. 215 King Street" dated December 9, 1994, and recorded in Plat Book DA, Page 304, of the R.M.C. Office for Charleston County.

Said lot having such metes, bounds, buttings, boundings, courses and distances as will by reference to said plat more fully and at large appear.

TMS: 532-05-00-200

DERIVATION: This being a portion or all of said property conveyed to Helen Matthews Wildhagen by deed of Bayard S. Pickett and Veronique Wildhagen Pickett dated September 7, 1976

After Recording, Please Return to:
Ferrara Law Firm, PLLC
8887 Old University Blvd.,
North Charleston, SC 29406
20-092

and recorded September 7, 1976 in Book H-116 at Page 229; also being the same property conveyed to Bayard S. Pickett and Veronique S. Pickett by Quit Claim Deed of Helen Matthews Wildhagen dated March 16, 1995 and recorded March 22, 1995 at Book R-253 at Page 123 in the Charleston County RMC Office; Thereafter, the property was conveyed to Bayard Scott Pickett, Jr. as Trustee under the Will of Bayard Scott Pickett dated March 31, 1999 by Deed of Distribution from the Estate of Bayard Scott Pickett as referenced in Charleston County Probate Estate Case No.: 2010-ES-138, and recorded April 28, 2011, in Book 0184, Page 503 in the Register of Deeds Office (formerly RMC Office) for Charleston County, South Carolina. Further conveyed to Bayard S. Pickett, Jr. a/k/a Bayard Scott Pickett, Jr., as Trustee of the Bayard Scott Pickett, Jr. Trust as established under the Will of Bayard Scott Pickett, Sr. dated March 31, 1999; Laura V. Jones, as Trustee of the Laura V. Jones Trust, as established under the Will of Bayard Scott Pickett, Sr. dated March 31, 1999; and Laura V. Jones, as Trustee of the Kathleen Elizabeth Anderson Trust as established under the Will of Bayard Scott Pickett, Sr. dated March 31, 1999, by deed of Bayard S. Pickett, Jr. a/k/a Bayard Scott Pickett, Jr., as Trustee under the Will of Bayard Scott Pickett, Sr. dated March 31, 1999, recorded simultaneously herewith in said ROD Office.

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLETON)

AFFIDAVIT OF CONSIDERATION

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

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

2. The property is being transferred by the Estate of Veronique W. Pickett by Bayard S. Pickett, Jr. a/k/a Bayard Scott Pickett, Jr., as Personal Representative, to Bayard S. Pickett, Jr. a/k/a Bayard Scott Pickett, Jr., as Trustee of the Bayard Scott Pickett, Jr. Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999; Laura V. Jones, as Trustee of the Laura V. Jones Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999; Laura V. Jones, as Trustee of the Kathleen Elizabeth Anderson Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999 by deed dated September 14, 2020.

3. Check one of the following:
(a) ____subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
(b) ____subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
(c) _X_ EXEMPT from the deed recording fee because (exemptions #1-12) (If exempt, please skip Items 4-6, and go to Item 7 of this affidavit.) (Explanation if required) 1 DOD

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

(a) _____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of.
(b) ____ The fee is computed on the fair market value of the realty, which is $_____.

(c) ____ The fee is computed on the fair market value of the realty as established for property tax purposes, which is $_____.

5. Check YES ____ or NO _ to the following: A lien or encumbrance existed on the land, tenement or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES", the amount of the outstanding balance of this lien or encumbrance is $_____.

6. The DEED Recording Fee is computed as follows:

(a) $_____the amount listed in item 4 above;
(b) $_____ the amount listed in item 5 above (no amount place zero);
(c) $_____Subtract Line 6(b) from 6(a) and place the result.

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

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

Paul B. Ferrara PBF
Grantor, Grantee or Legal Representative connected with Transaction

SWORN to before me this 14th
day of September, 2020.

Notary Public for South Carolina
My Commission Expires: 2/10/2025

JANEL K. FERRARA
Notary Public-State of South Carolina
My Commission Expires
February 10, 2025

RECORDER'S PAGE

NOTE: This page MUST remain with the original document

Filed By:

HELLMAN YATES & TISDALE

105 BROAD STREET, 3 FLOOR
CHARLESTON SC 29401 (BOX)

RECORDED

Date: September 29, 2020
Time: 1:58:16 PM

Book	Page	DocType
0920	070	Deed/Dist

Michael Miller, Register
Charleston County, SC

MAKER:

PICKETT VERONIQUE W EST

RECIPIENT:

PICKETT BAYARD S JR TR AL

Original Book:

Original Page:

Note:

# of Pages: 6

Recording Fee	$ 15.00
State Fee	<EXEMPT>
County Fee	<EXEMPT>
Extra Pages	$ -
Postage	$ -
Chattel	$ -
TOTAL	$ 15.00

DRAWER	Drawer 4
CLERK	SLW

AUDITOR STAMP HERE
RECEIVED From ROD
Oct 06, 2020
Peter J. Tecklenburg
Charleston County Auditor

PID VERIFIED BY ASSESSOR
REP RJB
DATE 10/07/2020
35

0920 Book

070 Page

09/29/2020 Recorded Date

6 # Pgs

Original Book

Original Page

D Doc Type

13:58:16 Recorded Time

J.S. BURTON, P.L.C.

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
6/26/2023 2:09PM

August 12, 2020

Mr. Paul Ferrara, Esq.

Ferrara Law

8887 Old University Blvd.

North Charleston, SC 29406

Re: Accounting Request on the Estate of Veronique H.W. Pickett

Dear Mr. Ferrara,

As per our phone discussion, I am requesting the following information and updates regarding the above listed estate:

1. An accurate inventory of all estate assets from the date of death of the decedent;
2. A complete accounting of all assets for the months your client became Personal Representative on the Pickett estate to present, including but not limited to the following
   a. All bills, debts and charges paid from the estate by your client;
   b. All sales, income earned from rents and applicable transfers of assets in the estate to include real personal property sales and transfers;
   c. All Personal Representative Fees taken as compensation for your client's service on the estate;
   d. All bank, investment and financial account statements of all estate held assets;
   e. All associated estate tax returns;
   f. All court filings with the court of proper jurisdiction.

3. My clients would like an update regarding the sale / transfer of real property currently held by your client as a representative as soon as possible.

4. In it known to my clients that the tenants at 213 King property are moving out upon lease expiration end of this month. Since their departure will effect income generated by the estate, what is your client's plan to replace it?

5. The status of a lawsuit which was claimed to be filed by your client concerning former tenants who lived in one of the estate held properties.

We expect to have what we are requesting within fifteen business days of this letter otherwise a motion to compel you client to account will be filed in the proper jurisdiction. However, I am encouraged by our last conservation and am hopeful to avoid such action.

Please feel free to contact me directly should you have any questions.

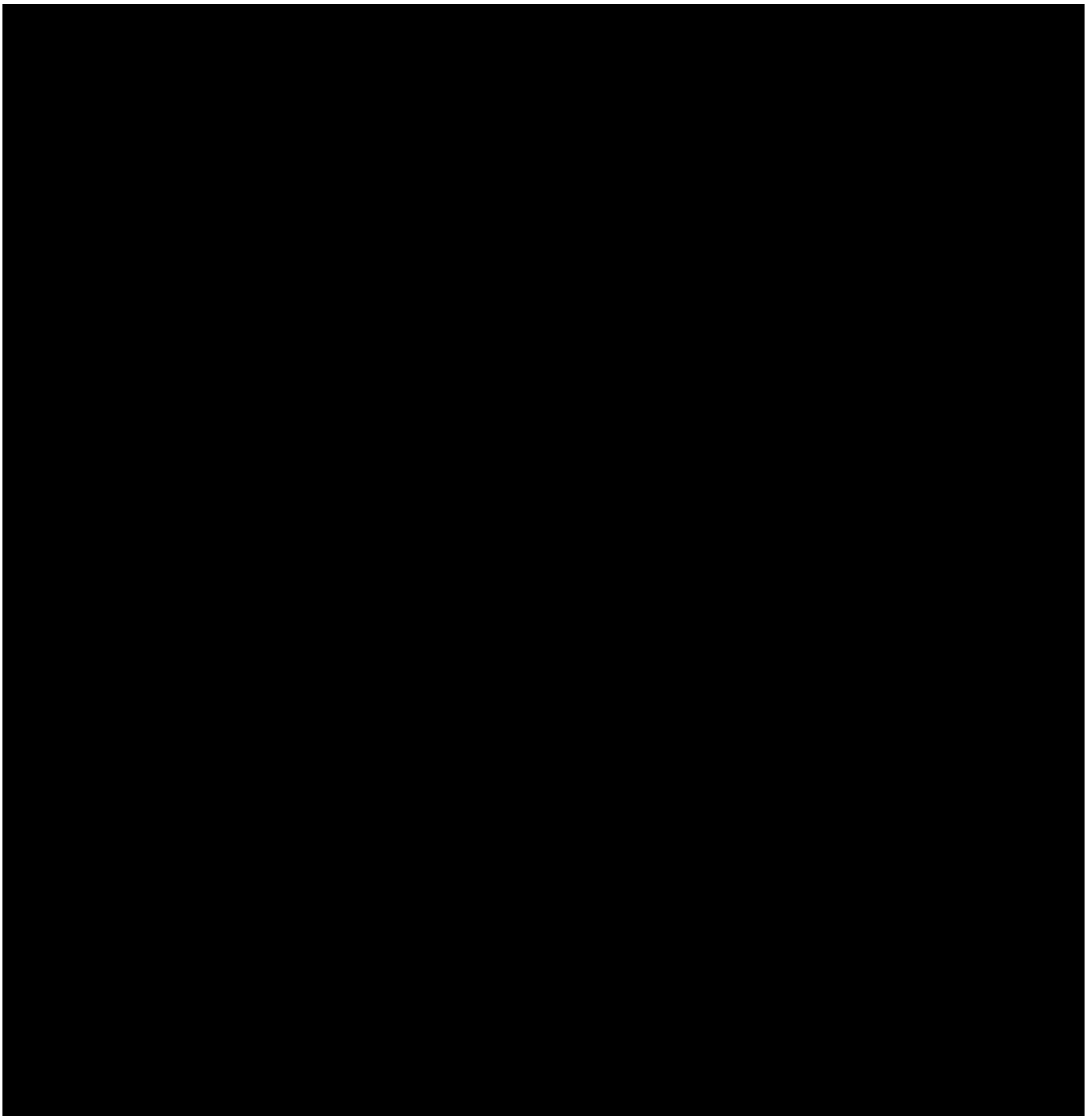
Sincerely,

John S. Burton, Esq.

JB/mlm

CC: File

Laura Jones



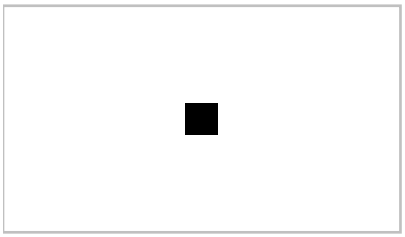
EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
6/26/2023 2:09PM

From: John Burton <jburton@jsburton.org>
Sent: Thursday, September 17, 2020 2:26 PM
To: Kelly Bailey <keb@hellmanyates.com>
Cc: Jill Cohen <jill@ferraralawfirm.net>; Brian Hellman <bh@hellmanyates.com>; Paul Ferrara <paul@ferraralawfirm.net>; Janel Ferrara <janel@ferraralawfirm.net>
Subject: Re: 20-092 Pickett

Hello Kelly. As per my last email, my clients demand that the sale proceeds remain in your escrow account based upon a devised escrow agreement until we feel comfortable with Paul's recommended distribution method. In sum, he has failed to communicate with me or via my

clients for months up until this point. Please advise.

John S. Burton, Esq., C.E.P., T.E.P.



www.jsburton.org

Tele: (757) 301-9500
Fax: (757) 301-9523

_____

477 Viking Drive, Suite 410
Virginia Beach, Virginia 23452

_____

5425 Discovery Park Blvd, Suite 101
Williamsburg, Virginia 23188

IRS CIRCULAR 230 DISCLOSURE:
To ensure compliance with requirements imposed by the IRS, please be informed that any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under federal, state or local tax law or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

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On Thu, Sep 17, 2020 at 2:09 PM Kelly Bailey <keb@hellmanyates.com> wrote:

> Please note that as I was typing this email, I was made aware that one the of granddaughters is not over the age of 35. I understand that additional revisions will be forthcoming because someone else will have to be her Trustee per both Wills. The comments and documents below are based on the information we had from you at the time. We will need to revise all documents once her Trustee is named. I believe it will still be valuable to review them as to form with the understanding that her Trustee's name will need to be changed.
>
> Good Afternoon,

Attached please find markups to the Certifications of Trust, Deeds and Deed Affidavits. The comments are subject to approval by the title company.

My understanding is that the below email was to contain the "complete" package of Seller documents after Brian Hellman's email with Ms. Ferrara. I did not see any 1099-S forms in the attachments in your email. We previously sent comments to 1099-S that were included in earlier draft Seller packages, but we have not seen revisions returned on those. Also, the earlier 1099-S you provided added up to $8 million total, but it divided the proceeds amongst the Sellers equally. Based on that, I divided the gross proceeds into 6 equal parts (+/- one cent), but to equal the $4 million purchase price. If this division is not correct, please advise. Draft 1099-S that we have prepared are attached.

I only saw two I-295 total in the package in the below email. One was to Mr. Pickett individually (which we do not believe is needed and should be in the names of his trusts), and the other was for one of Ms. Anderson's trusts. I've seen earlier draft I-295 circulated that we had comments to, so not clear on why those were not included in the "complete" package. We went ahead and drafted the I-295, which are attached.

The FIRPTA provided named Bayard, Kathleen, and Laura individually instead of their trusts. We previously provided comments to the FIRPTA, but this version did not incorporate any comments. I marked up the provided FIRPTA and then drafted the remaining FIRPTA based on that document.

I don't think we need the general title owner's affidavit/indemnity agreement provided in their individual names. We provided affidavits from First American. Please let us know if you disagree.

We prepared the I-290 forms that we previously requested, and they are attached here. We completed the portions we were able to, but we can't complete the rest until the gain is provided and the withholding is determined. This document is not signed by the Sellers, but we will need information specific to the Sellers to complete.

Please note that we do not have the EIN to complete any of the documents that require it.

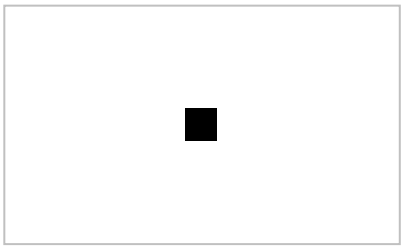
Thank you,
Kelly

Kelly E. Bailey
Corporate & Property Paralegal
Hellman Yates & Tisdale
105 Broad Street, Third Floor
Charleston, South Carolina 29401
direct 843 410-0618
office 843 266-9099
facsimile 843 266-9188
email keb@hellmanyates.com

On Sep 16, 2020, at 4:21 PM, Jill Cohen <jill@ferraralawfirm.net> wrote:

All Word Versions

Sincerely,
Jill Cohen
Paralegal



8887 Old University Blvd., Ste. 201
N. Charleston, SC 29406
(843) 569-5511 (office)
(843) 569-5411 (fax)

This e-mail and the information transmitted is PRIVILEGED and CONFIDENTIAL information and is the property of the sender. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this information, or the taking of any action in reliance on the content of this information is strictly prohibited. If you have received this email in error, please immediately contact Paul B. Ferrara III with Ferrara Law Firm, PLLC at (843) 569-5511 and please delete the original transmittal of this information.

<Warranty Deed.doc><Bayard Scott Pickett Jr aka Bayrd SD. Pickett I-295.doc><Certificate of Trust Deed of Distribution.docx><Certificate of Trust Bayard for Veronique Trust.docx><Certificate of Trust Bayard Scott Pickett Jr.docx MOM.docx><Affidavit of Consideration WD.docx><Affidavit of Consideration QCD.docx><Deed of Distribution.doc><Affidavit of Consideration DOD.docx><Affidavit of Consideration.docx><Bayard S.docx><SELLERS DOCS CHARLESTON.doc><Certificate of Trust Laura V. Jones.docx Bayard Settlor.docx><Certificate of Trust Laura V. Jones.docx><QCD.doc><Certificate of Trust Kathleen Elizabeth Anderson.docx BAyard Settlor.docx><Certificate of Trust Kathleen Elizabeth Anderson.docx><Certificate of Trust.docx>

[redacted]

PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
6/26/2023 2:09PM

From: John Burton <jburton@jsburton.org>
Sent: Thursday, September 17, 2020 9:26:27 AM
To: Paul Ferrara <paul@ferraralawfirm.net>
Cc: Laura Jones <ljones@cardinalbaytitlellc.com>; Jill Cohen <jill@ferraralawfirm.net>; bh@hellmanyates.com <bh@hellmanyates.com>; keb@hellmanyates.com <keb@hellmanyates.com>
Subject: Re: Closing on Pickett/ 213 & 215 King Property

Paul.

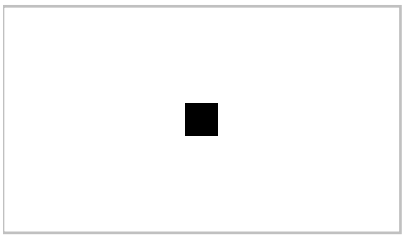
My clients request that all sale proceeds remain in escrow until we can work through both the tax and estate issues before any funds are automatically distributed. We have grave concerns that the documents you have quickly forced down my client's backs reflect grave errors in how the sale proceeds are distributed to the beneficiaries.

What is more, your short sighted consideration of the tax ramifications of this closing in electing to at the twelve hour confer with a CPA gives us the logical impression that you do not know what you are doing at the most, or are inattentive at the very least.

I want confirmation from you and from the escrow attorney that all funds will be held in escrow

until we can work through the estate and tax issues. I would recommend that we sign an escrow agreement to allow us the proper amount of time. I have advised my clients not to sign any estate related distribution documents until we are all on the same page.

John S. Burton, Esq., C.E.P., T.E.P.



www.jsburton.org

Tele: (757) 301-9500
Fax: (757) 301-9523

_____

477 Viking Drive, Suite 410
Virginia Beach, Virginia 23452

_____

5425 Discovery Park Blvd, Suite 101
Williamsburg, Virginia 23188

IRS CIRCULAR 230 DISCLOSURE:
To ensure compliance with requirements imposed by the IRS, please be informed that any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under federal, state or local tax law or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

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From: Paul Ferrara <paul@ferraralawfirm.net>
Sent: Thursday, September 17, 2020 2:40 PM
To: John Burton <jburton@jsburton.org>
Cc: Laura Jones <ljones@CardinalBayTitleLLC.com>; Jill Cohen <jill@ferraralawfirm.net>;

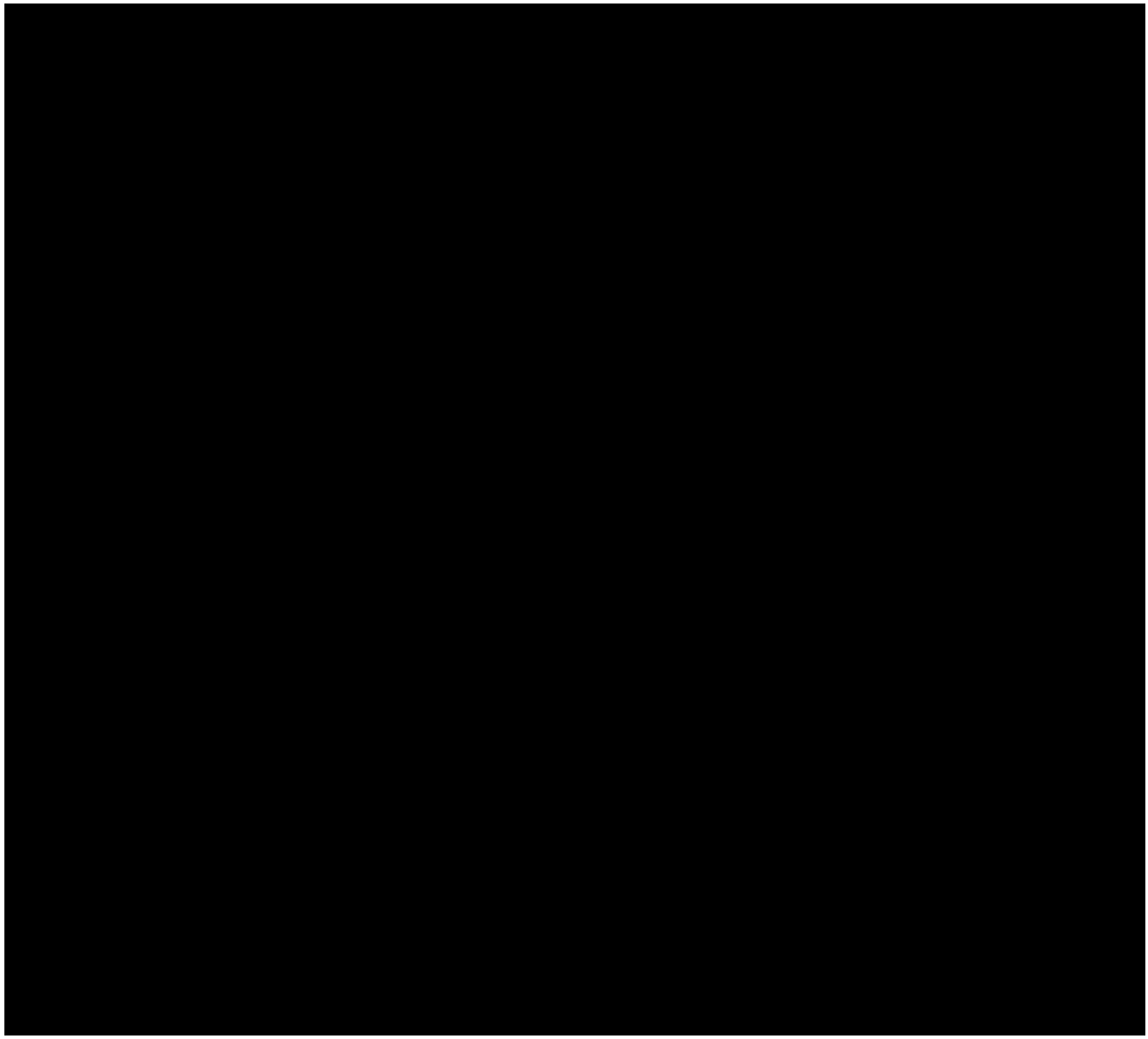
bh@hellmanyates.com <bh@hellmanyates.com>; keb@hellmanyates.com <keb@hellmanyates.com>

Subject: Re: Closing on Pickett/ 213 & 215 King Property

John,

I suspect you do not realize what type of client you are dealing with. I fully understand what I am doing. Please call me at 843-478-0387 to discuss.

Sincerely,
Paul B. Ferrara, III
FERRARA LAW FIRM, PLLC
2300 Otranto Road
North Charleston, South Carolina 29406
(843) 569-5511Office
(843) 569-5411 Fax
This e-mail and the information transmitted is PRIVILEGED and CONFIDENTIAL information and is the property of the sender. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this information, or the taking of any action in reliance on the content of this information is strictly prohibited. If you have received this email in error, please immediately contact Paul B. Ferrara III with Ferrara Law Firm, PLLC at (843) 569-5511 and please delete the original transmittal of this information.
Sent via I-Phone X!



From: Laura Jones
Sent: Thursday, March 18, 2021 6:16:37 PM
To: Tina Markferding <Tina@ferraralawfirm.net>
Subject: Pickett Estate

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
6/26/2023 2:09PM

Hi Tina,

Thank you so much for speaking with me regarding the request for below copies. I am in need of several items and am grateful for your help!

Items 1 and 2 below were requested several times by our trust attorney in May 2020 and Paul verbally advised he would send them over in their last conversation. The Sale of properties occurred shortly thereafter and that was understandably a time consumption for sure! If you/he could pass those along now that things have settled, we would be most appreciative!

1. Copies of the records (bank statements, receipts, etc.) provided to Paul from Trustee for the Bayard Pickett Estate from date of Bayard Pickett's passing through distribution.
2. Copies of the records (bank statements, receipts, etc.) provided to Paul form Trustee for the Veronique Pickett Estate Trust account 1 and then 2, from date of establishment through sale of properties.
3. The signed settlement copies, including all tax forms, settlement forms, trust forms etc. for 213 and 215 King St.
4. An update on current probate and tax filing progress for Veronique Pickett Estate
5. Statement and receipt copies for Veronique Pickett Estate trust account since sale of properties through today
6. Estimated completion/distribution dates, for Veronique Pickett Estate, as it has been 6 months since sale.

Thank you again very much for your time and assistance!

CARDINAL BAY TITLE

Laura V. Jones
Managing Director & Underwriter
4642 Haygood Road, Virginia Beach, VA 23455
(757) 500-7800 (p) (757) 500-7801 (f)
ljones@cardinalbaytitlellc.com

stewart
Vetted and verified.

Both Laura Jones and Cardinal Bay Title LLC intend that this message be used exclusively by the addressee(s). This message may contain information that is privileged, confidential and exempt from disclosure under applicable law. Unauthorized disclosure or use of this information is strictly prohibited. If you have received this communication in error, please permanently dispose of the original message and notify Laura Jones immediately at 757-500-7800. Thank you.

EXHIBIT 7

FLF137

IRVIN G. CONDON
Judge of Probate

TAMARA C. CURRY
Associate Judge of Probate

LENNA S. KIRCHNER
Associate Judge of Probate

PETER A. KOUTEN
Associate Judge of Probate

CHARLESTON COUNTY
SOUTH CAROLINA

ESTATE DIVISION
HISTORIC COURTHOUSE
84 BROAD STREET
CHARLESTON, SC 29401
843-958-5030

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
6/26/2023 2:09PM

January 19, 2022

NOTICE OF NON FILING AND RULE 4 ORDER (copy enclosed)

Dear Sir or Madam:

Enclosed is a copy of the Rule 4 Order the judge issued, a result of non compliance/inactivity with regards to the directives issued by this Court. I have been instructed to close the estate file. Please note that all unpaid filed creditors shall receive a copy of the Rule 4 Order, as well.

Please contact me should you have any questions: 843.958.5036 or 843.666.4701 or jrobinson@charlestoncounty.org .

Sincerely,

Jamie Robinson

STATE OF SOUTH CAROLINA **COUNTY OF CHARLESTON** **THE ESTATE OF** **VERONIQUE W. PICKETT**	)	**IN THE PROBATE COURT** **CASE #2019ES1000394**
EX PARTE: **IRVIN G. CONDON** **JUDGE OF PROBATE**	)	**ORDER**

Pursuant to the authority granted unto this Probate Court by and in Probate Court Rule 4, as adopted and made effective by the Supreme Court on March 8, 1983, and upon and after due and appropriate compliance with the purport and purview of Law and Statute herein and hereto relevant and appertaining, the above captioned Case and/or Cause is closed and final discharge entered, with leave to restore upon good cause being shown provided that the subject Fiduciary shall be and is fully responsible and liable to the full extent of Law for any and all acts and doings, commissions and/or omissions, prior to the date hereof; but this Order does not alter or release any and all liabilities on and under said Bond prior to the date hereof.

GIVEN under the Hand and Seal of this Probate Court at Charleston, South Carolina, effective the 19 Day of January, 2022.

Irvin G. Condon
_____(SEAL)
IRVIN G. CONDON, JUDGE OF PROBATE
TAMARA C. CURRY, ASSOCIATE JUDGE OF PROBATE
LENNA S. KIRCHNER, ASSOCIATE JUDGE OF PROBATE
PETER A. KOUTEN, ASSOCIATE JUDGE OF PROBATE
OF AND FOR THE COUNTY OF CHARLESTON,
STATE OF SOUTH CAROLINA

SAXTON & STUMP
LAWYERS AND CONSULTANTS

151 Meeting Street, Suite 400, Charleston, SC 29401 P: (843) 414-5080 • F: (843) 580-8303

Direct Dial: 843.277.8034
Email: ep@saxtonstump.com

March 23, 2023

VIA EMAIL AND U.S. MAIL
Paul B. Ferrara, III, Esquire
8887 Old University Blvd. Ste 201
N. Charleston, SC 29406-9603
paul@ferraralawfirm.net

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
6/26/2023 2:09PM

Re: Estate of Veronique H.W. Pickett & Bayard Scott Pickett, Sr. Trust

Dear Paul:

I hope you are doing well. I have been retained by Laura Jones, individually and as Trustee of her trusts and her sister Katy's trusts established under the wills of their grandparents, Bayard Scott Pickett (Sr.) ("BSP") and Veronique H.W. Pickett ("VHWP"). I understand that you represent Bayard Scott Pickett, Jr., in his capacity as (Former) Personal Representative of the Estate of Veronique H.W. Pickett and Trustee under the Will of Bayard Scott Pickett, Sr. dated 3/31/99. Please confirm that you do, in fact, represent him in these capacities upon your receipt of this letter.

I have reviewed the wills in question, the documents on file with the probate court in each of the estates, and the deeds concerning the various conveyances of 213 and 215 King Street in Mt. Pleasant (the "Property"). While my initial intent was to assist my client in obtaining the distributions her trusts and her sister's trusts are owed, I have become increasingly concerned at the manner in which your client has fulfilled, or perhaps more accurately, failed to fulfill his various fiduciary duties.

My client has requested information about the estates' finances and the administration of the BSP Trust – information that she is entitled to – for years and those requests have been ignored or refused. Your client's duties as Trustee of the BSP Trust, include:

1. Duty to administer the Trust according to the Trust instrument and for the interests of the beneficiaries (S.C. Code Ann. §62-7-801);
2. Duty to the not to place the Trustee's own interests over those of the beneficiaries (S.C. Code Ann. §62-7-802);
3. Duty to report information about the Trust on reasonable request and to account to beneficiaries at least on an annual basis, unless specifically waived (S.C. Code Ann. §62-7-813); and,

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4. Duty to deal impartially with beneficiaries (S.C. Code Ann. §62-7-803).

Upon information and belief, the annual report of trust property has not been sent since the BSP Trust was created at BSP's death on December 21, 2009.[1] Moreover, your client was required to distribute the corpus of the BSP Trust upon VHWP's death on December 18, 2018, but this was not done until years later, with no accounting for the income realized by the BSP Trust's 50% ownership interest in the Property.[2] While the BSP Trust's interest in the Property was finally conveyed to my client's trust and that of her sister immediately prior to the sale of the Property, and those proceeds were distributed accordingly, the same cannot be said for the proceeds of the other 50% ownership of the Property (approx. $1.7mm), which had been distributed from VHWP's Estate to Laura's, Katy's, and your client's trusts, established under VHWP's Will (dated 3/31/99), prior to the sale. This is concerning for many reasons. As closing attorney and apparently the preparer of the deeds, you must be aware that two of the sellers of the Property, Laura's and Katy's Trusts (established under VHWP's Will), received none of the proceeds from that 2020 sale. They don't even know where those funds are located because all requests for information have been refused.

Furthermore, it appears that your client absolutely failed administer VHWP's Estate. No inventory or appraisement was ever filed, no proposal for distribution was filed – the probate court ended up administratively closing the Estate. While your client may, and probably will, maintain that the Estate's only probate asset was the Property, my client is aware of at least one account owned by VHWP that had a balance in excess of $100,000 at the time of her death. There is also substantial personal property which has not been accounted for.

We demand that your client produce the following by April 3, 2023:

1. Full and formal accounting for the BSP Trust from 12/21/09 to present[3] showing, at a minimum, all assets, all income, and all disbursements (including any trustee fees taken);
2. Copies of all financial statements(s) and/or banking statement(s) pertaining to the BSP Trust from 12/21/09 to present;
3. Full and formal accounting for the Estate of VHWP showing, at a minimum, all assets, all income, and all disbursements (including any personal representative fees taken);
4. Copies of all financial statements(s) and/or banking statement(s) pertaining to the Estate of VHWP;

[1] §62-7-813(c)(1)(B) requires trustee to send annual a written report of trust property, may include a copy of the fiduciary income tax return, copies of bank or brokerage statements, a list of assets and if feasible, the market values of those assets, liabilities, receipts and the disbursements, including the source and amount of the trustee's compensation.
[2] Absolute liability arises when the trustee fails to do some mandatory act required by the express terms of the trust instrument. *Cartee v Lesley*, 290 S.C. 333, 350 S.E.2d 388 (1986).
[3] Article 11.1 of the BSP Trust requires "Trustee… shall make available a statement of receipts and disbursements and an investment review of the assets of the… Trust at least annually".

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5. Full and formal accounting for the proceeds from the sale of the Property, including all trust account, escrow account, and bank statements for accounts that have held or are holding any portion of those proceeds;
6. Copies of all listing agreements, appraisals, and/or offers made on the Property;
7. Copies of closing documents for the sale of the Property, including evidence of payments, disbursements, wire transfers, and anything else showing the disposition of the proceeds of the sale;
8. Copies of all professional invoices paid from the BSP Trust, the Estate of VHWP, or the proceeds of the sale of the Property; and
9. A complete copy of federal and state tax returns as follows:
    a. Veronique H.W. Pickett for years 2016 to present;
    b. Estate of Veronique H.W. Pickett for all years filed; and
    c. BSP Trust for all years filed.

I am hopeful that our suspicions as to the extent of your client's breaches of fiduciary duties and other wrongdoing will be quelled by the documents requested. However, should your client refuse to provide this long-overdue information, we are prepared to take immediate action to hold your client, and those who worked in concert with him, accountable. From the outside, it appears that there have been a number of egregious breaches of trust.

Upon your receipt of this letter, please confirm that you do, in fact, represent Bayard Scott Pickett, Jr., in the capacities set forth herein. Time is of the essence, and we will need to pursue these matters with him directly if you no longer represent him. I look forward to hearing from you and am available should you wish to discuss this matter.

Sincerely,



Elizabeth J. Palmer

EP/cb

EXHIBIT 9 FLF142

ANDREW E. RHEA
115 CHURCH STREET, CHARLESTON, SC 29401| (843) 577-2300| rhea@eckb.com

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY
Master of Laws (LLM) in Taxation, May 2015
GPA: 3.573

UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW, Columbia, SC
Juris Doctor, *cum laude*, May 2014
GPA: 3.592
Class Rank: 33 out of 202

UNIVERSITY OF SOUTH CAROLINA, Columbia, SC
B.S. in Business Administration, *magna cum laude*, December 2010
GPA: 3.778

LEGAL EXPERIENCE

EVANS, CARTER, KUNES & BENNETT, P.A., Charleston, SC
Attorney, June 2020 to present
Primary focus on Estate Planning (Wills, Trusts), Estate Administration, Charitable Giving, Non-Profit Organizations, Estate Tax Planning, Closely Held Business Planning

MOORE & VAN ALLEN, PLLC, Charleston, SC
Attorney, July 2015 to May 2020
Primary focus on Estate Planning (Wills, Trusts), Estate Administration, Charitable Giving, Non-Profit Organizations, Estate Tax Planning, Closely Held Business Planning

WILLCOX, BUYCK & WILLIAMS, P.A., Florence, SC
Law Clerk, May 2013 to August 2013

UNITED STATES ATTORNEY'S OFFICE, Florence, SC
Law Clerk, May 2012 to August 2012

BAR ADMISSION

South Carolina, 2014

PROFESSIONAL ASSOCIATIONS AND LEADERSHIP

Member, Charleston Tax Council; Treasurer, 2016-2017; President, 2017-2018
Member, Charleston Tax Roundtable
South Carolina Bar Probate, Trusts and Estate Planning Council
Board Member and Secretary, Charleston Youth Development Center, 2017-2022
Member, American Bar Association
South Carolina Rising Stars, 2023

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON IN THE MATTER OF: VERONIQUE W. PICKETT, LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS. ESTABLISHED BY THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999 AND AS TRUSTEE OF THE KATHLEEN E. ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999, PETITIONERS, V. BAYARD SCOTT PICKETT, JR. RESPONDENT.	)	IN THE PROBATE COURT CASE NO.:2019-ES-10-0394 **NOTICE OF MOTION AND MOTION TO RECONSIDER**

PLEASE TAKE NOTICE that ten (10) days hence or as soon thereafter as counsel can be heard, the Respondent, Bayard Scott Pickett, Jr., by and through his attorney, Paul B. Ferrara, III, hereby moves the Court, pursuant to Rule 59(e) and 60(b) of the South Carolina Rules of Civil Procedure to reconsider its Order for Appointment of Special Administrator signed on September 27, 2023, and to issue a ruling on the below-referenced matters:

1. The Court, in considering the formal petition of Petitioners to appoint a special administrator, failed to make a required finding of malfeasance as required per S.C. Code 62-3-611 (b) and elicited by the South Carolina Court of Appeals in the case of Church v. McGee 391

S.C. 334 (Ct. App. 2011). Importantly, the probate code sets forth the requirements for removal. S.C. Code 62-3-611 states:

"Cause for removal exists when removal would be in the best interests of the estate, or if it is shown that a personal representative or the person seeking his appointment intentionally misrepresented material facts in the proceedings leading to his appointment, or that the personal representative has disregarded an order of the court, has become incapable of discharging the duties of his office, or has mismanaged the estate or failed to perform any duty pertaining to the office. Unless the decedent's will directs otherwise, a personal representative appointed at the decedent's domicile, incident to securing appointment of himself or his nominee as ancillary personal representative, may obtain removal of another who was appointed personal representative in this State to administer local assets."

Here, the Court only found that the inventory and appraisement and accounting were not filed. This act alone does not justify removal of the personal representative. S.C. Code. 62-3-1001 specifies the procedure when a personal representative fails to file an accounting or inventory. Specifically, the Code directs the Court to issue an Order directing the Personal Representative to complete the required filings **" (a) Within one year after the date of the first publication of notice to creditors (or if a state or federal estate tax return was filed, within ninety days after the receipt of a state or federal estate tax closing letter, <u>whichever is later)</u> . . ." (**Emphasis added) Here, the testimony at the hearing established that there were federal estate tax/fiduciary returns that were filed and that the final return has not been filed and the 2020 return was in the process of being amended to capture the stepped-up basis per I.R.C. 1014. Importantly, this action by the former personal representative was the reason for delay and results in a benefit for the beneficiaries that are petitioning. Moreover, the plain language of Probate Code directs that "The court may issue an order requiring the personal representative to perform his duties. . ." In this case, that was never ordered and the prior Personal Representative was not given an opportunity to fully explain the reasons for delay. The Court, at the hearing,

instructed counsel to move on as the prior personal representative was attempting to testify that the tax returns and ramifications of this trust and estate were the cause for delay. The estate needs to file an amended fiduciary return to capture the proper stepped-up basis and protect the beneficiaries from an unnecessary audit for the prior $1,760,000 in distributions.

2. The properly probated Will of Veronique W. Pickett does not authorize the probate Court to appoint a special administrator without the consent of the named personal representative, failed to consider that pursuant to the Will Article 1, Section 1, named Bayard Scott Picket, Jr. as a personal representative. Further, the plain unambiguous language of Section 1.1 of the Will gives the authority to Bayard Scott Picket, Jr. as Trustee to select an individual to serve in his capacity, if he is not permitted to act as the personal representative or trustee. The Court did not allow Bayard Scott Pickett, Jr. to select a person to serve as his replacement, as desired by the Trustor, his mother. Importantly, “A court may not "by judicial construction make a will for the decedent that he has not made for himself." Guaranty Bank Trust Co. v. Byrd, 287 S.C. 96, 99, 337 S.E.2d 231, 233 (Ct. App. 1985) (quoting Coffman v. Coffman, 85 Va. 459, 466, 8 S.E. 672, 675 (1888)), rev'd on other grounds, 292 S.C. 187, 355 S.E.2d 529 (1986); see also Blackmon v. Weaver, 366 S.C. 245, 250 (S.C. Ct. App. 2005).

3. The Court failed to consider the unambiguous authority granted in the Will of the Personal Representative to hold accounts in his individual name. Section 1.1 of the probated Will gives authority to the trustee to “hold, register, or dispose of property in his, her or its name or the name of his, her or its nominee, to prepare accounts and tax returns, and to perform such other functions as may be required.” Scott Pickett Jr., as the trustee of the Veronique W. Pickett Trust and as appointed personal representative, at all times herein, has the authority to hold funds

in an account in his name. Therefore, any estate funds or trust funds held in the name of Bayard Scott Pickett, Jr. are allowed by the trust and in accordance with the purpose of the trust.

4. The Respondent filed a Summons and Petition for Subsequent Administration May 18, 2023. The Court, in its Order dated September 27, 2023, did not make a finding as to why Respondent should not be reappointed as the personal representative of the estate pursuant to the Will of Veronique W. Pickett. Section 62-3-611(b) of the South Carolina Code (1976) governs removal of a personal representative and allows for removal when it is in the best interest of the estate, when the personal representative mismanages the estate, or when the personal representative fails to perform any duty pertaining to the office. However, there is a strong deference shown to the personal representative chosen by the testator. "The Courts have ever been reluctant to take the management of an estate from those to whom it has been confided by the testator, for to that extent the intention expressed in his will would be defeated." Smith v. Heyward, 115 S.C. 145, 164, 105 S.E. 275, 282 (1920). The power to remove a personal representative "should be executed with great caution, and not at all, unless it is made to appear to be necessary for the protection of the estate, to prevent loss or injury to it from misappropriation, maladministration or fraud." Id. at 164-65, 105 S.E. at 282.

5. The relief sought by petitioner is moot as the relief being sought, filing an inventory and accounting, has occurred. South Carolina courts have held that “the court does not concern itself with moot or speculative questions.” Sloan v. South Carolina Dept of Transp., Op. No. 26534 (S.C. Filed Aug. 25, 2008) (Shearouse Adv. Sh. No. 33 at 43). “An appellate court will not pass judgment on moot and academic questions; it will not adjudicate a matter when no actual controversy capable of specific relief exists.” Curtis v. State, 345 S.C. 557, 567, 549

S.E.2d 591, 596 (2001). “A case becomes moot when judgment, if rendered, will have no practical legal effect upon the existing controversy.” Id. “Mootness also arises when some event occurs making it impossible for the reviewing court to grant effectual relief.” Id. Here, there is no need for a special administrator a special administrator to prepare in accounting or inventory. Mr. Pickett, Priscilla to his duty, although late, file the required filings and they have been accepted by the probate. Mr. Pickett, pursuant to his duty, although late because of the litigation and tax issues, filed the required filings and they have been accepted by the probate court. As such, there is no additional relief that petitioner could be granted. Mootness For the above reasons, Scott Pickett respectfully requests the Court to reconsider its Order or set a brief hearing to explore all information concerning the above Estate and trust prior making a good cause finding to appoint a special administrator.

FERRARA LAW FIRM, PLLC

s/ Paul B. Ferrara, III

Paul B. Ferrara, III (S.C. Bar No. 70511)
8887 Old University Boulevard
North Charleston, SC 29406
T: (843) 569-5511 | F: (843) 569-5411
paul@ferraralawfirm.net

October 6, 2023
North Charleston, SC

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE MATTER OF:)
VERONIQUE W. PICKETT)

BAYARD SCOTT PICKETT, JR.)

APPELLANT,)

vs.)

LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED BY THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999 AND AS TRUSTEE OF THE KATHLEEN E. ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999,

RESPONDENTS.)

IN THE CIRCUIT COURT
Appeal from Probate Court for Charleston County
CASE NO.:2019-ES-10-0394

NOTICE OF INTENT TO APPEAL TO CIRCUIT COURT

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
2/2/2024 1:42PM

Pursuant to SCPC 62-1-308, Appellant hereby submits his Notice of Intent to Appeal the Probate Court Order for Appointment of Special Administrator dated September 27, 2023, Order Denying Motions for Reconsideration for Appointment of Special Administrator dated January 24, 2024 and Order to Compel Transfer of Estate Funds dated January 24, 2024. The Orders were received by the Appellant's Counsel on September 27, 2023 and January 24, 2024 respectively. A copy of the Orders are attached.

FERRARA LAW FIRM, PLLC

Paul B. Ferrara, III (S.C. Bar No. 70511)
Attorney for Petitioner
8887 Old University Boulevard
North Charleston, SC 29406
T: (843) 569-5511 | F: (843) 569-5411
paul@ferraralawfirm.net

SWORN to before me this 2nd day of February, 2024

Notary Public for South Carolina
My Commission Expires: 12-30-29

Tina M. Markferding
Notary Public, State of South Carolina
My Commission Expires December 30, 2029

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	CASE NO: 2019-ES-10-00394
COUNTY OF CHARLESTON	)	
	)	
IN THE MATTER OF:	)	
VERONIQUE W. PICKETT	)	
	)	
LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED BY THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999 AND AS TRUSTEE OF THE KATHLEEN E. ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999,	)	
	)	
Petitioners,	)	
	)	
v.	)	
	)	
BAYARD SCOTT PICKETT, JR.,	)	
	)	
Respondent.	)	
	)	
v.	)	
	)	
KATHLEEN E. ANDERSON aka KATHLEEN ELIZABETH ANDERSON, in her individual capacity.	)	
	)	
Party in Interest/Counterclaimant.	)	
	)	

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
2/5/2024 11:30AM

EMERGENCY APPLICATION FOR APPOINTMENT OF TEMPORARY SPECIAL ADMINISTRATOR

TO: ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE that, pursuant to S.C. Code Ann. § 62-3-614(1), Applicant Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett, dated March 31, 1999, requests that the Presiding Judge of the Charleston County Probate Court immediately issue an Order appointing C. Mac Gibson, Esquire, as Temporary Special

Administrator of the Estate of Veronique H.W. Pickett ("Estate"), with all the powers of a general personal representative, pending the resolution of the appeals described herein below. Should the Court require a hearing on this Application, Applicant Jones respectfully requests that it be set at the Court's earliest convenience pursuant to S.C. Code Ann. § 62-1-401(b) and § 62-1-201(1) (confirming that applications do not require a summons and are not governed by or subject to the rules of civil procedure). The grounds for this Application are as follows:

1. The Decedent, Veronique W. Pickett, died on December 18, 2018. At the time of her death, she was a resident of Virginia Beach, Virginia, but owned real property in Charleston County, South Carolina.

2. At the time of her death, the Decedent was survived by her son, Respondent Bayard Scott Pickett, Jr., and her two granddaughters, Laura V. Jones and Kathleen E. Anderson.

3. On March 1, 2019, Respondent Bayard Scott Pickett, Jr. (hereinafter, "Respondent"), son of the Decedent, filed an Application for Informal Appointment of Personal Representative.

4. On March 11, 2019, Respondent was appointed as Personal Representative of the Estate and the Decedent's Will, dated March 31, 1999, was admitted to probate.

5. Pursuant to the Will, the devisees of the Estate are as follows with their respected shares as indicated:

50%: Bayard Scott Pickett, Jr., Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

25%: Laura V. Jones Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

25%: Kathleen E. Anderson Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

6. Due to Respondent's failure to file required documents after multiple demands by the Court dating back to June 21, 2019, the Court ultimately closed the Estate by Order dated January 19, 2022, pursuant to Rule 4, which Order terminated Respondent as Personal Representative.

7. On May 19, 2023, Respondent filed an Application for Subsequent Administration, seeking to reopen the Estate and to be reappointed as Personal Representative.

8. On June 27, 2023, Applicant Jones filed a Verified Petition for Appointment of Special Administrator. The facts, arguments, and exhibits of that Petition for Appointment of Special Administrator, as well as those of the Memorandum in Support of Petition for Appointment of Special Administrator (filed September 20, 2023), are incorporated herein by reference.

9. Following a properly noticed hearing at which all interested parties were present and/or represented by counsel, the Court, by Order entered September 27, 2023, granted the Petition and appointed C. Mac Gibson, Esquire, as Special Administrator with all the powers of a general personal representative. In the Order, the Court found that Mr. Gibson's appointment "is necessary to preserve the estate and to secure its proper administration." The Court further ordered that "all parties shall fully cooperate with Special Administrator".

10. At no point has Respondent been reappointed as Personal Representative.

11. On October 9, 2023, Respondent filed a Motion to Reconsider, asking the Court to reconsider the appointment of a special administrator. As set forth in Mrs. Jones' Memorandum in Opposition to Motions to Reconsider, filed October 23, 2023, and incorporated herein, this Motion was untimely as it was not served on all parties within 10 days as required by Rule 59(e), SCRCP. Mrs. Jones later, on January 16, 2024, filed a Supplemental Memorandum in Opposition to Motions to Reconsider, which is incorporated herein as well.

12. After being unable to obtain Respondent's cooperation in obtaining information about the Estate's assets or the location of those assets, Mr. Gibson filed a Motion to Compel on November 11, 2023, asking the Court to order Respondent to provide an accounting and other documentation concerning the amount and location of the Estate's assets.

13. By Orders entered January 24, 2024, the Court denied Respondent's Motion to Reconsider and granted Mr. Gibson's Motion to Compel, ordering Respondent to transfer all Estate funds, located in at least 4 different banks, 3 of which are believed to operate only in Virginia, to an Estate account to be opened by Mr. Gibson as Special Administrator.

14. By Notice of Intent served on February 2, 2024, Respondent appealed the Court's January 24, 2024, Orders as well as the September 27, 2023, Order for Appointment of Special Administrator.

15. As described in Mrs. Jones' previous filings and in Mr. Gibson's Motion to Compel, Respondent has systematically moved Estate funds into various individual – not estate/fiduciary – accounts and has persistently refused to account for these funds or other Estate assets. Respondent has demonstrated on numerous occasions that his intentions do not align with, and run afoul of, the best interests of the Estate and the timely and efficient administration of the Estate.

16. As a result of Respondent's appeals, it is unclear whether Mr. Gibson has the ability to take action on behalf of the Estate given the automatic stay provisions of Rule 241, SCACR.

17. Mrs. Jones is making this Application in order to protect the Estate and prevent waste, and to ensure that Mr. Gibson, who is already familiar with this Estate and the issues described herein, is able to take appropriate actions to protect Estate assets during the pendency of the afore-mentioned appeals.

18. That this temporary appointment is needed on an emergent basis is evidenced by Respondent's own counsel, who advised by email that the Estate may forfeit over $350,000 if amended tax returns are not filed quickly. A copy of that email is attached as Exhibit 1.

19. The appointment and service of Mr. Gibson as the Temporary Special Administrator of this Estate until the conclusion of the appeals is necessary so that there will be a qualified and knowledgeable fiduciary representing the Estate with the power to take appropriate actions involving Estate assets.

20. Pursuant to S.C. Code Ann. § 62-3-614(1), Applicant requests that Mr. Gibson be appointed as the Temporary Special Administrator of the Estate and be ordered to take appropriate actions involving estate assets with all of the powers of a general personal representative.

WHEREFORE, Applicant Laura V. Jones moves the Court to dispense with any hearing and immediately appoint C. Mac Gibson, Esquire, as the Temporary Special Administrator of the Estate of Veronique H.W. Pickett on an emergency basis and for such other and further relief as this Court may deem just and proper. Should the Court require a hearing, Applicant Jones requests that said hearing be scheduled as soon as the Court has availability.

SAXTON & STUMP, LLC

/s/ Elizabeth J. Palmer_____
Elizabeth J. Palmer (SC Bar #73680)
151 Meeting St., Suite 400
Charleston, SC 29401
(843) 414-5080
ep@saxtonstump.com

Attorneys for Applicant Laura V. Jones

FLF154

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE MATTER OF:
VERONIQUE H.W. PICKETT)
☒ Decedent ☐ Alleged Incapacitated Individual
☐ Minor ☐ Other: _____)

▲ PROBATE COURT USE ONLY ▲

IN THE PROBATE COURT

CASE NUMBER 2019-ES-10-0394

SUMMONS

BAYARD SCOTT PICKETT JR.,
Petitioner(s),
vs.
LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED BY THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999 AND AS TRUSTEE OF THE KATHLEEN E. ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999,
Respondent(s).*

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
2/16/2024 3:01PM

*For Guardianship/Conservatorship matters, you must include the alleged incapacitated individual as a Respondent.

TO THE RESPONDENT(S) LISTED ABOVE:

YOU ARE HEREBY SUMMONED and required to Answer the Petition in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer upon the Petitioner(s) listed above at the following address(es):

Please Type or Print.

PAUL B. FERRARA, III/ ATTORNEY FOR PETITIONER
(Name of Petitioner/Attorney for Petitioner)

8887 OLD UNIVERSITY BLVD.,
(Street Address or Mailing Address)

NORTH CHARLESTON, SC 29406
(City, State, and Zip Code)

Your Answer must be served on the Petitioner at the above address within **thirty (30) days** after the service of this Summons and Petition upon you, exclusive of the day of such service; and if you fail to answer the Petition within that time, judgment by default will be rendered against you for the relief demanded in the Petition.

Scott Pickett
Signature of Petitioner(s)/Attorney for Petitioner(s)

Date: **2/13/2024**

BERNADETTE MARIE ANGLO NOTARY PUBLIC COMMONWEALTH OF VIRGINIA COMMISSION EXPIRES 3/28/2025

2/14/24

SCCA 401PC (08/2021)

STATE OF SOUTH CAROLINA)
)
COUNTY OF: CHARLESTON)
)
)
IN THE MATTER OF:)
VERONIQUE H.W. PICKETT)
(Decedent))

IN THE PROBATE COURT

APPLICATION/*PETITION FOR SUCCESSOR PERSONAL REPRESENTATIVE

CASE NUMBER 2019-ES-10-0394

***ONLY COMPLETE THIS SECTION IF FILING PETITION FOR SUBSEQUENT ADMINISTRATION**

*
Petitioner(s)
vs.
*
Respondent(s)

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
2/16/2024 3:01PM

☐ **INFORMAL** ☒ ***FORMAL**

The previous/original application/petition is adopted, unless noted on the amended FORM 300ES attached hereto.

The name(s) and address(es) of the most recent duly qualified and acting Personal Representative(s) for this estate is/ was: BAYARD SCOTT PICKETT, JR.

If not previously filed with the Court, a copy of the above Personal Representative's death certificate, resignation or termination of appointment is attached.

The name(s) and address(es) of the proposed Successor Personal Representative(s) is/are: BAYARD SCOTT PICKETT, JR.

Priority for appointment of the Successor Personal Representative is:

- ☒ named as Primary Personal Representative in Will
- ☐ named as Alternate Personal Representative in Will
- ☐ nominee of above Primary Personal Representative in Will
- ☐ nominee of above Alternate Personal Representative in Will
- ☐ surviving spouse of Decedent who is devisee of Decedent or nominee of said spouse
- ☐ other devisee of Decedent (describe): or nominee of said devisee
- ☐ surviving spouse of Decedent or nominee of said spouse
- ☐ other heir of Decedent (describe): or nominee of said heir
- ☐ creditor (Forty-five (45) days after death must have passed) or nominee of creditor; written statement of claim, Form #371ES, is attached
- ☐ other (describe):

***NOTE: IF THIS IS A FORMAL PROCEEDING, IN ADDITION TO A PETITION, YOU MUST ALSO FILE A SUMMONS (FORM SCCA 401PC) AND PAY THE STATUTORY FILING FEE OF $150.00. A HEARING IN THE PROBATE COURT ON THE PETITION MAY BE REQUIRED.**

VERIFICATION

The undersigned, being sworn, states that the facts set forth in the foregoing statements are true to the best of the undersigned's knowledge, information and belief; and hereby submits to the Court's jurisdiction in this matter.

SWORN to before me this 14
day of FEBRUARY, 2024

Notary Public for South Carolina / VIRGINIA
My Commission Expires: 3/28/25

BLUE ABE MABANTA NOTARY PUBLIC COMMONWEALTH OF VIRGINIA COMMISSION EXPIRES 3/28/2025

ID# 7643793

Signature: Scott Pickett
Print Name: BAYARD SCOTT PICKETT, JR.
Address: 4616 THOROUGHGOOD DRIVE
VIRGINIA BEACH, VA 23455
Telephone (Work):
(Home):
(Cell): 1-757-718-6500
Email: BAYARDSPICKETTJRINC@GMAIL.COM
Relationship to Decedent/Estate: SON

ORDER FOR HEARING

IT IS HEREBY ORDERED that a hearing on this matter be set for:

DATE: _____
TIME: _____
PLACE: _____

Pursuant to SCPC 62-1-401, Petitioner is ordered to give notice of this hearing to all interested persons at least twenty (20) days prior to the hearing.

Executed this day of 20 .

_____, Probate Court Judge

ORDER OF APPOINTMENT

IT IS HEREBY ORDERED that the above application/petition for Successor Personal Representative be
☐ GRANTED ☐ DENIED and

- ☐ Fiduciary Bond in the amount of $
- ☐ Bond not required for Personal Representative nominated by Will
- ☐ Bond not required as Personal Representative is sole heir or sole devisee
- ☐ Bond not required as Personal Representative is state agency, bank, or trust company
- ☐ Bond waivers filed
- ☐ See order dated
- ☐ Other:

Executed this day of , 20 .

_____, Probate Court Judge

QUALIFICATION AND STATEMENT OF ACCEPTANCE

I accept this appointment and agree to perform the duties and discharge the trust of the office of Successor Personal Representative of this estate and hereby submit to the Court's jurisdiction in this matter.

Signature: Scott Pickett

Print Name: BAYARD SCOTT PICKETT, JR.

Address: 4616 THOROUGHGOOD DRIVE
VIRGINIA BEACH, VA 23455

Telephone (Work):

(Home):

(Cell): 1-757-718-6500

Email: BAYARDSPICKETTJRINC@GMAIL.COM

Attorney: PAUL B. FERRARA, III

Address: 8887 OLD UNIVERSITY BLVD.
NORTH CHARLESTON, SC 29406

Telephone: 843-569-5511

Email: PAUL@FERRARALAWFIRM.NET

STATE OF SOUTH CAROLINA) COUNTY OF CHARLESTON)) IN THE MATTER OF:)) VERONIQUE W. PICKETT,) LAURA V. JONES, AS TRUSTEE OF) THE LAURA V. JONES TRUST AS.) ESTABLISHED BY THE WILL OF) VERONIQUE H.W. PICKETT DATED) MARCH 31, 1999 AND AS TRUSTEE) OF THE KATHLEEN E. ANDERSON) TRUST AS ESTABLISHED UNDER) THE WILL OF VERONIQUE H.W.) PICKETT DATED MARCH 31, 1999,)) PETITIONERS,)) V.)) BAYARD SCOTT PICKETT, JR.)) RESPONDENT.)	IN THE PROBATE COURT CASE NO.:2019-ES-10-0394 **AFFIDAVIT OF SERVICE** EZ FILING PROBATE COURT CHARLESTON COUNTY, SOUTH CAROLINA 2019ES1000394 2/21/2024 8:34AM

PERSONALLY appeared before me the undersigned who, being duly sworn, on oath says:

1. That she is an employee in the office of Ferrara Law Firm, PLLC, attorneys for the defendant herein;

2. That on the 20th day of February, 2024 she did serve via U.S mail a true and correct copy of the Notice of Intent to appeal to:

ep@saxtonstump.com
Elizabeth J. Palmer, Esq
Saxton & Stump, LLC
151 Meeting Street
Charleston, SC 29417

eric@laqlaw.com
Eric B. LaQuiere, Esq.
LaQuiere Legal Services, LLC
3674 Old Charleston Hwy
Johns Island, SC 29445

mac@cmacgibson.net
Law Office of Mac Gibson
C. Mac Gibson, Esq.
21 Gamecock Ave., Suite A
Charleston, SC 29407

Rslikker@charlestoncounty.org
Charleston County Probate Court
Attn: Don Michel
84 Broad St.
Charleston, SC 29401

3. That she is not a party to this action.

Tina Markferding

(L.S.)
Notary Public for South Carolina
My Commission Expires: 2/10/2025

ELECTRONICALLY FILED - 2024 Feb 20 11:19 AM - CHARLESTON - COMMON PLEAS - CASE#2024CP1000921

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON	IN THE CIRCUIT COURT Appeal from Probate Court for Charleston County CASE NO.:2019-ES-10-00394
IN THE MATTER OF: VERONIQUE W. PICKETT BAYARD SCOTT PICKETT, JR. APPELLANT, vs. LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED BY THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999 AND AS TRUSTEE OF THE KATHLEEN E. ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999, RESPONDENTS.	**NOTICE OF INTENT TO APPEAL TO CIRCUIT COURT** EZ FILING PROBATE COURT CHARLESTON COUNTY, SOUTH CAROLINA 2019ES1000394 2/21/2024 8:34AM

Pursuant to SCPC 62-1-308, Appellant hereby submits his Notice of Intent to Appeal the Probate Court Order for Appointment of Special Administrator dated February 8, 2023. The Order was received by the Appellant's Counsel on February 8, 2024. A copy of the Order is attached.

FERRARA LAW FIRM, PLLC

s /Paul B. Ferrara, III

Paul B. Ferrara, III (S.C. Bar No. 70511)
Attorney for Petitioner
8887 Old University Boulevard
North Charleston, SC 29406
T: (843) 569-5511 | F: (843) 569-5411
paul@ferraralawfirm.net

SWORN to before me this 19th
day of February, 2024
Tina M Markferding
Notary Public for South Carolina
My Commission Expires: 12-30-29

Tina M. Markferding
Notary Public, State of South Carolina
My Commission Expires December 30, 2029

STATE OF SOUTH CAROLINA	)	IN THE PROBATE COURT
	)	CASE NO: 2019-ES-10-0394
COUNTY OF CHARLESTON	)	
	)	
IN THE MATTER OF: VERONIQUE W. PICKETT	)	
	)	
LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED BY THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999,	)	**ORDER FOR APPOINTMENT OF TEMPORARY SPECIAL ADMINISTRATOR**
Applicant,	)	
	)	
v.	)	
	)	
BAYARD SCOTT PICKETT, JR., INDIVIDUALLY AND AS TRUSTEE OF THE BAYARD SCOTT PICKETT, JR., TRUST AS ESTABLISHED BY THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999, LAURA V. JONES, AS TRUSTEE OF THE KATHLEEN E. ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999, AND KATHLEEN E. ANDERSON,	)	
	)	
Respondents.	)	
	)	

This matter came before the Court on the Emergency Application to Appoint Temporary Special Administrator filed on February 5, 2024, by Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett, dated March 31, 1999 (hereinafter, "Applicant" or "Petitioner" or "Mrs. Jones"). For the reasons set forth herein, and after considering the emergency nature of this matter and the complexity of this Estate, this Court finds that the Emergency Application to Appoint a Temporary Special Administrator shall be granted.

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PROCEDURAL HISTORY

1. The Decedent, Veronique W. Pickett, died on December 18, 2018. At the time of her death, she was a resident of Virginia Beach, Virginia, but owned real property in Charleston County, South Carolina.

2. At the time of her death, the Decedent was survived by her son, Respondent Bayard Scott Pickett, Jr., and her two granddaughters, Applicant Laura V. Jones and Kathleen E. Anderson.

3. On March 1, 2019, Respondent Bayard Scott Pickett, Jr. (hereinafter, "Respondent Pickett"), son of the Decedent, filed an Application for Informal Appointment of Personal Representative.

4. On March 11, 2019, Respondent Pickett was appointed as Personal Representative of the Estate and the Decedent's Will, dated March 31, 1999, was admitted to probate.

5. Pursuant to the Will, the devisees of the Estate are as follows with their respected shares as indicated:

50%: Bayard Scott Pickett, Jr., Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

25%: Laura V. Jones Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

25%: Kathleen E. Anderson Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

6. Due to Respondent Pickett's failure to file required documents after multiple demands by the Court dating back to June 21, 2019, the Court ultimately closed the Estate by Order dated January 19, 2022, pursuant to Rule 4, which Order terminated Respondent Pickett as Personal Representative.

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7. On May 19, 2023, Respondent Pickett filed an Application for Subsequent Administration, seeking to reopen the Estate and to be reappointed as Personal Representative.

8. On June 27, 2023, Mrs. Jones filed a Verified Petition for Appointment of Special Administrator and on September 20, 2023, she filed a Memorandum in Support of Petition for Appointment of Special Administrator.

9. Following a properly noticed hearing at which all interested parties were present and/or represented by counsel, the Court, by Order executed September 27, 2023, granted the Petition and appointed C. Mac Gibson, Jr., Esquire, as Special Administrator with all the powers of a general personal representative. In the Order, the Court found that Mr. Gibson's appointment "is necessary to preserve the estate and to secure its proper administration." The Court further ordered that "all parties shall fully cooperate with Special Administrator".

10. At no point has Respondent Pickett been reappointed as Personal Representative.

11. On October 9, 2023, Respondent Pickett filed a Motion to Reconsider, asking the Court to reconsider the appointment of a special administrator. Mrs. Jones filed a Memorandum in Opposition to Motions to Reconsider on October 23, 2023, arguing, in part, that the Motion to Reconsider was untimely as it was not served on all parties within 10 days as required by Rule 59(e), SCRCP. On January 16, 2024, Mrs. Jones filed a Supplemental Memorandum in Opposition to Motions to Reconsider.

12. After being unable to obtain Respondent Pickett's cooperation in obtaining information about the Estate's assets or the location of those assets, Mr. Gibson filed a Motion to Compel on November 11, 2023, asking the Court to order Respondent Pickett to provide an accounting and other documentation concerning the amount and location of the Estate's assets.

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13. By Orders entered January 24, 2024, the Court denied Respondent Pickett's Motion to Reconsider and granted Mr. Gibson's Motion to Compel, ordering Respondent Pickett to transfer all Estate funds, located in at least 4 different banks, 3 of which are believed to operate only in Virginia, to an Estate account to be opened by Mr. Gibson as Special Administrator.

14. By Notice of Intent served on February 2, 2024, Respondent Pickett appealed the Court's January 24, 2024 Orders as well as the September 27, 2023 Order for Appointment of Special Administrator.

15. On February 5, 2024, Mrs. Jones filed the Emergency Application for Appointment of Temporary Special Administrator that is presently before the Court.

APPLICABLE LAW

An interested person is defined to include "heirs, devisees, children, spouses, creditors, beneficiaries, and any others having a property right in or claim against a trust estate or the estate of a decedent, ward, or protected person which may be affected by the proceeding. It also includes persons having priority for appointment as personal representative and other fiduciaries representing interested persons. The meaning as it relates to particular persons may vary from time to time and must be determined according to the particular purposes of, and matter involved in, any proceeding." S.C. Code Ann. § 62–1–201(23).

A special administrator may be appointed:

(1) informally by the court on the application of an interested person when necessary:

(a) to protect the estate of a decedent prior to the appointment of a general personal representative or if a prior appointment has been terminated as provided in Section 62-3-609;

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(b) for a creditor of the decedent's estate to institute any proceeding under Section 62-3-803; or

(c) to take appropriate actions involving estate assets;

S.C. Code Ann. § 62–3-614.

The appointment of a special administrator may be temporary. Estate of Boyce v. Work, 305 S.C. 43, 406 S.E.2d 184 (Ct. App. 1991) (the appointment of a Special Administrator is temporary and therefore not immediately appealable).

FINDINGS OF FACT & CONCLUSIONS OF LAW

I. **Petitioner Jones is an Interested Person within the meaning of S.C. Code Ann. § 62-1-201.**

On June 26, 2023, Mrs. Jones filed a Summons and Petition for the Appointment of a Special Administrator in her capacity as Trustee of the Laura V. Jones Trust which was established by Decedent's Will and is designated therein as a devisee of the Estate. On February 5, 2024, Mrs. Jones, again in her capacity as Trustee of the Laura V. Jones Trust, filed an Emergency Application to Appoint Temporary Special Administrator. Applicant Jones is clearly delineated as an Interested Person within the meaning of S.C. Code Ann. § 62–1–201(23) and may bring an emergency application for purposes of S.C. Code Ann. § 62–3-614.

II. **The best interests of this Estate are protected by the appointment of a Temporary Special Administrator.**

The ongoing litigation matters, tax matters, and the immediate need to collect and preserve the assets of this Estate require a fiduciary familiar with the issues and who lacks any actual or potential conflicts of interest. C. Mac Gibson, Jr., Esquire, has extensive experience in probate matters, is recognized for his knowledge in this area, and has ably served as a fiduciary to this Court. The appointment and service of Attorney Gibson as the Temporary Special Administrator

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for the Decedent's Estate is necessary to protect the Estate, to secure its proper administration, and to take appropriate actions involving Estate assets. The best interests of this Estate are protected by the appointment of Attorney Gibson as Temporary Special Administrator.

IT IS HEREBY ORDERED that the Emergency Application to Appoint Temporary Special Administrator is **GRANTED**; and

IT IS FURTHER ORDERED that:

1. C. Mac Gibson, Jr., Esquire, is appointed as the Temporary Special Administrator for the Decedent's Estate and shall proceed with the administration of the Estate pursuant to the terms of the Last Will of Veronique W. Pickett and the South Carolina Probate Code;
2. C. Mac Gibson, Jr., Esquire, shall serve as the Temporary Special Administrator of the Estate of Veronique W. Pickett pending the resolution of afore-mentioned appeals filed by Respondent and any further orders by this Court;
3. Until such time that a determination is made regarding Respondent Bayard Scott Pickett, Jr.'s appeal, C. Mac Gibson, Jr., Esquire, as Temporary Special Administrator, shall collect and hold any and all Estate funds or property to which this Estate may otherwise be entitled in a separate Estate account to be opened by Attorney Gibson, unless otherwise ordered by this Court;
4. That within thirty (30) days from the date of this Order the Respondent Pickett shall transfer, via wire or certified checks, all funds belonging to the Estate, whether located in accounts in the name of the Estate or in Respondent's individual name to the estate account that the Special Administrator has established;

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5. That within thirty (30) days from the date of this Order the Respondent Pickett shall provide all documentation to the Special Administrator regarding the sale of 213 and 215 King Street, Mount Pleasant including the closing statement and deed;
6. That within sixty (60) days from the date of this Order the Respondent Pickett shall provide the most recent bank statement for each account, including the original estate account, in which estate funds were being held along with a detailed accounting of each account from beginning balance to ending balance so the Special Administrator can verify the amount of the check/wire funds from each account to the new estate checking account controlled by the Special Administrator. (For example, if there are six accounts, there should be six detailed accountings provided with a closing statement for each);
7. That the Respondent's attorney shall resend within sixty (60) days all past and current statements for each bank account that held or holds any funds belonging to the Estate, whether the Respondent opened the account as then Personal Representative for the Estate of Veronique W. Pickett, or in his individual capacity, to the Special Administrator and such bank statements shall be in chronological order;
8. That the Special Administrator shall open an estate account in the name of the Special Administrator and the Estate of Veronique W. Pickett. At the time the Special Administrator opens such estate account, the Special Administrator shall notify such financial institution that no funds in the amount of Five Thousand ($5,000) or more shall be withdrawn from the estate account without the written authorization of the Special Administrator;

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9. That the Special Administrator shall be permitted to speak, via Zoom, in person, or telephone, to the Respondent Pickett with his attorney present, concerning the assets of the Estate of Veronique W. Pickett; and

10. Pursuant to S.C. Code Ann. § 62-3-616, and other relevant statutory provisions of the South Carolina Probate Code, C. Mac Gibson, Jr., Esquire, as Temporary Special Administrator, shall have all the powers of a Personal Representative as applied under Article III, Part 7 (S.C. Code Ann. §§ 62-3-701 through 62-3-721) of the South Carolina Probate Code necessary to perform his duties, and such powers are incorporated herein by specific reference thereto.

AND IT IS SO ORDERED.

David L. Michel
Associate Judge of Probate
Charleston County Probate Court

This 8 day of February, 2024
Charleston, South Carolina

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THE STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

Appeal from Charleston County
Probate Court

David L. Michel, Associate Judge of Probate

Probate Case No. 2019-ES-10-00394
Appellate Case No.: 2024-CP-10-00921

In re: Veronique W. Pickett

Bayard Scott Pickett, Jr.,…….. . . . . Appellant,

v.

Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett Dated March 31, 1999 and as Trustee of the Kathleen E. Anderson Trust as Established under the Will of Veronique H.W. Pickett Dated March 31,1999…… . . . . . Respondents.

RESPONDENT LAURA V. JONES'S MOTION TO DISMISS APPEAL

TO: APPELLANT AND HIS LEGAL COUNSEL:

PLEASE TAKE NOTICE that the undersigned attorneys for Respondent Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett dated March 31, 1999, will move before the Presiding Judge of the Ninth Judicial Circuit at the Charleston County Courthouse, or at such other office as the Court may direct, after ten (10) days from the date of service hereof or at such time and place as the Court may direct, for an Order dismissing Appellant Bayard Scott Pickett, Jr.'s Notice of Appeal, filed on February 20, 2024, and served on Respondent Jones on or about February 20, 2024. As set forth below, the Order

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Appointing Temporary Special Administrator is not a final order, is not appealable, and, therefore, this Court lacks subject matter jurisdiction of Appellant's appeal of the same.

Appeals from orders of the probate court are governed exclusively by S.C. Code Ann. § 62-1-308. Dorn v. Cohen, 421 S.C. 53, 809 S.E.2d 53 (2017) (finding the lower court erred in applying S.C. Code Ann. § 14-3-330 to determine whether an order of the probate court was immediately appealable because appeals from probate court are governed by § 62-1-308); Fulmer v. Cain, 380 S.C. 466, 670 S.E.2d 652 (2008) ("Appeals from the probate court are governed by S.C. Code Ann. § 62-1-308.").

Only final orders from the probate court are appealable under S.C. Code Ann. § 62-1-308. See S.C. Code Ann. § 62-1-803(a) ("A person interested in a ***final*** order, sentence, or decree of a probate court may appeal to the circuit court…") (emphasis added); Dorn, 421 S.C. at 520, 809 S.E.2d at 54 ("Because the probate court's order adding a party to the action was not a final order, the order was not immediately appealable pursuant to section 62-1-308."); Fulmer, 380 S.C. at 469, 670 S.E.2d at 654 (holding that only final orders are reviewable under S.C. Code Ann. § 62-1-308); Estate of Boyce v. Work, 305 S.C. 43, 44, 406 S.E.2d 184, 185 (Ct. App. 1991) (S.C. Code Ann. § 62-1-308(a) provides that only final orders of the probate court may be appealed, a probate court order that is clearly temporary cannot be appealed, circuit court lacks subject matter jurisdiction to entertain appeal of probate court's temporary order).

On February 8, 2024, the Charleston County Probate Court entered an Order for Appointment of Temporary Special Administrator in the Estate of Veronique W. Pickett. On February 20, 2024, Appellant Pickett filed his Notice of Appeal of this Order. However, it is firmly established that this Order, appointing a temporary special administrator, is not a final order and not appealable. This was squarely addressed in the Estate of Boyce matter, in which the appellant

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appealed the probate court's appointment of a temporary special administrator to the circuit court. The circuit court entertained the appeal and disqualified the special administrator. Id. at 45, 406 S.E.2d at 185. The South Carolina Court of appeals vacated the circuit court's order and remanded the matter to the probate court for further proceedings, finding that the circuit court lacked subject matter jurisdiction of the order appointing a temporary special administrator because it was not a final order, and therefore was not appealable. Id.

Based on the S.C. Probate Code and the established law of this State, this Court lacks subject matter over Appellant Pickett's appeal and Respondent Jones respectfully requests that the appeal be dismissed.

WHEREFORE, Respondent Jones prays that the Court dismiss this Appeal in its entirety, award attorney's fees and costs incurred in bringing this Motion pursuant to Rule 222(b), SCACR, and grant such further relief as the Court deems appropriate.

SAXTON & STUMP, LLC

/s/ Elizabeth J. Palmer
Elizabeth J. Palmer (SC Bar #73680)
151 Meeting St., Suite 400
Charleston, SC 29401
(843) 414-5080
ep@saxtonstump.com

Attorneys for Respondent Laura V. Jones

February 27, 2024
Charleston, SC

ELECTRONICALLY FILED - 2024 Mar 06 9:19 AM - CHARLESTON - COMMON PLEAS - CASE#2024CP1000921

THE STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

Appeal from Charleston County
Probate Court

David L. Michel, Associate Judge of Probate

Probate Case No. 2019-ES-10-00394
Appellate Case No.: 2024-CP-10-00921

In re: Veronique W. Pickett

Bayard Scott Pickett, Jr.,…….. . . . . Appellant,

v.

Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett Dated March 31, 1999 and as Trustee of the Kathleen E. Anderson Trust as Established under the Will of Veronique H.W. Pickett Dated March 31,1999…… . . . . . Respondents.

RESPONDENT LAURA V. JONES'S AMENDED MOTION TO DISMISS APPEAL

TO: APPELLANT AND HIS LEGAL COUNSEL:

PLEASE TAKE NOTICE that the undersigned attorneys for Respondent Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett dated March 31, 1999, will move before the Presiding Judge of the Ninth Judicial Circuit at the Charleston County Courthouse, or at such other office as the Court may direct, after ten (10) days from the date of service hereof or at such time and place as the Court may direct, for an Order dismissing Appellant Bayard Scott Pickett, Jr.'s Notice of Appeal, filed on February 20, 2024, and served on Respondent Jones on or about February 20, 2024. As set forth below, the appeal must

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be dismissed because: 1) it was not timely filed in the probate court; and 2) the Order for Appointment of Temporary Special Administrator is not a final order, is not appealable, and, therefore, this Court lacks subject matter jurisdiction of Appellant's appeal of the same.

I. Appellant's Notice of Intent to Appeal was not timely filed.

As noted by Appellant in his Notice of Intent to Appeal, he received notice of the Order for Appointment of Temporary Special Administrator on February 8, 2024. See Notice of Intent to Appeal, attached as **Exhibit 1**. As such, with the President's Day holiday on February 19, 2024, the Notice of Intent to Appeal was required to be filed in both the circuit court and probate court and served on Respondent by February 20, 2024. See S.C. Code Ann. § 62-1-308(a) ("The notice of intention to appeal to the circuit court must be filed in the office of the circuit court ***and in the office of the probate court*** and a copy served on all parties not in default within ten days after receipt of written notice of the appealed from order, sentence, or decree of the probate court.") (emphasis added); see also Witzig v. Witzig, 325 S.C. 363, 479 S.E.2d 297 (Ct. App. 1996) (holing that the specific ten-day period provided by S.C. Code Ann. § 62–1–308(a) controls over the general provisions of Rule 74, SCRCP ("Procedure on Appeal to the Circuit Court"), which allows a thirty-day period only "when no time is fixed by statute").

The Notice of Intent to Appeal was timely filed in the circuit court on February 20, 2024. However, it was not filed in the probate court until February 21, 2024. See Ex. 1. Therefore, it is untimely and must be dismissed because this Court lacks subject matter jurisdiction to entertain the appeal. See Gallagher v. Evert, 353 S.C. 59, 68, 577 S.E.2d 217, 221 (Ct. App. 2002) (because appellant did not timely file and serve his appeal from the probate court, the circuit court lacked subject matter jurisdiction to address the merits of the appeal); see also Witzig, 325 S.C. at 366–67, 479 S.E.2d at 298 (finding appeal from the probate court to the circuit court not timely filed,

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thus, reinstatement of the probate court's order was required).

II. The Order for Appointment of Temporary Special Administrator is not a final order and is not immediately appealable.

Appeals from orders of the probate court are governed exclusively by S.C. Code Ann. § 62-1-308. Dorn v. Cohen, 421 S.C. 53, 809 S.E.2d 53 (2017) (finding the lower court erred in applying S.C. Code Ann. § 14-3-330 to determine whether an order of the probate court was immediately appealable because appeals from probate court are governed by § 62-1-308); Fulmer v. Cain, 380 S.C. 466, 670 S.E.2d 652 (2008) ("Appeals from the probate court are governed by S.C. Code Ann. § 62-1-308.").

Only final orders from the probate court are appealable. See S.C. Code Ann. § 62-1-803(a) ("A person interested in a ***final*** order, sentence, or decree of a probate court may appeal to the circuit court…") (emphasis added); Dorn, 421 S.C. at 520, 809 S.E.2d at 54 ("Because the probate court's order adding a party to the action was not a final order, the order was not immediately appealable pursuant to section 62-1-308."); Fulmer, 380 S.C. at 469, 670 S.E.2d at 654 (holding that only final orders are reviewable under S.C. Code Ann. § 62-1-308); Estate of Boyce v. Work, 305 S.C. 43, 44, 406 S.E.2d 184, 185 (Ct. App. 1991) (S.C. Code Ann. § 62-1-308(a) provides that only final orders of the probate court may be appealed, a probate court order that is clearly temporary cannot be appealed, circuit court lacks subject matter jurisdiction to entertain appeal of probate court's temporary order).

In this matter, Appellant Pickett has attempted to appeal the Charleston County Probate Court's Order for Appointment of Temporary Special Administrator. However, it is firmly established that this Order, appointing a temporary special administrator, is not a final order and not appealable. This was squarely addressed in the Estate of Boyce matter, in which the appellant appealed the probate court's appointment of a temporary special administrator to the circuit court.

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The circuit court entertained the appeal and disqualified the special administrator. Id. at 45, 406 S.E.2d at 185. The South Carolina Court of Appeals vacated the circuit court's order and remanded the matter to the probate court for further proceedings, finding that the circuit court lacked subject matter jurisdiction over the appeal because the order appointing a temporary special administrator was not a final order, and therefore was not appealable. Id.

Based on the S.C. Probate Code and the established law of this State, this Court lacks subject matter over Appellant Pickett's appeal and Respondent Jones respectfully requests that the appeal be dismissed.

WHEREFORE, Respondent Jones prays that the Court dismiss this Appeal in its entirety, award attorney's fees and costs incurred in bringing this Motion and grant such further relief as the Court deems appropriate.

SAXTON & STUMP, LLC

/s/ Elizabeth J. Palmer
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Attorneys for Respondent Laura V. Jones

March 6, 2024
Charleston, SC

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
3/6/2024 4:58PM

STATE OF SOUTH CAROLINA)
) IN THE PROBATE COURT
COUNTY OF CHARLESTON)
) **MOTION FOR REMOVAL**
IN THE MATTER OF: VERONIQUE H.W. PICKETT)
) CASE NUMBER: 2019-ES-10-000394
(Decedent))

A formal proceeding concerning the above matter was commenced on FEBRUARY 20, 2024. The undersigned hereby moves for removal of this action to the Circuit Court and asserts that this action is removable because it involves the following:

- ☐ Probate of Will
- ☑ Appointment of Personal Representative
- ☐ Construction of Will
- ☐ Title to property in which the Estate of a decedent asserts an interest
- ☐ Internal or external matter involving a trust (excluding "special needs trusts")
- ☑ Action in which there is a right to trial by jury and in which the amount in controversy is at least $5,000
- ☐ Action concerning gifts under the SC Uniform Gifts to Minors Act

This Motion is made no later than ten (10) days from MARCH 6, 2024, the date on which all responsive pleadings were filed. By copy of this Motion, the undersigned is giving notice to interested persons as required by law.

Signature: _____
Print Name: PAUL B. FERRARA, III
Address: 8887 OLD UNIVERSITY BLVD.
N. CHARLESTON, SC 29406
Telephone (Work): 843-569-5511
(Home): _____
(Cell): _____
Email: PAUL@FERRARALAWFIRM.NET
Relationship to Decedent/Estate: ATTORNEY FOR BAYARD SCOTT PICKETT

ORDER FOR REMOVAL

It is hereby ORDERED on the Court's own Motion that this action be removed to the Circuit Court.

- ☐ Jurisdiction is retained as to all other matters involving this case.
- ☐ The related matters of _____ are also removed to serve the best interest of the Estate and/or the interest of judicial economy.

☐ The Motion for Removal is hereby GRANTED. This action shall be removed to the Circuit Court.

- ☐ Jurisdiction is retained as to all other matters involving this case.
- ☐ The related matters of _____ are also removed to serve the best interest of the Estate and/or the interest of judicial economy.

☐ It is hereby ORDERED that the Motion for Removal is DENIED because _____
_____.

Executed this _____ day of _____, 20____.

DON MICHEL, Probate Court Judge

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON IN THE MATTER OF: VERONIQUE W. PICKETT BAYARD SCOTT PICKETT, JR., Petitioner/Plaintiff, v. LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED BY THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999, AND AS TRUSTEE OF THE KATHLEEN E. ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999, Respondents/Defendants. v. KATHLEEN E. ANDERSON aka KATHLEEN ELIZABETH ANDERSON, in her individual capacity. Party in Interest/Counterclaimant.	)	IN THE COURT OF COMMON PLEAS CASE NO: 2024-CP-10-01325 **EMERGENCY MOTION TO APPOINT PERSONAL REPRESENTATIVE (PRIORITY MATTER PER SC RULE 40 (a)(2))**

NOW COMES, Bayard Scott Pickett, Jr., by and through his attorney, Paul B. Ferrara, III to be heard on the above motion within ten (10) days or sooner as the Court determines. This is a priority matter pursuant to S.C. Rules of Civil Procedure 40 (a)(2). The underlying matter is the appointment of a personal

representative pursuant to the Will of Veronique H.W. Pickett. The Will in this action has been validly probated in Charleston County Probate Court, which is evident is this Court's file, and Bayard Scott Pickett, Jr., was previously appointed as the personal representative of the estate of Veronique H.W. Pickett. The probate case was previously administratively closed by Judge Condon and thereafter Mr. Pickett informally sought appointment as personal representative. Judge Michel has advised the parties that he did not rule on the informal motion to appoint Bayard Scott Pickett, Jr. as personal representative. Thereafter, Mr. Pickett formally filed this action and sought appointment as a named representative in the decedent's last will and testament.

This matter is ripe for review and this Court has jurisdiction to hear this motion. This motion needs to expedited by the clerk as evident by the emergency affidavit of Bayard Scott Pickett, Jr. The estate is without a personal representative and will suffer over $357,520 in financial losses if an amended estate tax return is not signed and filed by April 15, 2024.

Mr. Bayard Pickett has priority to be appointed as personal representative of the Estate of Veronique H.W Pickett pursuant to S.C. Code Ann. 62-2-203, is suitable, and is not otherwise disqualified from serving. This motion is further based upon the filed emergency affidavit of Bayard Scott Pickett, Jr., the South Carolina probate Code and any other caselaw that may be presented at the hearing on this matter.

(Signature Page Follows)

March 22, 2024

FERRARA LAW FIRM, PLLC

/s Paul B. Ferrara, III
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Attorney for Bayard Scott Pickett, Jr.

COMMONWEALTH OF VIRGINIA)
Princess Ann
COUNTY OF ~~CHESAPEAKE~~)
CITY

VERIFICATION

I, Bayard Scott Pickett, Jr., being duly sworn, say that his is the Petitioner herein, have read the foregoing Emergency Motion to be appointed personal representative and know the contents thereof, that the same is true of their own knowledge, except as matters therein stated to be alleged on information and belief; and to those matters they believe them to be true.

DATED: March 22, 2024

Bayard Scott Pickett, Jr.

Petitioner

SWORN to and Subscribed before me this 22nd day of March 2024.

Notary Public for Virginia

(L.S.)

My Commission expires: 6/30/2024

BEVERLY MABANGLO GATBONTON
EXP: 6/30/2024
REG #: 7044310
COMMONWEALTH OF VIRGINIA
NOTARY PUBLIC

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	CASE NO: 2024-CP-10-01325
COUNTY OF CHARLESTON	)	
	)	
IN THE MATTER OF: VERONIQUE W. PICKETT	)	
	)	
BAYARD SCOTT PICKETT, JR.,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED BY THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999 AND AS TRUSTEE OF THE KATHLEEN E. ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999,	)	
	)	
Respondents/Defendants.	)	
	)	
	)	

MEMORANDUM OF LAW IN OPPOSITION TO PETITIONER'S PETITION FOR APPOINTMENT OF SUCCESSOR PERSONAL REPRESENTATIVE

This matter is before the Court on Petitioner's Petitioner for Appointment of Successor Personal Representative, filed in the Probate Court on February 16, 2024, and removed to this Court by Order of Removal entered on March 12, 2024. A copy of Order for Removal is attached as **Exhibit 1**. This is but the latest in a series of pleadings filed by Petitioner in his attempts to prevent inquiry and examination into his actions as the former personal representative and his continued possession of the Estate's funds, totaling nearly $1,500,000 (in personal, non-fiduciary accounts, no less). Because Petitioner is not fit to serve in any fiduciary capacity, and further

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because the Probate Court has appointed a Special Administrator to protect the Estate's assets and interests, Petitioner's Petition should be denied.

FACTUAL AND PROCEDURAL BACKGROUND

The Decedent, Veronique W. Pickett, died on December 18, 2018. At the time of her death, she was a resident of Virginia Beach, Virginia, but owned real property in Charleston County, South Carolina. At the time of her death, the Decedent was survived by her son, Petitioner Bayard Scott Pickett, Jr., and her two granddaughters, Respondent Laura V. Jones and Kathleen E. Anderson.

On March 1, 2019, Petitioner, son of the Decedent, filed an Application for Informal Appointment of Personal Representative. On March 11, 2019, Petitioner was appointed as Personal Representative of the Estate and the Decedent's Will, dated March 31, 1999, was admitted to probate.

Pursuant to the Will, the devisees of the Estate are as follows with their respected shares as indicated:

50%: Bayard Scott Pickett, Jr., Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

25%: Laura V. Jones Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

25%: Kathleen E. Anderson Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999

As set forth in more detail below, due to Petitioner's failure to file required documents after multiple demands by the Court dating back to June 21, 2019, the Court ultimately closed the Estate by Order dated January 19, 2022, pursuant to Rule 4, which Order terminated Petitioner as Personal Representative.

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On May 19, 2023, Petitioner filed an Application for Subsequent Administration, seeking to reopen the Estate and to be reappointed as Personal Representative. On June 27, 2023, Respondent Jones filed a Verified Petition for Appointment of Special Administrator.

Following a properly noticed hearing at which all interested parties were present and/or represented by counsel, the Probate Court, by order entered September 27, 2023 (attached as **Exhibit 2**), granted Respondent's Petition and appointed C. Mac Gibson, Esquire, as Special Administrator with all the powers of a general personal representative. In the Order for Appointment of Special Administrator, the Court found that Mr. Gibson's appointment "is necessary to preserve the estate and to secure its proper administration." The Court further ordered that "all parties shall fully cooperate with Special Administrator".

On October 9, 2023, Petitioner filed a Motion to Reconsider, asking the Court to reconsider the appointment of a special administrator. This Motion, which was untimely as it was not served on all parties within 10 days as required by Rule 59(e), SCRCP, was denied by order of the Probate Court entered on January 24, 2024 (attached as **Exhibit 3**). Also on January 24, 2024, the Probate Court entered an Order to Compel Transfer of Estate Funds (attached as **Exhibit 4**), which ordered Petitioner to transfer all Estate funds in his possession to the Special Administrator and provide bank account statements for each account into Petitioner had deposited Estate funds. The Probate Court found that "[Petitioner], as then Personal Representative, had a fiduciary duty to place any and all [Estate] funds into an Estate checking account, which was not done." Ex. 4, p. 2. Petitioner filed a Notice of Intent to Appeal, appealing the Probate Court's Order for Appointment of Special Administrator and the Order to Compel Transfer of Estate Funds, on or about February 2, 2024 (pending in this Court as action # 2024-CP-10-00598). To this day, Petitioner continues to hold the nearly $1,500,000 in Estate funds.

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Due to the effect of the automatic stay effected due to Petitioner's appeal, the Estate was without a fiduciary. To that end, on February 5, 2024, Respondent Jones filed an Emergency Application for Appointment of Temporary Special Administrator. The Probate Court entered an Order for Appointment of Temporary Special Administrator on February 8, 2024 (attached as **Exhibit 5**), again appointing Mr. Gibson to serve in that role. Specifically, the Probate Court determined that "[t]he appointment and service of Attorney Gibson as the Temporary Special Administrator for the Decedent's Estate is necessary to protect the Estate, to secure its proper administration, and to take appropriate actions involving Estate assets." Ex. 5, pp. 5-6. Despite established precedent that an order appointing a temporary special administrator is not an immediately appealable order, Petitioner filed a Notice of Intent to appeal that order on February 20, 2024 (in the Circuit Court) and February 21, 2024 (in the Probate Court). Respondent Jones has filed a Motion to Dismiss Appeal on the basis that it was not timely filed in the Probate Court and because the order itself is not immediately appealable.

Out of an abundance of caution, Respondent Jones filed a Motion to Lift Any Applicable Stay (resulting from the appeal of the temporary order) in the Probate Court on or about February 27, 2024. The Order Lifting Any Applicable Stay was entered by the Probate Court on March 12, 2024. Despite established precedent that an order lifting a stay is not an immediately appealable order, Petitioner filed a Notice of Intent to appeal that order on March 20, 2024. Respondent Jones has filed a Motion to Dismiss Appeal.

In the interim, on February 16, 2024, Petitioner filed his Petition for Appointment of Successor Personal Representative, seeking to have himself re-appointed. By Order entered on March 12, 2024, Petitioner's Petition was removed from the Probate Court to this Court. As noted

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in the Order for Removal (Ex. 1), the Probate Court retained jurisdiction as to all other matters involving this Estate.

Petitioner's Prior Appointment and Discharge as Personal Representative

On May 11, 2019, Petitioner was appointed as the initial Personal Representative of this Estate. The Estate's largest asset was the Decedent's 50% interest in two pieces of real property in Mount Pleasant, SC. Specifically, 213 King Street and 215 King Street (collectively, the "Mt. Pleasant Property"). Although Decedent's Will dictated that the Mt. Pleasant Property be distributed as set forth above, Petitioner took no action to administer this Estate for over a year. The Decedent's Will, § 3.3, further provided that her personal property be distributed, per stirpes, to her issue in trust. No personal property has ever been accounted for or distributed. See Verified Petition for Appointment of Special Administrator, ¶ 7 (attached as **Exhibit 6**). At some point in the late summer/early fall of 2020, Respondent entered into a contract to sell the Mt. Pleasant Property for $4,000,000. Id., ¶ 8. By Deed of Distribution executed on September 14, 2020, and filed with the Probate Court on November 2, 2020, Petitioner distributed the Estate's interest in the Mt. Pleasant Property to the three trusts created by Decedent's Will. Id., ¶ 9.

Given that the Estate's 50% interest in the Mt. Pleasant Property had been distributed, the "Sellers" of that 50% interest were the three trusts created by Decedent's Will and those three trusts should have received their respective share of the proceeds. As described in more detail below, that did not happen. Id., ¶ 10.

From the outset, Petitioner has exhibited an inability, or at a minimum, an unwillingness, to fulfill his obligations as Personal Representative. By letter dated June 21, 2019, the Probate Court notified Petitioner that the Estate's Inventory and Appraisement was overdue and demanded that it be filed within twenty days. Petitioner did not comply. By letter dated September 21, 2020,

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the Probate Court again demanded that the Inventory and Appraisement, as well as a number of other documents required to administer and close the Estate, be filed within 20 days. Petitioner did not comply. Finally, on March 25, 2021, the Probate Court sent a final demand that Petitioner file the required documentation, including, a Final Accounting and Proposal for Distribution. Petitioner again failed to comply.

The Probate Court subsequently issued a Rule to Show Cause and, ultimately, discharged Petitioner as Personal Representative and closed the Estate by Order dated January 19, 2022 (attached as **Exhibit 7**).

Respondent Jones' Investigation into Location of Estate Assets

From before the time the Mt. Pleasant Property was sold, Petitioner has systematically refused Respondent Jones' requests for information as to the location and amount of the funds being held by Petitioner. Those requests, and Petitioner's responses, if any, to the same, are detailed in ¶¶ 13-17 of the Verified Petition for Appointment of Special Administrator (Ex. 6) and incorporated herein by reference.

After years of silence, Respondent Jones was forced to retain counsel to obtain information about the location and amount of Estate assets still in Petitioner's possession. After the undersigned contacted Petitioner's attorney and sent a letter demanding certain information, Petitioner filed his Application for Subsequent Administration, seeking to be reappointed as Personal Representative. See Verified Petition for Appointment of Special Administrator, ¶¶ 20-23.

After filing her Verified Petition for Appointment of Special Administrator, Respondent Jones and her counsel domesticated and served a number of subpoenas in Virginia to the ascertain the location and amounts of Estate funds still in Petitioner's possession. What she found was shocking.

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In short, Petitioner systematically drained the Estate's bank account, transferring the majority of its assets (approximately $1,450,000) to various accounts (including a money market account and a 12-month CD) in his individual name. Moreover, he spent over $40,000 of the Estate's funds **after** filing his Application for Subsequent Administration. In other words, Petitioner spent $40,000 of Estate funds at a time where he clearly knew that he was not the personal representative (given that he had a pending application requesting to be reappointed as personal representative).

As of March 1, 2023, the Estate of Veronique W. Pickett account at Atlantic Union Bank (Acct# 1141) (the "AUB Estate Account"), had a balance of $1,450,119.62. See **Exhibit 8** (3/31/23 account statement).[1] As of July 31, 2023, the balance was $824.62. See **Exhibit 9** (7/31/23 account statement).

On March 14, 2023, Petitioner wrote four checks from the AUB Estate Account, each in the amount of $250,000. See **Exhibit 10** (copies of checks). Each of those 4 checks was deposited into accounts, or used to open accounts, at different banks in Petitioner's individual name as follows:

- Check #1001 ($250,000) – opened Bay Port Credit Union – account #2183
- Check #1002 ($250,000) – deposited into ABNB FCU – account #7487
- Check #1003 ($250,000) – opened Bank of America – account #3979
- Check #1004 ($250,000) – opened TowneBank – account #0618

See **Exhibit 11** (BayPort acct. stmt. & agmt.); **Exhibit 12** (ABNB acct. stmt.); **Exhibit 13** (BOA acct. stmt. & agmt.); **Exhibit 14** (TowneBank acct. stmt. & agmt.).

Petitioner wasn't done. On May 24, 2023, he withdrew $450,000 from the AUB Estate Account. See **Exhibit 15** (5/31/23 account statement). These funds were deposited into a money

[1] These funds constituted the proceeds from the sale of the Estate's primary asset, real property located in Mt. Pleasant.

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market account in Petitioner's individual name at Atlantic Union Bank (Acct #2742). Also on May 24, 2023, Petitioner withdrew $150,105.79 from the ABNB #7487 account and deposited it into the money market account. The documentation (statement, deposit slips, account opening documentation) for the money market account (Atlantic Union Bank #2742) is attached collectively as **Exhibit 16**.

Mr. Pickett then used the $100,000 remaining in his ABNB #7487 account and apparently used it to purchase a 12-month CD. See **Exhibit 17** (ABNB account statement showing both ABNB accounts/deposit into 12-month CD account).

Mr. Pickett systematically drained the AUB Estate Account and transferred the assets to six different accounts at four different banks, with all accounts being titled in his individual name. Even if well-intentioned, these actions demonstrate that a Special Administrator is necessary to preserve the Estate and secure its proper administration.

Petitioner's Unauthorized Expenditures of Estate Assets

As set forth above, Petitioner opened an estate account at Atlantic Union Bank (#1141) and deposited therein the proceeds from the sale of the Estate's primary asset – real property located in Mt. Pleasant, SC. That account was opened in Octoboer 2020, shortly after the closing took place. In addition to that account, Petitioner had previously opened an Estate account at Bank of America (#5092) shortly after the Decedent passed on March 11, 2019 (the "BOA Estate Account"). The BOA Estate Account was opened on April 5, 2019, with a deposit of $70,000. See **Exhibit 18**. Presumably because he had already moved all of funds from the AUB Estate Account into various accounts in his own name, it is from the BOA Estate Account that Petitioner proceeded

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to spend in excess of $40,000 between July 1, 2023, and September 19, 2023. Those expenditures, all from the BOA Estate Account (#5092)[2] are as follows:

7/1/2023	Check to Lincoln Life Insurance	$	51.25
8/1/2023	Check to Lincoln Life Insurance	$	51.25
8/9/2023	$10,000 wire to Laquiere Legal Services (to hire atty for Katy)	$	10,000.00
8/15/2023	Check to Christopher Humphreys (CPA) (endorsed/deposited by Ferrara Law Firm)	$	2,500.00
8/24/2023	Check to Katy Anderson (but endorsed by and deposited into Ferrara Law Firm)	$	3,500.00
8/28/2023	Check to RPG Plumbing Services (Memo line says: "Katy's House (Repairs)")	$	3,105.77
8/30/2023	Check to Derek Haley (Memo line says: "Katy's House Repair")	$	275.00
8/30/2023	Check to Katy Anderson (Memo line says: "Draw from Estate")	$	3,000.00
8/31/2023	Check to Floor Decor (Memo line says: "Katy's Flooring")	$	2,297.73
8/31/2023	Check to "Scott Pickett" (Memo line says: "Payback Katy's Hotel")	$	1,619.14
9/5/2023	Check to "Denny Garcia" (Memo line says: "Katy's Floor Labor")	$	1,200.00
9/5/2023	Check to "James Lawson" (Memo line says: "Katy Anderson House")	$	150.00
9/12/2023	Check to "RPG Plumbing Services" (Memo line says: "Katy's House Labor")	$	590.65
9/18/2023	Check to Katy Anderson	$	2,000.00
9/19/2023	Check to "East Coast Centre for Cosm" (Memo line says: "Dr Chicky (Katy)")	$	5,485.00
9/19/2023	Check to Ferrara Law Firm	$	5,000.00
	Total:	$	40,825.79

See **Exhibit 19** (BOA #5092 statements/ checks).

Presumably, Mr. Pickett will argue that some of the expenditures were properly made distributions. However, Kathleen E. Anderson ("Katy") is not a devisee of the Estate. Her trust, of which Laura V. Jones is the Trustee, is a devisee. Even if well-intentioned, these expenditures exhibit Petitioner's persistent unwillingness to follow statutorily required administration procedures and illustrate both why he is unfit to serve as Personal Representative and why the

[2] A number of transfers from Petitioner's BOA #3979 account (opened with one of the $250,000 checks) were made to the BOA Estate Account (#5092) to cover the listed expenditures.

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Probate Court correctly determined that a Special Administrator was necessary to protect the Estate.

LEGAL ARGUMENT

Petitioner's Petition for Appointment of Successor Personal Representative must be denied as he has exhibited time and again that he is unfit to serve in any fiduciary capacity. He has persistently ignored and refused to follow court directives and the laws governing the administration and distribution of estate assets. In the years during which he previously served as Personal Representative, he never once filed even an initial inventory and appraisement. The only document filed was the Deed of Distribution to allow him to sell the Mt. Pleasant Property.

The fact that Petitioner may have priority to be appointed due to the fact that he is named in the Decedent's Will as the personal representative does not allow the conclusion that he is fit to serve in that capacity. The Court must still make an independent inquiry into Petitioner's suitability. See S.C. Code Ann. § 62-3-103 ("to acquire the powers and undertake the duties and liabilities of a personal representative of a decedent, a person must be appointed by order of the court, **qualify**, and be issued letters.") (emphasis added); see also S.C. Code Ann. § 62-3-203(e)(2) ("No person is qualified to serve as a personal representative who is… a person whom the court finds unsuitable in formal proceedings."). Even the most superficial inquiry compels a determination that Petitioner is not qualified. See In re McClam's Est., 245 S.C. 315, 320, 140 S.E.2d 478, 480 (1965) ("the granting of letters of administration is not automatic or mandatory as the person having the statutory priority may not be granted the administration if just cause be given").

Finally, the Probate Court, which is intimately familiar with this Estate and the proceedings to date, has correctly determined that the best interests of the Estate and those interested in it

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require the appointment of Mr. Gibson as Temporary Special Administrator and the refusal of Petitioner's attempt to assume the role as fiduciary of this Estate. See S.C. Code Ann. § 62-3-617 ("A special administrator appointed by order of the court in any formal proceeding has the power of a general personal representative except as limited in the appointment and duties prescribed in the order. The appointment may be for a specified time, to perform particular acts, or on other terms as the court may direct."). Not only is the appointment of a personal representative not necessary for the protection and administration of this Estate, the appointment of Petitioner as personal representative is not appropriate given his established disregard for fulfilling the duties of a fiduciary.

In conclusion, Respondent Laura V. Jones, as Trustee of the Laura V. Jones Trust as established under the Will of Veronique H.W. Pickett dated March 31, 1999, respectfully requests that this Court deny Petitioner's Petition for Appointment of Successor Personal Representative and grant Respondent Jones' Motion to Dismiss the appeal of the Order for Appointment of Temporary Special Administrator in C/A 2024-CP-10-00921.

SAXTON & STUMP, LLC

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Attorneys for Respondent Laura V. Jones

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STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON IN THE MATTER OF: VERONIQUE W. PICKETT BAYARD SCOTT PICKETT, JR. Petitioner, v. LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED BY THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999, AND AS TRUSTEE OF THE KATHLEEN E. ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999, Respondents/Defendants. v. KATHLEEN ANDERSON a/k/a KATHLEEN ELIZABETH ANDERSON, In her individual capacity, Party in Interest/ Counterclaimant.	IN THE COURT OF COMMON PLEAS CASE NO.: 2024-CP-10-00921 MOTION TO RECONSIDER ORDER DATED 4/24/2024

To: Judge McFadden, Elizabeth J. Palmer, Esq., and Eric B. Laquiere, Esq.:

PLEASE TAKE NOTICE that on the Tenth (10th) day following service hereof, or as soon thereafter as they may be heard, the Petitioner, Bayard Scott Pickett, Jr., by and through his undersigned attorney, will move before your honor for an Order pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure vacating the April 24, 2024 Order dismissing the appeal in this case. Counsel articulated these issues in Court, and by way of memorandum, and respectfully requests your honor to rule upon the following issues raised, but not addressed, in the April 24, 2024, order.

The pertinent facts and law the Court needs to address the motion are as follows: On February 2, 2024 Appellant filed and perfected his first appeal objecting to the failure to transfer

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this formal proceeding to the Circuit Court and challenging the appointment of a special administrator.[1] After the initial appeal was filed on February 2, 2024, the probate Court issued a new order directing the parties to recognize the appointment of the special administrator and produce documents and funds.[2] The notice of appeal was filed with this court on February 20, 2024.

At that moment the probate court issued the new order on February 2, 2024, the probate court had lost jurisdiction to issue further orders. The only jurisdiction that the probate court had was the authority to hear a motion to lift the automatic stay. In this matter, no motion to lift the automatic stay was issued. Thus, this Court was the only Court to issue an Order concerning the appeal that was filed on February 2, 2024.

Here, Appellant has asserted that the Order being appealed is void as the underlying proceeding should have been transferred to Circuit Court for a de novo trial pursuant S.C. Code Ann. §62-1-302(f)[3]. Moreover, South Carolina Appellate Court Rules 205 and 241 provides the appellate court with exclusive jurisdiction over matters on appeal. This Court's Order concerning

[1] See 2024-CP-10-00591
[2] See Order of Probate Court filed on February 8, 2024
[3] S.C. Code Ann. 62-1-302(f) "[n]otwithstanding the exclusive jurisdiction of the probate court . . . if an action described in subsection (d) is removed to the circuit court by motion of a party, or by the probate court on its own motion, the probate court may, in its discretion, remove any other related matter or matters which are before the probate court to the circuit court if the probate court finds that the removal of such related matter or matters would be in the best interest of the estate or in the interest of judicial economy. For any matter removed by the probate court to the circuit court pursuant to this subsection, the circuit court shall proceed upon the matter de novo."

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the appointment of a special administrator and all subsequent Orders concerning the special administrator are void *ab initio*.

1. <u>THE PROBATE COURT WAS WITHOUT AUTHORITY TO ISSUE A NEW ORDER CONCERNING THE SAME ORDER THAT WAS ON APPEAL.</u>

The Appellate Court Rules establish that the Probate Court lacked the subject matter jurisdiction to issues the Orders in Appeal #2 and Appeal #3. Rule 205, SCACR, provides the appellate court with exclusive jurisdiction over matters on appeal. The lower court may only proceed with matters not affected by the appeal. Rule 241 SCACR, in governing matters which are stayed while on appeal, provides:

"As a general rule, the service of a notice of appeal in a civil matter act to automatically stay matters decided in the order on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree. This automatic stay continues in effect for the duration of the appeal unless lifted by order of the trial judge, appellate court, or judge or justice thereof. The lower court retains jurisdiction over matters not affected by the appeal including the authority to enforce any matters not stayed by the appeal. The South Carolina Supreme Court has held that under Rule 205 and the last sentence of the above-quoted portion of Rule 241, the lower court may not act or issue orders that affect an issue on appeal. Under Rule 241, the lower court may act only to enforce matters not stayed by the appeal. *Arnal v. Frasier*, 641 S.E.2d 419, 371 S.C. 512 (S.C. 2007)

Here, the Appellant appealed the February 2, 2024, Order of the probate court for failing to transfer the matter and for appointment of a special administrator, C. Mac Gibson. In this appeal, the probate Court issued a new order after the appeal of the February 2, 2024, was filed and served. The Probate Court lacked Jurisdiction to issue the Orders that is the subject of this appeal because the exact issue of the appointment of special administrator was on appeal in case number 2024-CP-10-00591. The February 8, 2024, Order was issued without jurisdiction and as such the appeal to Circuit Court did not need to be perfected. In general, an appeal is perfected after the

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filing of the notice of intent to appeal with the lower court and the appellate court have been served on each court respectively. The filing of the intent to appeal gives the lower court the notice that an appeal is going to be filed. The law is well settled that the appeal is perfected after the notice of appeal is filed with the appellate court. *See Arnal* at 422.

The completion of filing the first appeal divested the lower court of jurisdiction. Here, it is true that the notice of appeal for the second appeal was served on the probate court one (1) day after the traditional time for service; however, the probate court did not have jurisdiction so the service of the notice of appeal was not required and was superfluous. It is undisputed that the probate court was timely served, and the original appeal was properly perfected by filing the notice of appeal of the Order appointing the special administrator in the first matter on February 2, 2024.

A. THE ORDER BEING APPEALED IN THIS MATTER IS THE IDENTICAL MATTER THAT WAS ON APPEAL IN THIS COURT IN CASE 2024-CP-10- 00591 AND THE STAY IN EFFECT, PURSUANT TO SCACR 241, DID NOT REQUIRE APPELLANT TO RE-SERVE THE PROBATE COURT.

Under Appellate Court Rule 241 once an appeal is filed, all matters are stayed until the appeal is resolved or a writ of supercedeas or Order lifting the stay has been entered. See *Arnal.* If the Court was without jurisdiction to issue the order, the Order is void *ab initio* and can be attacked on appeal at any time.

See Coon v. Coon which establishes that if the judge's order is void ab initio because the judge did not have jurisdiction to enter the order, then the order is a nullity. A void judgment is one that, from its inception, is a complete nullity and is without legal effect and must be distinguished from one which is merely voidable. *Thomas & Howard Co. v. T.W. Graham and Co*., 318 S.C. 286, 291, 457 S.E.2d 340, 343 (1995) (quoting 46 Am. Jur.2d Judgments 31 (1994)). The definition of void under the rule . . . encompasses . . . judgments

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from courts which lacked subject matter jurisdiction. *McDaniel v. U.S. Fid. & Guar. Co.*, 324 S.C. 639, 644, 478 S.E.2d 868, 871 (Ct. App. 1996) (internal quotations omitted); *see also Ross v. Richland County*, 270 S.C. 100, 103, 240 S.E.2d 649, 650 (1978) (holding that if a court is without jurisdiction of the subject matter, any action with respect to such a cause, other than to dismiss it, is absolutely void (quoting *Fox v. Board of Regents of Univ. of Mich.*, 134 N.W.2d 146, 148 (Mich. 1965))).

In an unreported decision of the South Carolina Court of Appeals in *Conner v. Slotchiver*, 2009-UP-502 (filed October 9, 2009) articulated the interplay between SCACR 205 and 241 in a probate matter concerning the acts of the probate court and the special administrator. The Court of Appeals held that a probate court was without the authority to issue subsequent orders that were affected on appeal without first lifting the automatic stay per SCACR 241 and the actions that flowed from that Order by the special administrator were void.

On February 2, 2024, Appellant filed and perfected his first appeal. At that moment, the probate court lost jurisdiction to issue further orders except it did have the authority to hear a motion to lift the automatic stay if a motion was made. In this matter, no motion to lift the automatic stay was issued and thus this Court was the only Court to issue an Order concerning the appeal that was filed on February 2, 2024. Just as in *Conner v. Slotchiver*, the Court should hold the actions of the probate court were void ab initio. As such, Appeal #2 was not required to be served on the probate court because the probate court already lost jurisdiction to issue any orders.

II. The Order being appealed is not interlocutory and is final and reviewable.

In general, only final orders are appealable, notwithstanding the subject matter issues. "See *Fulmer*

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v. Cain, 380 S.C. 466, 670 S.E.2d 652 (2008) (holding only final orders from the probate court are appealable under section 62-1-308)." *Dorn v. Cohen*, 809 S.E.2d 53, 421 S.C. 517 (S.C. 2017).

Here, the appointment of a special administrator is a final order. See *Ex parte Small*, 69 S.C. 43, 46,48 S.E. 40, 41 (1904) (finding an order appointing an administrator was a final order and was immediately appealable). In fact, the Court of appeals has repeatedly held that failure to appeal the appointment of a special administrator results in the appointment becoming the law of the case and a later appeal is waived for lack of issue preservation.

Here, Appellant has asserted that the Order being appealed is a final order. There is nothing more for the probate court to do. Moreover, the Order was void as the probate court did not have the jurisdiction to issue a second order when that exact matter was on appeal with this court.

CONCLUSION

For the foregoing reasons, Appellant respectfully requests that the Court Order of April 24, 2024, be vacated and that the matter be allowed to proceed with a full review on appeal.

May 6, 2024

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ELECTRONICALLY FILED - 2024 May 06 11:01 PM - CHARLESTON - COMMON PLEAS - CASE#2024CP1001325

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON IN THE MATTER OF: VERONIQUE W. PICKETT BAYARD SCOTT PICKETT, JR., Petitioner, Vs. LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JOINES TRUST AS ESTABLISHED BY THE WILL OF VERONIQQE H.W. PICKETT DATED MARCH 31, 1999 AND AS TRUSTEE OF THE KATHLEEN E. ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999, Respondents/ Defendant(s) Vs. KATHLEEN ANDERSON aka KATHLEEN ELIZABETH ANDERSON, in her individual capacity, Party in Interest / Counterclaimant.	IN THE COURT OF COMMON PLEAS FILE NO.: 2024-CP-10-01325 **MOTION TO RECONSIDER PURSUANT TO SCRCP RULE 59e**

YOU WILL PLEASE TAKE NOTICE that Kathleen Anderson moves, by and through her undersigned attorney, that this Court reconsider its Order Denying Petition for Appointment of Successor Personal Representative.

This Court should vacate its Order denying the petition, and should notice an evidentiary hearing on the issue; where sworn witnesses will testify under oath, subject to cross examination. At the conclusion of the evidentiary hearing, the Court should make its findings of fact, and render its decision.

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Issue I.

The Petitioner was designated as personal representative by virtue of the Last Will and Testament of the deceased and further the Petitioner has statutory priority as personal representative under the plain language of the South Carolina Probate Code. The Court erred in finding "Petitioner is unsuitable" under SC Code 62-3-203 (e)(2) without granting the Petitioner , and Ms. Anderson (a party in interest as a 25% beneficiary), an evidentiary hearing; where witnesses are called, sworn in, and testify subject to cross examination. This violates the procedural due process rights of Ms. Anderson (as well as the petitioner) which are guaranteed by the United States Constitution and the South Carolina Constitution.

Issue II.

The Court erred by making findings of fact and conclusions of law based upon those factual findings, where the Petitioner, and Ms. Anderson (a party in interest as a 25% beneficiary), were both denied an evidentiary hearing to present witnesses, and were denied the right to cross examine witnesses for Respondent Jones. This violates the procedural due process rights of Ms. Anderson (as well as the petitioner) which are guaranteed by the United States Constitution and the South Carolina Constitution.

Issue III.

Refusal to appoint a personal representative designated by the Will is akin to removal of a personal representative. The Court erred in "removing" the personal representative without satisfying the inquiry required by SC Code 62-3-611; and by acting in a summary proceeding which denies the petioner, and Ms. Anderson (as a party in interest as a 25% beneficiary) their constitutionally guaranteed rights of procedural due process. Ms. Anderson, as a party in interest under the Last Will and Testament, is entitled to have the Testator's intent followed; including the right to have the estate administered by the personal representative designated in the Will. Before the Court denies Ms. Anderson the right to have the estate administered consistent with the language of the Will, the Court must hold an evidentiary hearing, consider only admissible evidence, and subject all witnesses to cross examination.

Issue IV.

The Court erred in that every single statement of "findings of fact and conclusions of law" numbered one through five (1-5) contains statements of fact that are either (a) clearly erroneous, (b) not based upon admissible evidence in the record, (c) nothing more than pure conjecture, (d) included conclusions of law on issues that were not before the Court,

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or (e) violate procedural due process because there was no evidentiary hearing, no witness, and no cross examination.

I SO MOVE.

Laquiere Legal Services LLC

__/s/ Eric Laquiere_____
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Attorney for Kathleen Anderson

Charleston, South Carolina
May 6, 2024

THE STATE OF SOUTH CAROLINA
In the Court of Common Pleas

APPEAL FROM CHARLESTON COUNTY
Probate Court

Judge George M. McFaddin, Jr.

Probate Case No. 2019-ES-10-00394
Case No.: 2024-CP-10-01325

In re: Veronique W. Pickett

Bayard Scott Pickett, Jr.,

Appellant,

v.

Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett Dated March 31, 1999 and as Trustee of the Kathleen E. Anderson Trust as Established under the Will of Veronique H.W. Pickett Dated March 31,1999,

Respondents.

NOTICE OF APPEAL

Bayard Scott Pickett, Jr. appeals the order of the Honorable Judge George M. McFaddin, Jr. dated April 24, 2024, denying Petition for Appointment of Successor Personal Representative. Appellant received written notice of entry of this order on April 24, 2024. Appellant also is appealing the Order Denying the Motion to Reconsider dated June 11, 2024. Appellant received written notice of entry of this order on June 11, 2024.

FERRARA LAW FIRM, PLLC
s/ Paul B. Ferrara, III
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June 21, 2024

Other Counsel of Record:

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PROOF OF SERVICE

I certify that I have served a copy of the notice of appeal by emailing a copy to Judge George M. McFaddin, Jr. at gmcfaddinj@sccourts.org, Elizabeth J. Palmer, Esq. at ep@saxtonstump.com, and Eric B. Laquiere at eric@laqlaw.com on June 18, 2024.

/s Paul B. Ferrara, III
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Attorney for Appellant

ELECTRONICALLY FILED - 2024 Jul 29 12:42 PM - CHARLESTON - COMMON PLEAS - CASE#2024CP1000921

THE STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

Appeal from Charleston County
Probate Court

David L. Michel, Associate Judge of Probate

Probate Case No. 2019-ES-10-00394
Appellate Case No.: 2024-CP-10-00921

In re: Veronique W. Pickett

Bayard Scott Pickett, Jr.,…….. . . . . Appellant,

v.

Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett Dated March 31, 1999 and as Trustee of the Kathleen E. Anderson Trust as Established under the Will of Veronique H.W. Pickett Dated March 31,1999…… . . . . . …… Respondents.

RESPONDENT LAURA V. JONES'S MOTION FOR RECONSIDERATION

TO: APPELLANT AND HIS LEGAL COUNSEL:

PLEASE TAKE NOTICE that the undersigned attorneys for Respondent Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett dated March 31, 1999, will move before the Presiding Judge of the Ninth Judicial Circuit at the Charleston County Courthouse, or at such other office as the Court may direct, after ten (10) days from the date of service hereof or at such time and place as the Court may direct, for an Order reconsidering and withdrawing the "Consent Order to Deposit Funds Into the Court and Stay Enforcement of Judgment" (attached as **Exhibit 1**). This "Consent Order" was entered on July 17,

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2024.

First, Respondent Jones did not consent to the "Consent Order" as it is written. On July 8, 2024, counsel for Appellant emailed the undersigned and asked: "Will your client consent to deposit funds with the Court?" The undersigned responded: "Yes". See **Exhibit 2**. On July 11, 2024, counsel for Appellant emailed the proposed Consent Order to the undersigned at approximately 11:04 AM. See **Exhibit 3**. Before Respondent Jones or her counsel reviewed or indicated consent to the proposed Consent Order, counsel for Appellant emailed again, at 12:31 PM, indicating that the proposed Consent Order was being submitted. See **Exhibit 2**. It was not until after it was entered, on July 17, 2024, that Respondent Jones realized that: 1) it had been filed in this Court, as opposed to the Charleston County Probate Court; and 2) it contained language (albeit only in the caption) pertaining to "Stay Enforcement of Judgment". While likely the result of an honest mix-up, the fact is that Respondent Jones did not consent to the "Consent Order". Additionally, Respondent Jones does not believe that this Court has jurisdiction to enter the Consent Order and Respondent Jones does not consent to the deposit of the Estate funds in question with the Circuit Court. This particular matter was an appeal from the Probate Court. By Order entered on April 24, 2024 (attached as **Exhibit 4**), the Circuit Court dismissed the appeal and remanded this matter to the Probate Court. Finally, the attached emails demonstrate that this language, concerning a stay of a judgment, was not addressed in any way prior to the Consent Order being submitted and it is unclear what effect, of any, this language in the caption may have.

WHEREFORE, Respondent Jones prays that the Court reconsider and/or withdraw the "Consent Order to Deposit Funds Into the Court and Stay Enforcement of Judgment", award attorney's fees and costs incurred in bringing this Motion and grant such further relief as the Court deems appropriate.

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SAXTON & STUMP, LLC

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Attorneys for Respondent Laura V. Jones

July 29, 2024
Charleston, SC

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THE STATE OF SOUTH CAROLINA
In the Court of Common Pleas

RECEIVED
Aug 16 2024
SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Probate Court

Judge George M. McFaddin, Jr.

Probate Case No. 2019-ES-10-00394
Appellate Case No.: 2024-CP-10-00921

In re: Veronique W. Pickett

Bayard Scott Pickett, Jr.,

Appellant,

v.

Laura V. Jones, as Trustee of the Laura V. Jones Trust as Established by the Will of Veronique H.W. Pickett Dated March 31, 1999 and as Trustee of the Kathleen E. Anderson Trust as Established under the Will of Veronique H.W. Pickett Dated March 31,1999,

Respondents.

NOTICE OF APPEAL

Bayard Scott Pickett, Jr. appeals the order of the Honorable Judge George M. McFaddin, Jr. dated April 24, 2024 and Order denying Appellants motion to reconsider filed on August 12, 2024. Appellant received written notice of entry of these orders on April 24, 2024 and August 12, 2024 respectively.

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August 16, 2024

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FLF209
Aug 16 2024
SC Court of Appeals

PROOF OF SERVICE

I certify that I have served a copy of the notice of appeal by emailing a copy to Judge George M. McFaddin, Jr. at gmcfaddinj@sccourts.org, Elizabeth J. Palmer, Esq. at ep@saxtonstump.com, and Eric B. Laquiere at eric@laqlaw.com on August 16, 2024.

/s Paul B. Ferrara, III
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IN THE PROBATE COURT
FOR THE STATE OF SOUTH CAROLINA
CHARLESTON COUNTY

TRANSCRIPT OF HEARING PROCEEDINGS:
SEPTEMBER 22, 2023

IN RE: THE ESTATE OF
VERONIQUE W. PICKETT

CASE NO. 2019-ES-10-00394

DATE: SEPTEMBER 22, 2024

TIME: 9:00 A.M.

LOCATION: CHARLESTON COUNTY PROBATE COURT
84 Broad Street, 2nd Floor
Charleston, SC 29401

REPORTED BY: ABBY BISHOP
CLARK BOLEN
P.O. Box 73129
Charleston, SC 29415
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A P P E A R A N C E S

BEFORE THE HONORABLE DAVID MICHEL

ON BEHALF OF LAURA JONES:

SAXTON & STUMP
BY: ELIZABETH J. PALMER
151 Meeting Street, Ste. 400
Charleston, SC 29401

ON BEHALF OF BAYARD SCOTT PICKETT, JR.:

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ON BEHALF OF KATHLEEN ANDERSON:

LAQUIERE LAW FIRM
BY: ERIC LAQUIERE
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I N D E X

BAYARD SCOTT PICKETT PAGE
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E X H I B I T S

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JUDGE MICHEL: Good morning, everyone. I'm Associate Judge David Michel with Charleston County Probate Court. Today is September 22nd, 2023. This is the Estate of Pickett. Case number 2019-ES-10-00394.

We are here today on a hearing for an amended petition for the appointment of a special administrator. The petitioner is Laura Jones, who I understand is not here today.

MS. PALMER: Correct.

JUDGE MICHEL: Okay. And Elizabeth Palmer --

MS. PALMER: Yes, Your Honor, that's me.

JUDGE MICHEL: -- represents Ms. Jones.

MS. PALMER: Yes, Ms. Jones.

JUDGE MICHEL: Okay. And then I have respondent, Bayard Scott Pickett, Jr., and he's represented by Attorney Paul Ferrera.

MR. FERRERA: Good morning, Your Honor.

JUDGE MICHEL: Good morning. And I have Kathleen Anderson, respondent, who is not here today; is that correct?

MR. LAQUIERE: Yes, Your Honor. She's still in Virginia.

JUDGE MICHEL: Okay. And she is

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represented by Eric --
MR. LAQUIERE: Laquiere.
JUDGE MICHEL: Laquiere?
MR. LAQUIERE: Yes, Your Honor.
JUDGE MICHEL: Good to see you again, Mr. Laquiere.
MR. LAQUIERE: It has been a while.
JUDGE MICHEL: Yes. Good to see you. And are you Mr. Pickett?
MR. PICKETT: Yes, sir.
JUDGE MICHEL: Thank you for being here today. Good to see you. I understand that we also have here today the proposed special administrator, Mr. Ray. Good to see you.
MR. RAY: Good morning, Your Honor.
JUDGE MICHEL: Good morning. And then we have a potential witness also, correct?
MR. FERRERA: Yes.
JUDGE MICHEL: Great. Thank you so much. Good to see everybody here today. Let me just go through the procedural history so that we are all on the same page and y'all can chime in. The attorneys can chime in if something is different or inaccurate.
It appears that on May 19th, 2023,

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Mr. Pickett -- and correct me if I'm saying the name wrong.
MR. PICKETT: That's correct.
JUDGE MICHEL: And how do you say your mother's name?
MR. PICKETT: Veronique.
JUDGE MICHEL: Veronique -- filed a petition for subsequent administration. He was the prior PR and filed what is called an informal application for subsequent administration.
On May 31st, petitioner -- we're going to call Ms. Jones the petitioner. That's easier because of the proceeding we're here today on. Ms. Jones filed an objection to this appointment as subsequent PR.
Then on June 27th, Ms. Jones filed a petition -- a formal petition for appointment of a special administrator. Mr. Pickett filed an answer with a demand for a jury trial on August 4th, 2023.
Let the record reflect that you can have a jury trial on numerous issues. One of them is not for the appointment of a special administrator or a PR, but I believe there was other stuff alleged in that answer that you can

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have a jury trial on. So that's why we're just hearing this portion today in front of a judge.
Then on August 18th, Ms. Kathleen Anderson filed a motion to intervene. We have her attorney here today. That motion was granted. I'm not sure if an order was signed or not. I cannot remember. Was there an order signed?
MR. LAQUIERE: There was confirmation of some sort.
JUDGE MICHEL: Yes, there was confirmation, but I don't know if there's an actual order out there. But we did allow Ms. Anderson to intervene.
On August 18th, 2023, Ms. Anderson also filed for removal and replacement of trustee for Kathleen Elizabeth Anderson. It was removing Ms. Jones as trustee and replacing her with Mr. Pickett.
Then on August 21st, 2023, Ms. Anderson filed an answer, counterclaim, and cross-claim. On September 5th, Ms. Jones filed a motion to dismiss Ms. Anderson's counterclaims.
Those are not being heard here today. Those are items that can be heard later on once

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we have either appointment of a PR or a special administrator.
On September 20th, Ms. Jones filed through her attorney a memorandum in support of petition for appointment of SA. Okay. Does that seem to be where we are?
MS. PALMER: Your Honor, I wasn't aware that the motion to intervene had been granted. I don't think I was given an answer to that, but -- just for the record.
JUDGE MICHEL: Okay.
MS. PALMER: I'm sure I can get that afterwards.
JUDGE MICHEL: Okay. Thank you so much. And then proof of delivery was provided. There is no one objecting to proof of delivery or notice, correct? We're all ready to proceed? Okay. All right.
Since this is an amended petition for appointment of special administrator, I guess my first question -- I know there's an objection going back to the original informal appointment of subsequent PR that then got us to this amended summons and complaint. So do you want to start with petitioner?

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Ms. Jones will start as petitioner; is that correct?

MS. PALMER: Yes, Your Honor.

JUDGE MICHEL: Okay. I just want to make sure we're all on the same page, you know, because your client started as petitioner. Then it went to formal and she became the petitioner. So is that agreeable to the lawyers?

MR. FERRERA: I mean, Your Honor, actually, when I think about it, we filed a motion for subsequent administration, but I understand it's before the Court, correct, Your Honor?

JUDGE MICHEL: Yes.

MR. FERRERA: Okay. And so in that regard, I want to go first and have Mr. Pickett testify about that.

JUDGE MICHEL: Okay. And that is procedurally what happened first. Is that agreeable?

MS. PALMER: That is -- was the first.

JUDGE MICHEL: Okay. Thank you so much. And let the record reflect the filings. The Court appreciates the detailed filings. There has been very detailed filings in this case.

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It's been very helpful for the Court the way the lawyers have pled their -- both of their parties' positions. So if you want to call Mr. Pickett.

MR. FERRERA: Yes, Your Honor. May I please the Court?

JUDGE MICHEL: Yes.

MR. FERRERA: I will call Bayard Scott Pickett to the stand.

JUDGE MICHEL: Okay. And, sir, watch your head. That light fixture hangs over. And before you sit down, if you will place your left hand on that Bible and raise your right hand.

BAYARD SCOTT PICKETT,

having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. FERRERA:

Q. Mr. Pickett, can you tell the Court where you currently reside?

A. Virginia Beach, Virginia.

Q. Okay. And you made the trip from Virginia Beach down to Charleston to be here to testify, obviously?

A. Yes.

Q. And Judge Michel is hearing this matter.

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We are talking about the petition for subsequent administration regarding your mother's estate, Veronique Pickett.

And if you could briefly just tell the Court -- I guess we'll start with, your mother passed on December 18th, 2018?

A. Correct.

Q. Okay. If you could tell the Court, in general, what steps you took after your mother's passing with respect to this estate, and then we'll go through specifics -- as best as you can recall. And we can start with maybe meeting with Mr. Flanagan, Sean Flanagan.

A. Yeah, Sean was the attorney for my accountant, Shirley Decker.

Q. I guess chronologically let's start -- you met with Mr. Flanagan in January of 2019?

A. Yes.

Q. Okay. And did you -- you retained Mr. Flanagan to handle the estate; is that correct?

A. That's correct.

Q. We're just giving background to the Court. In general, can you tell the Court what your understanding was of your mother's wishes

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regarding her estate? And if you'd like to briefly just go back to your father when your father was alive and how we got to your mother's estate because it's important -- in general. I mean, your father passed away in --

A. 2009.

Q. -- 2009. Okay. And in his estate, you were appointed as trustee and --

A. Yes.

Q. -- handled his affairs -- personal representative and trustee?

A. Right.

Q. Okay. And you handled that properly, and Judge Curry signed an order and your father's -- your father's estate was opened in Charleston, correct?

A. Correct.

Q. Okay. And the reason it's opened here in Charleston is because your parents owned property over in Old Town, Mount Pleasant, correct?

A. Correct.

Q. And your father passed away and you handled his affairs?

A. Yeah, I took care of my mother with

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Alzheimer's for ten years. I moved her to Virginia Beach. We rented the property and used the money to take care of my mom.

Q. Just so the Court understands, your mother lived at 213 King Street in Mount Pleasant after your father's passing for a short period of time?

A. Yes.

Q. And then it became clear that your mother needed more daily assistance?

A. Yes.

Q. And so you provided for your mother's care and moved her from Mount Pleasant to Virginia Beach with you and your wife?

A. Yes.

Q. Okay. And during that time, you were the trustee of a trust that was created from your father's Will, and you were also the personal representative of your father's estate?

A. Yes.

Q. Okay. And then when your mom ultimately passed -- and I'm sorry about that -- in December of 2018, you were saying you met with Mr. Flanagan.

Did you talk with Mr. Flanagan about

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what your mother's wishes were regarding the estate and what your responsibilities would be concerning her estate?

A. Exactly.

Q. Can you tell the Court, in general, what your understanding was of your role in your mother's estate?

A. It was to continue what I was doing to hold it in trust.

Q. Okay. And your mother -- so you ultimately hired Mr. Flanagan to open a probate estate for your mother in Charleston County, correct?

A. (Witness nodded head).

Q. Okay. And were there any questions at the time that you hired Mr. Flanagan about what filings were needed to be completed with the Court and how the interplay between the probate and nonprobate assets of the trusts were going to be handled?

A. I was relying on him to handle that.

Q. So you retained Mr. Flanagan, paid a retainer, he opened the estate, and you were appointed the personal representative of your mother's estate?

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A. Correct.

Q. Okay. And if you can tell the Court, in general, what your recollection was about how it came to be that you no longer had Mr. Flanagan -- or what happened next as you got a call regarding the trust and the property on King Street.

A. Yeah, it got complicated there. Sean left the law firm down the street. I think he moved to Summerville somewhere.

At the same time, we had the accountant doing things -- lawsuit came about from a renter on mold.

Q. And that was Duke Highfield?

A. Duke Highfield.

Q. Who's also a member of the bar here. He filed the lawsuit against --

A. Yes.

Q. -- you and your mother's estate?

A. I believe it was.

Q. Or your father's estate rather?

A. My father's. Yes.

Q. He filed suit against your father's estate and claimed damages?

A. Yes.

Q. Do you recall when approximately that

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was -- the lawsuit was filed?

A. September.

Q. About three years ago?

A. About three years. Yeah.

Q. Okay. So it was 2023. So this lawsuit, we're talking back to September of '20?

A. Yeah, it was three years ago.

MS. PALMER: December of '19.

MR. FERRERA: December of '19? Okay.

Q. (MR. FERRERA) And so the lawsuit was filed. Tell the Court what happened next.

A. I hired you --

Q. Okay.

A. -- and I put the house for sale. Both houses. And it sold --

Q. Okay.

A. -- about a year later.

Q. Will you tell the Court how much -- do you know how much money your mother had in her trust and your father's trust for that matter at the time that your mother passed in December of 2018?

A. I believe it was around $80,000 -- somewhere in there.

Q. Okay. And that money was held by you as

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trustee in what bank?
A. Bank of America.
Q. Bank of America? Okay. And from that time, what did you do with the proceeds out of Bank of America, if anything?
A. I paid funeral costs, tax bills.
Q. The expenses of the --
A. A lot of expenses.
JUDGE MICHEL: Let me interrupt here and ask a question. This may move this along. It appears that the estate was open, and there was a deed done on September 2020. The deeds -- the decedent's interest half. But I'm not aware of an inventory that was ever filed.
Are you aware of an inventory that was ever filed?
MR. FERRERA: No, I'm not aware of an inventory that was filed.
JUDGE MICHEL: Okay. Are you aware of an interim accounting that was ever filed?
MR. FERRERA: No.
JUDGE MICHEL: Okay. Thank you.
MR. FERRERA: Thank you.
Q. (MR. FERRERA) So, Mr. Pickett, the conversations you had with Mr. Flanagan about

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your responsibilities as personal representative and trustee of the Veronique Pickett trust, do you recall speaking with Mr. Flanagan about what you were required to do in this action?
A. Fulfill my obligations.
Q. Okay. Your obligations you said to pay bills?
A. Pay the bills, take care of the property.
Q. Okay. Ultimately, did the assets -- well, let's go back. Let's start with -- so you met with the attorney and were advised to pay bills. You mentioned you met with a CPA.
A. Yes.
Q. Okay. What was the name of the CPA?
A. At that time, Shirley Decker.
Q. Shirley Decker? Okay. Shirley Decker advised you on how to distribute trust proceeds? Or what did Shirley Decker do for you so you can tell the Court?
A. The trust proceeds were spent. The only money was to sell the house and the house was sold.
Q. Okay.
A. So before that, the $80,000, that went

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quick.
Q. Okay. And moving along in saying that you sold the house. Can you tell the Court how much you sold the house for?
A. $4 million.
Q. $4 million? Okay. And the proceeds from the sale of the house, can you tell the Court --
MR. FERRERA: Your Honor, I'd like to mark this document -- closing statement, I guess as -- what were you saying, Your Honor, we'd be the, I guess --
JUDGE MICHEL: You want to just call you --
MR. FERRERA: -- petitioner?
JUDGE MICHEL: I think we ought to call you respondent because you filed an informal and then there was a formal action, so let's call you respondent.
MS. PALMER: I believe so in the application and petition for (inaudible).
JUDGE MICHEL: Yes. So is that correct for you? This is respondent?
(Exhibit No. 1 was marked for identification.)

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MR. FERRERA: Your Honor, I've marked Respondent's 1, and I understand there's no admissibility. It's a settlement statement from 213 and 215 King Street dated September 29th, 2020. I understand I'll have to move that into evidence, Your Honor.
Q. (MR. FERRERA) Mr. Pickett, I'm handing you Respondent's Number 1. It's in evidence. That's the settlement statement from the property?
A. Yes.
Q. Okay. Can you tell the Court looking at that settlement statement what happened to the proceeds from 213 and 215 King Street?
A. Half of it was split up and half was left in the trust.
Q. Okay. And with respect to Laura Jones who filed a petition, was Laura Jones provided disbursement from that sale?
A. Yes.
Q. And the remaining portion that went into the estate, totaled how much money?
A. It was 15.
Q. Take a look at that settlement statement and if you would let the Court know.

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A. $1,760,423.15.
JUDGE MICHEL: Say that again, please.
MR. PICKETT: $1,760,423.15.
JUDGE MICHEL: Went to the estate? Is that what you're testifying to?
MR. PICKETT: To the estate of Veronique Pickett.
JUDGE MICHEL: And what was the date of that transaction -- that settlement statement?
MR. PICKETT: March 31st, '99.
MR. FERRERA: No, it's (inaudible).
MR. PICKETT: Okay. There it is. September 29th of 2020.
Q. (MR. FERRERA) And so tell the Court what -- where did the $1.76 million dollars -- where did those proceeds get wired to?
A. The Bank of Hampton Roads, which is now Union Bank.
Q. And that money was held in that account for the benefit of the estate and the beneficiaries?
A. I held it in trust. Yes.
Q. Okay. Can you tell the Court what you did next with respect to disbursing those funds or what happened next?

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A. The lawsuit, we left it in there to see what happens. I guess it was almost three years.
Q. When you say the lawsuit, do you mean the Duke --
A. From Duke Highfield.
Q. So the Duke Highfield lawsuit that was pending, that lawsuit concerned this property?
A. Yes.
Q. Okay. And the estate of Bayard Scott Pickett was a named defendant in that lawsuit?
A. Yes.
Q. Okay.
JUDGE MICHEL: All right. Can we back up a second for my clarification? You said half of the proceeds were split. Half went in trust. Okay? You testified that $1,760,000 and change went to the estate account or the trust account?
MR. FERRERA: It went to the trust. Can I look at the account, Your Honor?
JUDGE MICHEL: Trust for his mother?
MR. FERRERA: Yes.
JUDGE MICHEL: Okay. Where did the other half of the money go?
MR. PICKETT: 440 to Laura Jones. 440 to Kathleen Anderson. Closing costs, taxes.

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JUDGE MICHEL: So the other half was split between you getting 50 percent of the other half and them each getting 25 percent, them being the granddaughters?
MR. PICKETT: That's correct. Yes, sir.
JUDGE MICHEL: Okay. Did that go to a trust that you were trustee of?
MR. PICKETT: Yes.
JUDGE MICHEL: Okay. And Laura Jones would have received hers in trust and for Kathleen, correct?
MR. FERRERA: Yes, Your Honor.
MR. PICKETT: Yes.
MR. FERRERA: And just to speed things along, Your Honor, from what I understand, I think there will be a stipulation to this. The 440 went to Laura Jones, individually. And 440 went to Kathleen as -- Laura Jones as trustee for Kathleen Jones.
And the reason, Your Honor -- just by way of background -- it happened this way, so whenever we did the closing with Hellman Yates, they took the position that the property, the status of the title was such that 50 percent went through the Bayard Scott Pickett trust, which is

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the prior estate, and 50 percent is in Veronique Pickett trust.
I respectfully disagreed with them, but it didn't matter anyway because the money was flowing. And so we signed the deed of distributions pursuant to their request to basically do a belts-and-suspenders approach, and that's how the deed of distribution came about in this case.
But there is no dispute, Your Honor, that the property was sold for $4,000,000, and 50 percent of the proceeds is for the benefit of the Veronique Pickett trust.
MS. PALMER: There's a dispute.
MR. FERRERA: Okay. There is? Okay. And then -- but if there's a dispute on that, I guess we can't stipulate to that. But I can have my client testify to where the proceeds went.
JUDGE MICHEL: Okay. Just cleaning up. Okay. Great. And let the record reflect, I'm looking at that now so keep going.
Q. (MR. FERRERA) So, Mr. Pickett, if you can tell the Court -- the judge asked you specifically -- and I want to be clear about Laura Jones' proceeds. To your understanding,

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the proceeds -- the $440,000 was wired directly to Laura Jones and she has received that money?
A. Correct.
Q. Okay. And with respect to Kathleen Jones, the $440,000 reflected on the settlement statement that's Respondent's Exhibit 1, those proceeds were wired to Laura Jones as trustee for the benefit of Kathleen Jones?
A. Correct.
Q. And the $880,000 on the settlement statement was wired to you individually?
A. Correct.
Q. And the $1.76 million dollars that you testified to, that was wired into an account for the benefit of the trusts that were created under your mother's Will?
A. Yes.
Q. Is that your understanding?
A. That's my understanding.
Q. Now the money -- if you'll tell the Court about the money, that's what we're here about. The money that was wired, the $1.76 million, which account was that money wired to or which bank?
A. Union Bank.

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Q. Union Bank? Okay. And then I asked you earlier about the disbursement of those proceeds.
What did you do next with respect to the disbursement of those proceeds? And if you'll tell the Court what you did next with that money.
A. Well, we had attorney's fees. We had CPAs, tax. There were some going to tax. I gave Laura Jones close to $150,000 -- close. And it's still there. The money is still -- I moved the money when the banks were failing for the 250 each bank. So I started moving money thinking that my bank was going to fail to protect the interest of everyone.
Q. Okay. And I'm going to jump around.
JUDGE MICHEL: Mr. Ferrera, I just kind of want to get to the point here. The point of this action is to either appoint him as a PR or have a special administrator and I think we're getting a little in the weeds.
You know, my main concern is there's never been an inventory filed with the Court regarding estate assets. There's never been an interim accounting filed with the Court.
And I understand what you're saying, that he had legal advice, that he had this, that,

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and the other, but there's nothing in here to track where -- when I say here, I'm pointing to my computer screen because we have electronic filings. There's nothing in here to track what has been done, so go ahead.
MR. FERRERA: Thank you, Your Honor. I'm pleased to address that. I'll stay focused on this, and then we'll get back into the weeds on the second part.
Q. (MR. FERRERA) Let's just briefly give the court some procedural history. During this time in the Duke Highfield litigation with respect to your mother's estate, did you direct my office to file a motion for extension to file the required documents that the court is asking about today?
A. Yes.
Q. Okay. And was that done to your knowledge?
A. Yes.
Q. Multiple times, correct?
A. Correct.
Q. And at some point in time, Judge Condon issued an order to your understanding in this case? See if this refreshes your recollection.

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MR. FERRERA: Your Honor, may I approach?
JUDGE MICHEL: Yes, of course.
Q. (MR. FERRERA) And on January 19th, Judge Condon issued an order administratively closing the estate for failure to file documents.
A. I believe Sean Flanagan did file that inventory that we were just talking about.
Q. Okay. Well, okay.
A. The law firm down the street.
Q. Okay. He did not file just so you know. He didn't file, but that's okay.
During this time, the Court was aware and granted two extensions to file paperwork for the accounting, the inventory, and appraisement.
You can tell the Court what your reasoning and methodology was for not filing an inventory and appraisement or directing your attorney to file anything conditional after Judge Condon filed an order administratively closing the estate granting leave to re-file.
A. The inventory --
Q. The total value of the estate. I'm talking about the filings that were required to tell -- to report to the public what the value of

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your mother's estate was.
A. It was the cash from selling the home.
Q. I'm asking questions that -- was there a calculated decision that you can explain to the Court about why you didn't file the inventory and appraisement?
A. I don't think so.
Q. Was it because you didn't want Mr. Highfield to know?
A. Oh, yeah. Yeah, we were having a lawsuit.
Q. Okay. Now the property that was the subject of the lawsuit was the property -- the sole property of this estate.
A. Duke Highfield (inaudible).
Q. Okay. Ultimately, the estate or the lawsuit was settled?
A. Yes.
Q. Okay. And the best that you recall, the May 23rd, 2021 the stipulation of dismissal was settled?
A. Yes.
Q. Okay. And if you could tell the Court that you recall that on that same day that the stipulation of dismissal was filed, there was a

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motion that's before the Court today to reopen the estate?
A. The day after. Right now.
Q. Now, are you familiar with the Will, your mother's Will, that's been probated in this case, in general?
A. In general.
Q. Okay. Were you named as a personal representative in that Will?
A. Yes.
Q. And have you fulfilled your obligations with respect to preserving your mother's estate and these trusts?
A. Absolutely.
Q. Okay. And all of the proceeds that are at issue in this case, are they still in all of the banks?
A. They're all there.
Q. Okay. Have you ever made any disbursements to yourself or to anyone other than Laura or Kathleen?
A. No.
Q. Okay. Have you met with your CPA regarding the inventory and appraisement of this estate, in general?

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A. In general. Yes.
Q. Who is your CPA?
A. The new one?
Q. Yes.
A. He's sitting right here.
Q. Mr. Humphries?
A. Mr. Humphries.
Q. And you filed -- you have an inventory and appraisement filed with the Court that you signed yesterday?
A. Correct.
MR. FERRERA: Your Honor, I'm showing you what's been marked as Respondent's Number 2.
(Exhibit No. 2 was marked for identification.)
JUDGE MICHEL: You can take this back. Thank you.
Q. (MR. FERRERA) Mr. Pickett, I'm handing you what has been marked as Respondent's Number 2.
Can you tell the Court what that is if you recognize it?
A. The gross value of the probate estate.
Q. Okay. And is that signed by you?
A. Yes.

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Q. Okay. And when did you sign that?
A. The date? September 21st.
Q. Yesterday?
A. Yes.
Q. And what is the value of the estate of Veronique Pickett that you have on the document?
A. $4,089,963.38.
Q. $4,089,963.38? Okay. If you can tell the Court what is comprised with that. How do you reach that total?
JUDGE MICHEL: I don't want him testifying about something that hasn't been filed yet with the Court. This is what's been filed with the Court?
MS. JONES: I haven't even seen it.
MR. FERRERA: Your Honor, I don't know if it's been accepted by the Court, but as I understand, my office was sending it in for e-file.
JUDGE MICHEL: Okay.
MR. FERRERA: But I think he can testify about what he is -- what he's doing pursuant to his obligation to adhere to the probate rules and filings.
JUDGE MICHEL: Well, I mean, the Court

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is not aware of it. I mean, he can testify to it, but it's not part of the records. It hasn't come in. He can testify to it. Go ahead.

MS. PALMER: I'd also object on the basis that he hasn't been appointed as PR. He can't file something as the personal representative.

JUDGE MICHEL: Yeah.

MR. LAQUIERE: Your Honor, may I be heard on this admissibility issue?

JUDGE MICHEL: Sure.

MR. LAQUIERE: From Kathleen's perspective, the dilemma here is that if you file for subsequent administration in order to close out the estate and propose the distribution, which is what my client wants and her sister is objecting to the appointment of the PR and thereby preventing him from filing the very documents that provide the inventory that we want to see.

And so I would ask the Court to look at this from an equitable perspective and allow the admissibility of the document or the testimony about the document because my client very much would like to know what the inventory and the

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proposed distribution is. That's all she wants out of this case. And it seems that the combativeness between her sister and her uncle is preventing her uncle from giving everybody the information and the money that they are entitled to.

And so I think it's -- for them to be combative about the admissibility of evidence, which is the very purpose of the whole estate process, seems irrational to me. That's all I have to say.

JUDGE MICHEL: Thank you. I will just say that, you know, these documents were due and they were never filed in a three-plus year period. And that's the responsibility of the PR. Keep going.

MR. FERRERA: Sure.

Q. (MR. FERRERA) Mr. Pickett, can you tell the Court why the delay in filing documents with the probate court?

A. Well, it had a lot to do with not knowing what the accounting was. The IRS apparently got overpaid. And the Duke Highfield also --

Q. Explain to the Court what you mean that

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you may not know what the documents were. Are you referring to not knowing what was in the estate and what's in the trust? You mean what's in the estate and what's in the trust?

A. Yes.

Q. Okay. And you met with Shirley Decker to review that?

A. Yes, and she took forever.

Q. Okay. And are you --

MR. FERRERA: I think those are all the questions I have, Your Honor.

JUDGE MICHEL: Okay. Thank you so much.

MS. PALMER: I don't have any questions for Mr. Pickett.

JUDGE MICHEL: Okay. You can step down. Thank you so much. And again, I'm sorry about -- okay. I'm sorry.

MR. LAQUIERE: I just have one or two questions.

JUDGE MICHEL: Keep your seat. Keep your seat.

MR. LAQUIERE: I'm sorry.

JUDGE MICHEL: No, no, no. That's helpful. And I'm just looking table to table. I apologize.

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MR. LAQUIERE: Yes, sir. Thank you, Your Honor. Please sit down, Mr. Bayard Pickett.

MR. LAQUIERE: I won't be long.

JUDGE MICHEL: Take your time.

CROSS-EXAMINATION

BY MR. LAQUIERE:

Q. When you filed the petition for subsequent administration, was it your intention to provide the inventory and then propose a distribution of all of the estate assets --

A. Yes.

Q. -- or the trust assets? Is that the one remaining task that you intended to do in the context of this case?

A. Yes.

Q. Has that inventory been prepared, but not filed at this point? Is that what my understanding is?

A. Yes.

Q. Okay. Do you have a proposed distribution?

A. Yes.

Q. Is it ready to be filed?

A. Yes.

Q. Okay. If the Court were to set a date

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for determination of whether or not the distribution is appropriate, are you ready to distribute the assets as soon as the Court issues it's okay?

A. Yes.

Q. Okay. Are there any other legal concerns, lawsuits, any other stuff out there other than the potential tax refund that has not yet been accounted for in this?

A. And attorney fees. We've got --

Q. Which the Court can approve or deny, based upon the report. Okay.

MR. LAQUIERE: That's all the questions I have.

JUDGE MICHEL: Thank you. Again, I appreciate that. Now you can sit down. Please watch your head.

MR. PICKETT: Okay. Thank you.

JUDGE MICHEL: Anything additional, Mr. Laquiere?

MR. LAQUIERE: Oh, Your Honor --

JUDGE MICHEL: Yes.

MR. LAQUIERE: No, Your Honor. That's all I have. Thank you, sir.

JUDGE MICHEL: Okay. Mr. Ferrera,

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anything additional?

MR. FERRERA: No, Your Honor.

JUDGE MICHEL: Okay.

MS. PALMER: Thank you, Your Honor. Would it be okay with the Court if I address -- just go straight to my petition because that will include all of the arguments --

JUDGE MICHEL: Yes, absolutely.

MS. PALMER: -- my objection? Okay. Thank you very much, Your Honor. May it please the Court?

I represent Laura Jones as trustee of both of her trusts and -- her trust and her sister's trust. They're both testamentary trusts under her grandmother's Will.

In the previous presentation, there were many references made to the Veronique trust. There is no Veronique trust. The Wills were reciprocal.

So because, you know, Mr. Pickett passed away, his property was put in trust for his wife. But the Wills provide, you know, if my wife predeceases me; if my husband predeceases me.

At the time that Veronique passed away, her husband was dead. There was no trust set up

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and her Will directed that her estate be distributed to these three testamentary trusts. The two for her granddaughters and the one for Mr. Pickett.

Ms. Jones retained me really just wanting to get information. I was the second attorney that she has had to hire. She has been requesting information just wanting to know where is this money since 2020.

We've covered the fact that Scott was appointed as the personal representative of Mrs. Pickett's estate in March of 2019. There was never anything done. The only thing done was the deed of distribution.

That property was owned 50 percent by Mr. Pickett and 50 percent by Mrs. Pickett. So the 50 percent that was distributed at the time of the sale, that was the 50 percent that was going -- and owned by Mr. Pickett's estate.

If you look at this closing statement, it's pretty clear (inaudible). What you don't see on here as a seller is the estate of Veronique Pickett or a trust for Veronique Pickett.

However, the sale took place. And

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Mr. Ferrera prepared that deed of distribution to the three testamentary trusts. They were the sellers. Yet that 1.76 was wired to an account that's in the name of the estate of Veronique Pickett.

That is a non-interest-bearing account. That 1.76 million sat for two-and-a-half years in a non-interest-bearing account. My math is probably not exactly on, but I believe that for two-and-a-half years of interest earning 3 percent, that's $135,000.

And on March of this year, I sent a letter to Mr. Ferrera asking again for information. Where is this money? It should've been distributed at the time of the closing.

There's really no justification. I understand that some could have been held back for estate expenses and that would've been appropriate, but to hold the entire amount back is not appropriate.

References were made to this lawsuit that was brought. I've got a copy of both the complaint and the stipulation of dismissal. The estate of Veronique Pickett is not a party. These testamentary trusts are not a party.

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JUDGE MICHEL: What was the date of the dismissal?

MS. PALMER: May 19th of this year, Your Honor. And I will note, it's my understanding that there was insurance coverage for the defense of this, which further makes me question why it's being used as an excuse for not properly distributing the money to the testamentary trusts.

On May 18th, I called Mr. Ferrera or he called me. We spoke and I said, Just please send me a bank statement showing this money is still there. Just something to assuage the fears of my client.

JUDGE MICHEL: Let her finish. You can make your objection.

MS. PALMER: I told him at that time that I was going to have to get the Court involved, seek court intervention just to get basic information about this money in two-and-a-half years.

The very next day, this application for subsequent administration was filed. No notice was given to us. My client just happened to be on the clerk's website and saw it. So we filed

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an objection, and we've also filed a petition for special administrator.

And I'll tell you why we need a special administrator here. The documents I've obtained via subpoena since filing our petition, it's very concerning. The account balance -- the proceeds from the sale of that property was $1.45 million on March 1st of this year. As of May 31st, it's $472-.

On March 13th, Mr. Pickett wrote himself four $250,000 checks, but one was made out to a bank in (inaudible). The other three made out to him individually. We've received -- from the backs of the checks, we could tell where they were deposited.

So I domesticated subpoenas and served them. We've gotten records back from two. One of these $250,000 checks was deposited into an account that he opened that same day at Bank of America. It's an individual account, you know. The box has individual ownership. Not an estate. Not a trust account. Individual.

And he just testified that none of this money has been distributed except the amount that was distributed to Laura previously. Well,

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$10,000 from that Bank of America account was wired to hire Mr. Laquiere.

Now I don't know if they would take the position that that was a distribution to Katie's trust, but it wasn't. A distribution to a trust goes to a trustee. So that's one thing -- I mean, we don't -- as far as I'm concerned, that was a gift to Katie, and that sum is going to have to come out of his share.

Another one of those checks, he opened up another individual account at Tell Bank. His wife is named as the beneficiary. And then there are two other $250,000 checks, and we don't have the records from those banks yet.

And then on May 24th, $450,000 was withdrawn. It was just a counter withdrawal so we don't know where that went. The Bank of America account, we've also received documents showing that he'd opened an estate account there in 2019. We only have the records for the past six months so far, but there was a $16,000 balance in February. $10,000 has been spent on that account since then.

Most recently, a $3,500 check to Katie Anderson, which is Mr. Laquiere's client. But it

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was in (inaudible) Bank, which Ferrera Law Firm had deposited into their account, which I don't understand that.

And it also appears that Mr. Pickett has been paying life insurance premiums through that account, the estate account. I don't know why an estate would need insurance. All of that is outlined in our memo.

No personal property has ever been accounted for. None of the bank accounts. The rental income from the house when it was still owned by the estate and the trust. We don't know anything about taxes.

We just heard Mr. Pickett testify that apparently the IRS got overpaid. I don't know what that means. I can understand a layperson not really understanding the process of administering an estate, but Mr. Pickett was represented by two different attorneys and had two different accountants.

Your Honor, Mr. Pickett is not fit to serve as the personal representative. We don't know what all has gone on in this estate. We need somebody who's qualified to administer it.

And that is why we've proposed Mr. Reid.

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He has a lot of experience with estates. And he has a tax specialty, which I think is important here.

And that's all I have, Your Honor. And in closing I would also ask that the Court award Ms. Jones her fees and costs from having to (inaudible) this action. She's been begging for information for two-and-a-half years and we had to get here today for them to do anything.

JUDGE MICHEL: Okay. Thank you. Who wants to go first?

MR. LAQUIERE: Your Honor, I'd like to object and ask the Court to strike a 100 percent of her testimony. Number one, it's hearsay. Number two, she hasn't been sworn in. And she's testifying to supposed evidence that's not in the record on the majority of this.

Now, in addition, if she wants to start raising improprieties about my fee, I would like to take the stand, be sworn in, and give testimony to this Court myself on that subject matter.

JUDGE MICHEL: I don't think it was impropriety. I think it was the fact that how the PR testified that there'd been no

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distributions from the money. I think that was her point.

MS. PALMER: That's correct, Your Honor. I'm not questioning your --

JUDGE MICHEL: Not questioning your fee. So we'll clarify that.

MR. LAQUIERE: The fee request was paid because Kathleen asked him to distribute the funds for my fee.

JUDGE MICHEL: I don't think that the -- the point that Counselor made, the way I took it was, the PR testified that none of that money has been spent or disbursed to any person --

MR. LAQUIERE: I see.

JUDGE MICHEL: -- other than these two individuals, these two individuals being the daughters. In other words, he hasn't spent any of the money. If there's been a disbursement, it's gone to either Kathleen or to Laura. He hasn't disbursed any money to himself personally.

MR. LAQUIERE: That is a mischaracterization of his testimony. We all know that he says, "no money was distributed except to them." He meant except for them.

JUDGE MICHEL: That's what I took. I

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took it that way.

MR. LAQUIERE: So she's mischaracterizing his testimony when she makes that point. I don't want to get into the weeds on that, but --

JUDGE MICHEL: Nobody is questioning -- let the record reflect no one's questioning her right to hire an attorney and have the funds paid for. It was the way that the testimony came out, and I understand.

MR. LAQUIERE: Do you see what I'm saying? She's eliciting that as though -- representing that as him being dishonest when he wasn't being dishonest. He was honoring a request by the person whose benefit he was holding money. So just like when he distributed funds to Laura in excess of $100,000 --

JUDGE MICHEL: I think her point -- not to interrupt you. I think her point is, she doesn't know anything because there's never been an accounting provided of where the money is. That's the point that I took from petitioner's legal counsel.

MR. LAQUIERE: I understand. Thank you, Your Honor.

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JUDGE MICHEL: Go ahead.

MR. FERRERA: Your Honor, as I understand that's the entirety of the petitioner's request regarding -- petitioner's case regarding the motion to appoint a special administrator?

JUDGE MICHEL: Yes.

MR. FERRERA: Okay. In that regard, Your Honor, I move to dismiss that motion. There's been no testimony. Counsel testifying about what they think is not testimony. That's clear in South Carolina. There's been no testimony. You have no discretion but to dismiss the matter because there's been no testimony other than Mr. Pickett in my motion.

So this motion that's before Your Honor, you must dismiss. It hasn't properly been brought. Laura Jones needs to come here, Your Honor, and testify about what the problems are.

Counsel cannot testify as to what she thinks or what she knows no more than I can. The only testimony that we've had in this matter is from my client on the motion to appoint him as PR in the matter to reopen the estate petition for subsequent administration.

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And, respectfully, Your Honor, you must dismiss the formal motion to appoint a special administrator because there's been no testimony before the Court.

JUDGE MICHEL: I'm going to ask all of you to take a minute and read 62-3-614. Just take a minute. I don't know if you have your code books with you, but you can pull it up. Use your phones and take a minute. It's 62-3-614. 62-3-614.

Just take a minute and read that. I know it might take a minute for everybody to get their -- I have the luxury of only having to bring my book one flight of stairs.

MR. FERRERA: Your Honor, I understand that the Court informally can appoint an application, but this is a formal petition.

MS. PALMER: Your Honor, (inaudible) the petition was verified.

MR. LAQUIERE: I'm ready to be heard whenever Your Honor is ready.

JUDGE MICHEL: Please. Go ahead.

MR. LAQUIERE: Under paragraph 2, it says, In a formal proceeding by order of the Court on the petition of any interested person

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and finding, after notice and hearing, that appointment is necessary to preserve the estate or secure its proper administration.

The only evidence I've seen here today is that the assets of the estate have been preserved and are ready to be presented to the Court for disbursement to the various parties.

Now, if there had been an affidavit presented today or a record presented today that showed that the money was gone, then absolutely special administrator. I'm here on behalf of Kathleen Anderson, and I can tell you, Your Honor, she is very angry with both her sister and her uncle. Okay?

I cannot express to you in polite words the conversations that I've had with her for hours over the course of this week. And all she wants is for whatever she's entitled to to be shown to her and for her to have an opportunity to have access to it in a timely manner.

I've explained to her there's a process. And we will go about establishing what that process going forward will be today. Now, the best thing for my client -- who doesn't have a bone to pick with anybody except y'all stop

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fighting and let's finish the process -- is that the inventory be presented and then the proposed distribution be presented in a very short timeframe. And if anyone has an objection to it, we voice those objections.

What my client is not interested in is bringing in third parties at very significant cost to the estate to do the work again, which has already been done by accountants and CPAs already.

There's no allegation that the money has disappeared. The allegation is the money hasn't been moved through the process fast enough, and I totally agree. So let's move the money. Mr. Pickett says the potato is hot and he's ready to get it out of his hands.

So, Judge, please, let's let them get it out of his hand. Let's not go through duplicating the substantive work that he spent the last 30 or 40 days accelerating the process to get done for Your Honor today.

I'd say, look. You might have been lagging on it, but now you're doing it. Let's push this thing to the finish line. And that's what's in, I think, the interest of everybody.

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It saves attorney's fees. It saves special administrator fees. It saves months and months of time. I don't know how busy this gentleman is, but he isn't going to turn this thing around in two weeks. Right? He's going to have to subpoena records on a list of stuff.

Let's just set some realistic deadlines by the Court for the various finalizing processes to be done and let everyone do them in good faith. And if there are objections, there are objections. But if she doesn't like some of the fees that have been charged, let her object it and say that's a contingency fund and the rest is distributed, Your Honor.

But we're talking about $1.5 million dollars. I've got a client -- and I have a subsequent motion that I hope everyone will consent to following this long speech I'm giving here.

I have a client who's in a residence that needs $10- or $20,000 of work done to make it habitable, and she can't get access to it. Not because her uncle doesn't want to distribute her an advance like he did for her sister, Ms. Jones, but because if he does, it's going to

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be objected to by her sister and her lawyer saying it's an improper use of the funds.

This is an absurdity. The money is there. Let's just put it where it needs to go, Your Honor.

JUDGE MICHEL: Okay. Thank you.

MR. FERRERA: Very briefly, Your Honor. The overriding question that hasn't been properly, I guess, brought up yet is that whether -- I know Ms. Palmer gave her recitation of what she thinks that the Will states. But the counter argument, Your Honor, is that the Will is written in such a way that it provides the intestate, the personal representative, and/or trustee the option to handle the affairs of the estate, if you will, in general for what's in the best interest of all of the beneficiaries. That's what Mr. Pickett has done.

Mr. Pickett can testify if the Court wants further testimony about what his communications were with the beneficiaries along the whole process for the last three years and how they have been aware of exactly what has been happening along and along.

Additionally, Your Honor, the proceeds

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have not been squandered. And pursuant to -- as Your Honor mentioned -- 62-3-614, the special administrator should only be appointed if the personal representative cannot or should not act. That is not what is happening here, Your Honor.

Mr. Pickett testified that he is ready, willing, and able to act. The only reason why filings weren't done with respect to the estate was because he was trying to ascertain what was in the estate and what's in trusts.

In the end, it's still getting to the right beneficiaries. But the tax treatment, which is blocking out the CPA to testify, is the important portion. That's the important concern for the Court.

The tax treatment that the Will of Veronique Pickett, the Will in trust, Your Honor, allow the personal representative and fiduciary, that Mr. Pickett was, the option to do what is best to preserve the estate, the estate through the probate court and the trust estate that we've been talking about.

And we're prepared if the court wants to hear testimony -- limited testimony from the CPA about his review of the tax filings. And I'll

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just say this, Your Honor. We intend on presenting testimony that the trust estate and -- or the estate of Veronique Pickett is going to benefit several hundreds of thousands of dollars because of the tax treatment on how these proceeds are allocated.

They're still going to -- ultimately, Kathleen and Laura, who is the petitioner, is going to receive those proceeds. She's going to receive more proceeds because of the work Mr. Pickett -- with meeting with the CPA and handling the tax ramifications.

JUDGE MICHEL: Let me tell you my concern as the judge. 62-3-614 allows for broad discretion by the Court. Okay? And the concerns here -- and nobody is saying that Mr. Bayard is a bad person. Nobody is saying that, you know. The Court is not trying to insinuate that he was doing anything that was deceitful or anything like that. I think the concern for the Court is the fact that no inventory was filed. Okay?

This estate was opened on March 1st, 2019. Okay? And I know he had legal counsel, but to the best of my knowledge, that's four-and-a-half years. Am I doing the math

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correct? Four-and-a-half years that this estate has been open? Is that correct everybody?

MR. FERRERA: Yes.

JUDGE MICHEL: Okay. That no inventory was filed. There's never been one interim accounting during that time period for four-and-a-half years. Now there's testimony by the PR that was elicited that the funds are there, but I moved the funds to various banks because -- hold on a second. Let me finish. This is the way I thought the testimony went. That I moved them to various banks because I was worried about bank failure so I put them in separate accounts.

And I don't know if they're in separate accounts now or if they are back to one bank, but there was testimony from the PR, if I understood it correctly, that the money from the sale was put in various banks because of his concern over the banks failing. Okay?

In the petition, which is verified from the petitioner, they've said, Hey, we've subpoenaed these banks and these accounts have been set up, and we have a concern that they were in an individual name. That might not have been

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his intent, but it appears that some of them or one of them is an individual name and not an estate name. Okay? And that's a verified petition that has been filed with the Court.

Now, there's testimony from your client that he has submitted for e-filing an inventory, which shows $4 million coming through the estate; is that correct?

MR. FERRERA: Yes, Your Honor.

JUDGE MICHEL: Okay. That's in direct contradiction to what the Court was told back in May, that there was only $5,000 assets coming through the estate in an e-mail, when there was time for subsequent administration.

Now, obviously, that comes from the change in the work he's been doing. That's the way I inferred it for the tax benefit of meeting with the CPA and how to handle these funds and what to do. Okay? I don't say that the money is missing or wasn't accounted for. It's just the Court reads that to say that now there has been some adjustment based on the CPA.

Your client is frustrated because it's four-and-a-half years later. They don't have any money, and they don't know where this money is.

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I assume there's never been an accounting to them because nothing has been filed. Maybe an accounting has been given to them, but it hasn't been filed. Go ahead.

MR. LAQUIERE: Your Honor, an accounting has been given to us, and we've verified the funds -- the total funds are there. So we don't have any concern about the funds. We have a concern about the timing.

JUDGE MICHEL: Timing. Okay. And has your client received the same verified accounting?

MS. PALMER: No, Your Honor.

JUDGE MICHEL: She's saying no. Do you have any knowledge to that?

MR. FERRERA: I have personal knowledge that the -- to be clear with the Court, the accounting to -- the issue, Your Honor --

JUDGE MICHEL: No, no, no. Just answer my question. Are you aware that her client or she has received what his client has received?

MR. FERRERA: No, I'm not. I'm not aware of that, but I presume that the bank statements that were provided to counsel were provided to Laura, but I don't know that to be the case.

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JUDGE MICHEL: Was your client provided bank statements?

MS. PALMER: No, Your Honor. The only information we've ever gotten are by virtue of the subpoenas that I domesticated.

JUDGE MICHEL: Okay. Do you have any reference that you sent this lawyer the last three months any documents?

MR. FERRERA: I need to double-check my e-mail, Your Honor, but as I recall, at the very beginning of the -- when Ms. Palmer called me, I sent her the bank statement that showed the $1.76 million dollars that the -- because she had a question about where are the proceeds from the closing.

MS. PALMER: Your Honor, that's impossible. I sent the initial letter to Mr. Ferrera on March 23rd. On May 13th, ten days before was when Mr. Pickett wrote the million dollars in checks to himself, so there's no way he could've shown me a bank statement for $1.76 million.

MR. FERRERA: Your Honor, I'll check my e-mail, but I'll represent to you as an officer

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of the Court that I advised Ms. Palmer before all of this started that the $1.76 million dollars --

JUDGE MICHEL: No, I'm just asking you as an officer of the Court, did you send her the documents that were requested that this lawyer spoke about? That Kathleen's lawyer says, Hey. I've seen the statements. I've see the accounting.

MR. LAQUIERE: I have not seen the statements. I've seen the ledger of the amounts in each account.

JUDGE MICHEL: So you haven't seen an account? You haven't seen bank statements?

MR. LAQUIERE: I don't have physical statements. I have a ledger of the itemization. I do not have the statements.

JUDGE MICHEL: Okay. All right. Sorry. I thought you testified you had seen the statements. I'm sorry.

MR. LAQUIERE: That's why I'm clarifying, Your Honor.

JUDGE MICHEL: Thank you.

MR. LAQUIERE: I don't want there to be any other miscommunication.

MR. FERRERA: Your Honor, if the goal is

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to provide justice and truth, then I have all of the bank statements that show the amounts that I can enter into evidence with the Court. The issue --

JUDGE MICHEL: And was that turned over -- I guess my question is, has that ever been turned over before today?

MR. FERRERA: No, these are just updated statements that I just received yesterday from my client. This wasn't turned over before today. Your Honor, the issue is not that Ms. Jones does not know how much money there is or where it is or any of that.

JUDGE MICHEL: Well, how -- I hear what you're saying --

MR. FERRERA: I hear what you're saying, but she's -- that's not accurate, Your Honor.

JUDGE MICHEL: Okay. Then the Court doesn't know where the money is.

MR. FERRERA: Well, Your Honor, if you'd like, I'll present testimony so that the Court can get to the truth of it through Mr. Pickett. That's what I was trying to -- earlier when he was testifying regarding the motion for subsequent administration, Your Honor stopped me

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and said, No, no, no. Don't get into the weeds with that. Let's just move on.

JUDGE MICHEL: And I guess what I'm saying is, you want to now put in evidence that there was four-and-a-half years to put in that never came in.

MR. FERRERA: Respectfully, Your Honor. The Will provides wide latitude. And the Will creates the trust and/or an estate depending on what's the best for the estate. The probated Will. And so that's the issue that's before the Court.

The paramount rule in the estate and trust work is to preserve the estate. My client has preserved the estate. He's followed the advice of counsel, the advice of CPAs, done everything he's supposed to do.

The issue, Your Honor, is if $4 million is going through the estate, then the $4 million needs to be filed with the estate. If there's not $4 million in the estate, then other than the sale of the property and what was -- other than -- there was a question about whether and how much money passes through the estate.

JUDGE MICHEL: This is the thing. The

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inventory is done based upon date of death. Okay? I don't think there's any dispute that she owned an individual interest -- 50 percent -- at the date of her death, correct? Did she not?

MR. FERRERA: She did, Your Honor.

JUDGE MICHEL: Okay. So if she owned a 50 percent interest at the date of her death, it can roll over to the trust, right? But it has to flow through the estate. It's in her personal name. It wasn't already in the trust, correct?

MR. FERRERA: Yes, Your Honor.

JUDGE MICHEL: So doesn't that have to be on the inventory for the estate?

MR. FERRERA: Well, as I understand it, Your Honor, the intent of the Will and the trust --

JUDGE MICHEL: It doesn't matter what that intent is. It's either in a trust when she dies or it's not in a trust. So if it's not in a trust, it has to pour over, correct?

MR. FERRERA: Part of the property was in trust.

JUDGE MICHEL: It wasn't the part of the property, but her 50 -- I'm only talking about her estate and her 50 percent. Her 50 percent

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was owned based on the testimony and, what I'm hearing from everybody here today, was owned in her individual name, correct, or was it all in trust from her husband?

MR. FERRERA: Well, and that's what I was trying to figure out, Your Honor. With respect, I didn't file the original petition to open the estate. I was trying to ascertain that and figure out the ramifications.

Your Honor, what I'm representing to the Court was that what's best for the testator's estate is that the property is flowing through the estate.

JUDGE MICHEL: And what I'm saying is, I don't think you get to say it doesn't come through the estate or not. There's a deed of distribution here that says that she owned an interest in this property in her name at her date of death. Okay? And then as PR, he then releases it belts-and-suspenders, like you said.

So regardless of who he titles the property to, it still flows through her estate. I think you're missing what I'm saying here. There's no way that the inventory doesn't list her one-half interest.

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MR. FERRERA: I agree with that, Your Honor.

JUDGE MICHEL: Okay. So we can all agree that at the date of her death the value is different than the date of the sale. And there's a tax ramification there, and you have a stepped-up basis for her 50 percent at her date of death. But there's still her date of death value, which was probably close to a million and a half -- at least that was in her own name, if the property was worth $3 million at the date of her death versus $4 million. Do you see what I'm saying?

MR. FERRERA: Yes.

JUDGE MICHEL: And so if that inventory was never done, there was $80,000 that he testifies to in cash. There's never an interim accounting done that shows, Hey. Here's $80,000. This is what I'm doing with it. Okay?

I'm not saying he did -- and maybe he was following his lawyer's advice. But four-and-a-half years later, we still don't have any of that and you have until May to do it or to when that order closed it out, and it was never done.

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And so I'm going to appoint a special administrator. I'm going to take it under advisement on if it's Mr. Ray or not. But again, this thing needs to be cleaned up. It needs to have full disclosure. There needs to be a neutral party where people can ask for documents and get those documents. I think once they do that, it will clear up that there was nothing done improperly. That's my indication. I don't think there was anything done improperly. It just wasn't done.

There wasn't an inventory filed. There wasn't an interim inventory filed. There hasn't been an exchange of documents over the last three-and-a-half years it appears. And that's --- you know, that's caused where we are today. Okay?

And again, I'm not finding -- at this time, I'm just restraining. He's not the PR right now. It's been closed. So he's restrained from acting as PR. Okay? I haven't removed him. It was closed. He hasn't been reappointed, so there's no removal here. Okay? I'm only appointing a special administrator. I'm going to take it under advisement on who to appoint. And

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Mr. Ray is extremely qualified, but there needs to be an administration.

We can all agree that this is over an a million dollar estate. Okay? This has never been less than a million dollars because her half interest flows through the estate to get to the trust. When she died, it was not in the trust name. Okay? Because if it was in the trust name, there would never be the reason to open this estate and do deeds and everything else. Okay?

MR. LAQUIERE: Your Honor, this is a -- I would like to make a motion in consideration of the order. My client -- I have photographs and I can show everybody if they want to see them -- has got bursted pipes, water damage from the HVAC system, and a burst pipe going to the toilet and the wall, damaged floors that were ripped out.

She's in the process of replacing (inaudible). I had discussed with counsel whether they would be agreeable to this assuming your ruling was different today. So seeing as it is what it is, I need to get the Court's approval. I am asking -- I'm moving that my client be given a prepaid debit card in the

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amount of $25,000 attributable against her share of the proceeds of the estate to be accounted for in the final distribution so that she may buy things from Lowe's and hire some contractors in order to get her house back into a livable state.

JUDGE MICHEL: If all of y'all are agreeable to a $25,000 distribution, you can do a consent order and we'll instruct that $25,000 be disbursed and the special administrator can approve that in disbursing.

MR. LAQUIERE: Are there any objections?

MS. PALMER: Your Honor, Ms. Anderson is not a devisee. Her trust is --

JUDGE MICHEL: It would have to be according to whatever the --

MR. LAQUIERE: Your Honor, she's being disingenuous. Her sister has been removed without any trustee authority by virtue of the fact that Kathleen Anderson is over 35 years old in the terms of this Will. And she continued to operate as though she is a trustee contrary to her sister's authority with impunity. That also needs to stop.

JUDGE MICHEL: Okay. I'm going to let y'all file whatever motions -- if y'all can

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agree, you can file that motion. I'm not going to rule on that today, but if y'all can get a consent, I'm happy to do it. Okay? File a motion for us for a distribution.

MR. LAQUIERE: I will, Your Honor.

JUDGE MICHEL: Thank you.

MR. LAQUIERE: One more item as well. If we're going to have a special administrator going through and re-accounting for all of the accounting that has been done, can we please put in line a scheduling order for some deadlines, Your Honor? Thank you.

JUDGE MICHEL: You can absolutely send me a scheduling order and I'll look at it.

MR. FERRERA: Additionally, Your Honor. I did want the record to be clear that my client did file as fast as he could hold a motion to reopen the estate once those impediments from the lawsuit were filed. I just wanted that to be clear.

JUDGE MICHEL: Absolutely. No problem. Got it. Okay. That's Exhibit 1.

MR. LAQUIERE: One more item, Your Honor.

JUDGE MICHEL: Sure.

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MR. LAQUIERE: What is the process for filing an affidavit that's under seal in this Court?

JUDGE MICHEL: I can't advise you of that.

MR. LAQUIERE: I notice they have electronic filing now. If I hand-deliver it --

JUDGE MICHEL: You can hand-deliver it. I would speak with Ms. Atwood. She's out today, but she'll know.

MR. LAQUIERE: Very good. Thank you, Your Honor.

JUDGE MICHEL: Do we know who the estate clerk is on this? Is it Telisha? Okay. It's Ms. Williams. Lindsay Williams is the estate clerk on this. She's terrific about responding to e-mails. So if you have questions like that, she can definitely send that to Ms. Atwood and she'll know.

So Ms. Lindsay Williams is the estate clerk you'll e-mail and talk to directly. Ms. Slicker is the law clerk assigned. She's the lawyer assigned to this case. That's who you'll send proposed orders to and that type of information.

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And again, I want to thank the lawyers for their professionalism and their thoroughness. These are tough cases. These are serious cases. And I appreciate everybody's passion for being a good advocate for their client. When the Court sees both sides so well represented with good lawyers, at the end of the day, I know that everybody is protected and that's terrific.

Again, I know these are hard situations. Anytime you're dealing with family, it's darned if you do; darned if you don't. There's a saying that goes around that no good deed goes unpunished. And sometimes that's the case when you get involved in these estates and you're trying to do the right thing.

I want you to know, sir, I don't think that the testimony here today has shown -- and it may change, but nothing has shown that you've done anything improper. I'm not sure if you were advised or things were done in a timely manner like they should've been. And so I appreciate you being here today.

MR. PICKETT: 12 years I took care of her -- my mother.

JUDGE MICHEL: And I know you're trying

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to get it right and do the right thing.

MR. PICKETT: And those two nieces since my sister passed --

JUDGE MICHEL: I know. Again, I can just tell from your disposition and who you are that you're just trying to get it right and move it along, and I appreciate that. And so I just want you to know that based on my ruling, that's not to say anything about you. It's just saying we need to have a fresh set of looking. Sometimes when you're a little too close to it you need an independent person to take a look.

You've done a lot for your family. I'm sorry about your mother and father passing. I know it's been some time, but it's never easy to lose a parent, especially one that you took care of for so long. The end of life can be brutal. I know that for a fact.

And so, you know, to have your mother and the time you were able to spend with her and care for her, I'm sure you wouldn't trade it. So thank you for what you did there. Good luck to you, sir. Again, thanks to all of the lawyers. That will conclude this hearing.

(Hearing concluded at 10:28 A.M.)

CERTIFICATE

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

I, Abby Bishop, Notary Public for the State of South Carolina at Large, do hereby certify that the witness in the foregoing deposition was by me duly sworn to testify to the truth, the whole truth and nothing but the truth in the within-entitled cause; that said deposition was taken at the time and location therein stated; that the testimony of the witness and all objections made at the time of the examination were recorded by voice writing by me and were thereafter transcribed by computer-aided transcription; that the foregoing is a full, complete and true record of the testimony of the witness and of all objections made at the time of the examination; and that the witness was given an opportunity to read and correct said deposition and to subscribe the same.

Should the signature of the witness not be affixed to the deposition, the witness shall not have availed himself/herself of the opportunity to sign or the signature has been waived.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal on February 15th, 2024 at Charleston, Charleston County, South Carolina.

ABBY BISHOP
Notary Public for
South Carolina
My Commission expires
December 7, 2028

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STATE OF SOUTH CAROLINA) IN THE PROBATE COURT
:
COUNTY OF CHARLESTON) Case No.: 2019-ES10-00394

ESTATE OF VERONIQUE W. PICKETT

Given before Molly C. Powell, Court Reporter and Notary Public, via video conference, on Tuesday, January 16th, 2024, commencing at 2:00 o'clock, p.m.

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THE COURT: This is the Estate of, is it Veronique?

MS. PALMER: Veronique.

THE COURT: Veronique W. Pickett, case number 2019ES1000394, before The Court today is a motion to reconsider that was filed by Respondent Bayard Scott Pickett, Junior, that was filed on 10-9-2023, subsequent to that on the same day, uh, the same time, excuse me, they were both filed, Kathleen Elizabeth Anderson's motion, she was originally listed as a petitioner but is correctly listed now as a Respondent counterpart. She has now been added. Those were added then. Then the next item on the addendum is special administrator of a notice of motion and motion to compel by C. Mac Gibson, Junior, the court appointed special administrator. Those are the items we are going to hear today. Mr. Gibson, I understand you're in a deposition; is that correct?

MR. GIBSON: I was, Your Honor, and I fortunately we have completed our deposition so I'm clear for the rest of the afternoon. I certainly appreciate The Court's accommodation.

THE COURT: Well, I was going to take your matter first but let's go in the order we have if that's agreeable to everybody.

MR. GIBSON: Thank you.

THE COURT: Okay. Uh, all right. So with that

being said, um, what Respondent wants to go first? They were both filed on the same day; I'm happy to hear from whoever wants to go first.

MR. FERRARA: Good afternoon, Your Honor. Paul Ferrara, I'll be happy to go first.

THE COURT: Okay.

MR. FERRARA: Yes, Your Honor, I know in The Court's file you've got the motion to reconsider and you've reviewed that, Your Honor; um, essentially there are three main points regarding the order appointed special administrator but before I get to that, Your Honor, I did want to just, I guess, reiterate to The Court, I know The Court's aware but the will in this particular matter of Veronique Pickett is in The Court's file and the probated copy of the will is in The Court's file and that will is super important, Your Honor, because that will directs that the personal representative and or trustee as the case may be has the authority to act, um, beyond that of our statutes in South Carolina, and so I'm just making reference to that, Your Honor, and I'll cite to that when I get to the argument, but the first point, Your Honor, is that Church versus McGee which is 391-SC-334, the Court of Appeals -

THE COURT: I'm going to cut you off real quick;

please distinguish that; citing 623611 which is the removal statute, that's not the stature that the special administer was appointed under.

MR. FERRARA: Okay.

THE COURT: So please distinguish how that is relevant to what we're doing on the application for subsequent administration. I did not remove the special administrator; the special administrator was not acting in the administratively closed by Rule Four.

MR. FERRARA: Sure, Your Honor, but under Church versus McGee, nonetheless the Court of Appeals acknowledges that, well, let's back up, Your Honor. The general law of South Carolina is that The Court cannot create a will and testament for a testator. The Court has to follow, and I'm citing in general, Your Honor, Blackman versus Wheeler; The Court has to follow, um, the decedent's wishes, right? And I think specifically, Your Honor, Guarantee Bank and Trust versus Byrd states that a Court cannot by judicial construction make a will for the decedent that they have not made for themself. The reason that is important, Your Honor, is because when we look at the posture of this case I agree with Your Honor that the case was stricken per Form Four, however what was before The Court was a motion for subsequent administration that The Court granted and in

granting that -

THE COURT: The Court did not grant subsequent administration. Your client was not reappointed. It was not reopened.

MR. FERRARA: Your Honor, The Court, without that motion for subsequent administration, and maybe I'm incorrect, Your Honor; is there another motion before The Court that allows Your Honor to appoint a special administrator that was not included in the motion for subsequent administration?

THE COURT: June 26th, 2023 there was a summons, a lawsuit, a summons and petition, filed by Laura B. Jones, and that was served on you and that was part of the hearing that was before The Court, and in that there is a petition, a lawsuit, to reopen the estate and appoint a special administrator.

MR. FERRARA: Okay. Well, your Honor, as I was stating

THE COURT: There was a pending lawsuit before The Court.

MR. FERRARA: Well, then I guess to be clear then, I understand Your Honor's ruling now, that the appointment for subsequent administration was not granted

THE COURT: On your client's application. It was

granted on the application for appointment for a special administrator that was filed formally

MR. FERRARA: I misunderstood The Court's ruling because I received a copy from your law clerk that has directed Mrs. Palmer to grant the petition for subsequent administration but maybe I misread that, Your Honor, and that was my understanding. One moment, Your Honor, I'm just looking up the order to make sure I'm not incorrect here.

THE COURT: What's the first part of my order, page one? This matter comes before The Court upon a petition for formal appointment of a special administrator filed on June 27th, 2023 by Laura B. Jones.

MR. FERRARA: Also before The Court, and Your Honor, what I'm referring to is The Court's next sentence, Your Honor; also before The Court is an application for subsequent administration and appointment of a personal representative. That's what specifically this motion to reconsider is about, Your Honor, the second sentence of your order.

THE COURT: And I appointed a special administrator in lieu of a personal representative. The Court doesn't have to appoint a personal representative.

MR. FERRARA: Right, Your Honor, that's why I filed this motion to reconsider because as I understand,

law of South Carolina is while The Court can't appoint a special administrator, if the testator, if there is a dually admitted will before The Court, as there was in this case, The Court, pursuant to Blackman, has got to follow the testator's wishes prior to, um, you know, that's paramount. I mean, our juris prudence in this state is clear, clear.

THE COURT: We're not rewriting their wishes.

MR. FERRARA: Okay. And respectfully, Your Honor -

THE COURT: - with distributions.

MR. FERRARA: Sure. And what I'm talking about, Your Honor, is if we go back and look at the will and testament the will says that in the event that my personal representative trustee cannot act that I direct my personal representative or trustee, in this case that was Scott Pickett, um, I direct that person, which would be Mr. Pickett, shall have the authority, and I'm talking about, Your Honor, one point one shall have the authority to select the individual to serve in their capacity. Now, I guess I'm understanding, Your Honor, you did not appoint a personal representative or did not, there is no personal representative in this case, there is just a special administrator?

THE COURT: Correct. If you look at 62-3-614, to

protect the estate of a decedent prior to the appointment of a general personal representative, or if the prior appointment has been terminated as provided by 62-3-609. He hasn't been terminated by 62-3-609, it's just to protect.

MR. FERRARA: Right. And respectfully, Your Honor, that's what I'm asking The Court to reconsider. If we look at Blackman and we look at -

THE COURT: Hold on a second, hold on a second. If you're asking me to reconsider the appointment of a general personal representative, I don't understand what you want me to reconsider.

MR. FERRARA: Well, Your Honor, in South Carolina, as I understand it, if a personal representative has been appointed as it was in this case, The Court absent maleficent conduct by that personal representative, has got to, um, The Court has to follow the testator's wishes prior to appointing a special administrator as was done in this case and we have a will that is properly probated that specifies the personal representative, and I understand what Your Honor is stating but appointing a special administrator in lieu of personal representative is akin to removal of a personal representative and The Court, you know, Your Honor is -

THE COURT: I haven't had a removal action yet. I haven't heard a removal action yet.

MR. FERRARA: I understand but the Supreme Court has stated, and I can email a copy of that case that I'm referring to, Your Honor, that appointment of a special administrator is akin to removal of personal representative, and I understand what Your Honor is saying and I'm saying the practical effect of what has happened in this case, Your Honor, is for The Court to disregard the testator's intent and appoint a special administrator in lieu of the personal representative, and that's what I'm asking The Court to reconsider.

THE COURT: Okay. And I'm advising you, what you're stating as the law is not correct. With all due respect you keep stating that it's akin to removal, it's not a removal action, it is the appointment of a special administrator. Again, I would reference you to 62-3-614, it's very specific to this, then it goes on to 62-3-617, special administrator formal proceedings. We're not removing anyone. When your client received the notice, just for the record and I'm not sure how involved you are, who was involved, I can't remember all that, but on November 24th of 2021 your client was sent a notice of overdue filings, okay? It says, You are responsible for rule to show cause, it had to be done by

December 29th, 2021. It says on here that you were given notice, that he was given notice. Then a letter was sent out January 19th, 2022, notice of non-filings in rule four order enclosed, a copy of the rule four order is enclosed, non-compliance with regards to the directives issued by The Court. We've been instructed to close the file. A copy of that order was given to you, your client, closed the estate. Your client was not acting as PR at that time. Your client brought an application for subsequent administration. When they notified the other individuals one of those parties came forward and filed a formal hearing, that's why we had a formal hearing. If there's never been a removal action, I think you are confusing the two

MR. FERRARA: Respectfully, Your Honor, if there is a defect in the order it is that The Court still has not ruled on the appointment for subsequent administration that I filed on behalf of my client then. I understand, Your Honor, that you're telling me you never ruled upon that. You've only ruled upon the petition that was filed by Mrs. Palmer and her client?

THE COURT: Yes. You filed an informal application without a hearing. It was responded to with a summons and petition, a formal hearing. At the formal hearing you requested that your client be appointed as

personal representative. I have ruled on that and I have not reappointed your client. I have appointed a special administrator.

MR. FERRARA: That's specifically what I'm talking about, Your Honor. Before The Court can appoint a special administrator, I know Your Honor is stating you haven't removed him, and respectfully, Your Honor, I'm not trying to be argumentative. There's a case, it was before the United States Supreme Court. It was Fisher versus Huckabee that Your Honor might be aware of, and I was referring to a finding that The Court stated in Fisher versus Huckabee citing to Dean Kilgore, they say, The underlying nature of matter before the probate court is the appointment of a special fiduciary to manage the assets or the estate assets which we find akin to the removal of a personal representative. That's, Your Honor, what I'm referring to.

THE COURT: In your brief what page is that on?

MR. FERRARA: I don't know that it's necessarily in the brief, Your Honor but I was just bringing that up because you asked me if I was referring to the appointment of the special administrator, that I was confusing issues.

THE COURT: And I appreciate that but I will just remind you that South Carolina law is very clear,

you can have both a personal representative along with a special administrator or you can have, which has limited duties, the personal representative can have limited duties and the special administrator can have special duties or limited duties. They're not exclusive of each other.

MR. FERRARA: I understand that, Your Honor, and that's what I'm getting to. The first point in my motion, Your Honor, is that appointing a special administrator to handle all of the duties of a personal representative, respectfully I would insert under the Fisher versus Huckabee and the Dean versus Kilgore case

THE COURT: And those are South Carolina cases?

MR. FERRARA: Yes, Your Honor.

THE COURT: Okay. I'm just looking. I don't see where you've listed them. I could be wrong.

MR. FERRARA: So, that's my first point. I know Your Honor disagrees with me but I am just making the record, Your Honor.

THE COURT: Okay.

MR. FERRARA: And I don't disagree with Your Honor in that there can be a personal representative and a special administrator and at the end of the day, Your Honor, my client wants to have justice and get relief

through The Court but in this particular situation we felt compelled to file a motion to reconsider because Mr. Pickett, as I understand Your Honor's ruling and you further clarified that Mr. Pickett is not the personal representative and his informal relief was not granted so that's what we're asking, if Your Honor is ruling that Mr. Pickett is the personal representative pursuant to this application for subsequent administration that would provide some relief.

THE COURT: That was not my ruling at all.

MR. FERRARA: Okay.

THE COURT: He does not have a valid certificate of appointment at this time.

MR. FERRARA: Sure. And then secondarily, Your Honor, um, I understand but I'm making a record, Your Honor, the will doesn't authorize the probate court to appoint a special administrator without the consent of the personal representative, and I understand the practical effect of that, Your Honor. How could a testator tell The Court what to do, but that, in fact, is what can occur in South Carolina because the testator's intent is paramount to what The Court may or may not want to do subject to limitations and I refer specifically, Your Honor, to Article One, section one, of the will states that the trustee, in this case, Mr.

Pickett, would have a say in who would serve in his capacity but I understand Your Honor is saying no one is serving in the personal representative's capacity but Mr. Gibson is just appointed a special administrator, but respectfully, Your Honor, I think section one point one is the testator's intent to have a say in that regard and I was just bringing that up to The Court.

THE COURT: Just for your clarification, um, I would cite you so you can check this out, Wilson V. Dallas, 743 Southeastern Second, 746.

MR. FERRARA: Yes, Your Honor. Going back to Guaranteed Bank, the paramount rule as illicited by the Court of Appeals and even the Supreme Court in Blackman is that The Court is really to try to follow the decedent's wishes so long as, you know, there's not going to be any harm so respectfully we cite those two cases. And thirdly, Your Honor, to the extent that Mr. Pickett's informal petition to appoint himself personal representative and his opposition to do a special administrator being appointed, the will again authorized Mr. Pickett to hold proceeds in his name or in the name of the trust as it may be, and so I know that Laura Jones and her counsel made issue that Mr. Pickett had checking accounts in his individual name, by the way, as an aside, Your Honor, all those funds are still

accounted for and protected to the state's benefit. In any event, Mr. Pickett was authorized to hold funds in his own name. I raise that point because I know that it was raised and cited in the order that Mr. Pickett had funds moved from one account to another and while in a vacuum that might seem improper, in this particular case when we consider the language of the testator it's absolutely proper and furthermore no beneficiary was harmed by that conduct. Finally, Your Honor, um, in this case my client has been consistently meeting with the CPA and has been advised to amend the state return as to receive an account closing letter from the -

THE COURT: Your client should not be dealing with the CPA. That is very clear by my order. They are not the current PR. Your client knows that and I have no idea why they are doing that.

MR. FERRARA: My client is also acting in the capacity of the trustee for the Bayard Scott Pickett, Senior Trust.

THE COURT: I understand.

MR. FERRARA: And as a trustee under any trust created under the Veronique Pickett estate -

THE COURT: But not as the personal representative.

MR. FERRARA: Yes, Your Honor. He wasn't acting,

he wasn't taking any conduct as personal representative, okay?

THE COURT: Okay.

MR. FERRARA: In his capacity as trustee, Your Honor, um, he cannot fulfill his fiduciary obligations with respect to getting the tax return amended for the state and -

THE COURT: That needs to be done by the special administrator.

MR. FERRARA: Right. And the reason why I raised that, Your Honor, is section 62 dash 1001 that Your Honor is aware of, it states that these filings that were held against my client which resulted in the Form Four, and you know, this order of The Court, I believe failed to appreciate there is still not an account closing letter from the Department of Revenue or IRS and the statute is clear that those filings that The Court stated that my client, um, did not file, that those filings were not required to file until we received an account closing letter from the IRS or the Department of Revenue and that still has not been received. So for those reasons, Your Honor, we respectfully request that Your Honor would reconsider the order. It's interesting that The Court and the order has addressed the appointment of a special administrator but it's silent

on the issue of who the personal representative is.

THE COURT: There is no personal representative.

MR. FERRARA: Right.

THE COURT: It's not silent. There is none.

MR. FERRARA: So I guess Your Honor has additional basis or clarification that the appointment or the application for subsequent administration, um, filed by Bayard Scott Pickett was denied but now I understanding that The Court is saying that the formal petition or appointment of a special administrator is granted and that was unclear in the order or not addressed. I understand what The Court has advised everyone here about but I didn't understand that because it wasn't addressed in the order and we respectfully request that The Court would reconsider it's findings in that regard.

THE COURT: Okay. Reconsider addressing the rule on the formal petition only? I don't understand what you're asking me to reconsider.

MR. FERRARA: Yes, Your Honor, reconsider and make it clear that Mr. Pickett's petition for subsequent administration is denied and what the basis of that would be.

THE COURT: There was a summons and petition that was filed in regards to that as an answer.

MR. FERRARA: It was and I apologize, Your Honor, I recall Your Honor before you said, Okay, well, I've got a couple of different things here, we've got the petition for subsequent administration filed by Mr. Ferrara and his client and we've got the formal petition, how do we want to handle it? And I said, Your Honor, I'll go first and so what I'm asking Your Honor to rule on is to make it clear that Mr. Pickett's petition for subsequent administration and the appointment of personal representative is denied.

THE COURT: Denied his informal application for subsequent administration?

MR. FERRARA: Yes, Your Honor. And what the findings would be for that. I know Your Honor addressed the findings for the appointment of Mr. Gibson as special administrator but

THE COURT: Did you put that in - I don't see that in your motion to reconsider.

MR. FERRARA: No. I didn't, Your Honor, but my point, Your Honor, is if Your Honor was telling me that the order, um, did not address the subsequent administration motion that was before The Court so pursuant to Rule 59E I'm bringing that up to The Court. The way that the order is written, Your Honor, I was under the mistaken belief that Your Honor had granted

the petition for subsequent administration, however, denied Mr. Pickett's application for personal representative then appointed Mr. Gibson as special administrator in lieu of personal representative.

THE COURT: I hear your request. Thank you. All right. Mr. Laquiere?

MR. LAQUIERE: Hello, Judge, how are you?

THE COURT: Good.

MR. LAQUIERE: Can you hear me okay?

THE COURT: Yes. If you'll just state who you represent we'll go forward.

MR. LAQUIERE: Yes, sir. This is Erik LAQUIERE; I'm here on behalf of Kathleen Anderson. She is a party and interest under the funds currently held in this case and I'll just say the funds so I don't get into a discrepancy of trust versus estate so we'll just leave it at that.

THE COURT: I think what should be made abundantly clear is that this, and I'll let Ms. Palmer get into more detail on this, I think there's a real issue that needs to be addressed regarding the sale of the house, who owns what, and those proceeds so I appreciate you pointing that out about the funds because not all the funds are trust assets of the decedent. They have to go to the estate first, then pass to the trust.

So go ahead.

MR. LAQUIERE: I don't want to get too much into the weeds on this. I recognize that there's a disputed issue between the parties as to the treatment of those funds but that's not relevant to my client's position today. My client's position is that the course that this case is taking is detrimental to the estate itself and when I say the estate I mean the estate and or the trust so we'll just call it detrimental to the funds in escrow. And the problem that we have is that the funds are relatively easy to account for because there were not that many transactions by Mr. Pickett on behalf of these funds over the years. Primarily the funds were in hock because of a pending lawsuit for a period of time and it's pretty easy to look at the accounting and see what these funds were used for. Now, I disagree with The Court appointing a special administrator staring from scratch re-analyzing everything that was out there and creating a situation where we are going to have extended litigation between Laura and her uncle, Scott, and during the pendency of this litigation and the appeals that will follow, because both of these things are going to happen if this continues on in the direction it's going, my client is going to be injured while sitting on the sidelines in several forms, Your Honor: number one,

the cost of the special administrator, for instance, and his role in this is going to be paid for out of the common fund before the allocation is made and that causes injury to my client, and my client doesn't have a dog in this fight; there's another problem and that is my client's access to the funds that her ancestor intended for her to have access to is being delayed while two people are fussing and fighting with each other over things, both of which everything in this case is injuring my client. My client, at no point in time has been in control of funds and at no point in time has my client ever interfered with the activities of her sister or her uncle and yet she's the only one who hasn't received the benefit. If you look at the accounting which has been filed, Your Honor, you will see that prior to the filing of this case, this formal petition, her uncle gratuitously advanced her hundreds of thousands of dollars against her share in advance voluntarily because he thought there was enough money still to pay the upcoming expenses. My client didn't receive hundreds of thousands of dollars as her sister did. Meanwhile, while all this is going on, Laura is in charge of the trust funds that were previously distributed for the benefit of my client and she continued to control those funds long past my client's

turning the age of 35 at which under the plain language of Article Seven of the will, my client, with no further action, immediately becomes her own trustee at the age of 35 on her birthday and Laura's authority ceases. So then she comes along and files an action in this court to get control not only of the money that hasn't been advanced to her but to interfere with her uncle and his administration and to take control and seize control over my client's funds although my client is well past the age of 35 and in the plain language of the will there is no more trust.

THE COURT: I hear what you're saying but if you will focus on why the appointment of a special administrator -

MR. LAQUIERE: Yes, Your Honor. I am kind of setting a base line for this.

THE COURT: Okay.

MR. LAQUIERE: It is, in essence, appointing the special administrator is an equitable decision and it is one that Your Honor has to weigh the equities of doing it versus not doing it and what the end result of that action is going to have on the estate at large and the beneficiaries of the estate. That's my argument to you, Your Honor, not that you can't do it, because you shouldn't do it, and it's a discretionary thing because

when you do it we're creating an environment that is litigious when it doesn't need to be. Now, yes, I have no problem if Laura and her attorney want to say, Hey, there was $35,000 spent out of the common funds to Scott Pickett's construction company for that residence in advance of the sale. I don't like that $35,000 and it's very easy for The Court to say, Let's set that $35,000 aside and let the two of y'all argue whether it was appropriated or not under his discretion under the situation but let's not take and see this whole one point four million dollars and lock this whole thing up for litigation where only the lawyers win. The direction we're going right now, I'm going to make $50,000, Paul's going to make $50,000, Beth is going to make $50,000, and I don't know what Mr. Gibson is going to make but it's going to be between 50 and $100,000 apiece for us and that is just going to dilute the value of the common fund that needs to be going to the persons receiving the inheritance. Why don't we say, Let's do away with the special administrator concept temporarily and let's say let's have 30 days for every party to file objections to the accounting and let's see if we can limit the role that someone needs to be appointed to if someone does need to be appointed or if it's just a couple of items that can be dealt with let's deal with

those couple of items. I don't want to see this turn into a multi-year litigation over a tax issue. Let's talk about this tax issue for a second, I've seen the proposal. The proposal is that by filing an amendment to the tax returns the common fund can save over $100,000 in taxes. My understanding by speaking to Mr. Gibson is he's opposed to over some technicalities. So from my perspective not only does the appointment of Mr. Gibson cause unnecessary litigation and appeals and deplete the common fund but he's taking a position that is injurious to the common estate contrary to the opinion of a CPA who says it's a legitimate filing. Now, both of these things are very troubling to me but especially when you take into account that this is an equitable relief being requested and Laura, she doesn't have clean hands. I mean, her past performance in relation with her sister's trust money, I'm not going to get into it, but there's issues there.

THE COURT: That is not before The Court at this time.

MR. LAQUIERE: Correct, correct. But I have filed some documents which shows some of the accounting where she has taken money out for personal use but what I'm saying, Judge, is I ask you to use your discretion and let's not put this thing in a state of perpetual

litigation but let's narrow these issues if there are some issues. I think there are some ways that can be done. My last point is that if you're going to appoint a special administrator with whatever powers you choose to bring I would ask that Your Honor specifically designates the scope of powers that are being granted so that there is not confusion there, and also if you look at paragraph 121 of the will it does say that if the intended personal representative is not permitted to act as personal representative, which that appears to be the case based upon Your Honor's ruling, then they shall select an individual to serve in their capacity obviously subject to the approval of The Court but the one thing I can say is I think it's fair to say Mr. Pickett would not have chosen Mr. Gibson to be his successor subject to the approval of The Court especially considering the differences in opinions they have on some of the administration and tax matters. That's all I have, Your Honor. I don't want to beat a dead horse on this but I think this is a situation where there is a better method to accomplish what everyone wants which is to get the money distributed quickly and cheaply and that's what I want, as quickly and cheaply. Thank you.

THE COURT: As you know I appreciate your concern. In appointing a special administrator The Court does take into affect the cost; with that being said Mr. Pickett will be paying, since this case was closed back in 2020 he's responsible for his own legal fees. He's no longer serving in the capacity as personal representative. Ms. Palmer is being paid by her client, that is abundantly clear by the case law and statute so if they want to fight between each other nonstop and that's up to them. It's not going to deplete your client's money. It will deplete their money but it won't deplete your client's money.

MR. LAQUIERE: I appreciate that, Your Honor. It will deplete my client's time of access though.

THE COURT: Well, if we get a special administrator and he gets control of the money that's not going to tie up your money. There will be money there. I hear what you're saying but as you know the administration of the estate goes on even if my appointment gets appealed. If it's changed to a temporary appointment, non-appealable event. With all that being said I'll make sure The Court is very aware of your concerns and I will make sure we try to protect the estate so the benefit of the beneficiaries is maximized. Thank you so much for that.

MR. LAQUIERE: Thank you, Judge.

THE COURT: Attorney Palmer?

MS. PALMER: Thank you, Your Honor. Initially an observation here. You always have the question when someone is so against having a neutral third party come in and review what's been done. There's a lot in this accounting that has been filed after Your Honor told us in open court that it could not be filed because he was not personal representative and he filed it anyways, there is just blatantly wrong in a lot of ways. It shows a PR fee to Mr. Pickett for 180,000 and I feel pretty confidant Mr. Gibson is going to charge less than 180,000 to get this estate wrapped up. We've heard a lot about how a special administrator is going to cause a lot of delay and we've got to respect the decedent's wishes. Well, that is exactly why we are here, is because of the delay. Mrs. Pickett died in 2018. The delay is why we're here. My client's request for records, just to confirm the money was still there, they refused. That's why we are here. The testator's wishes were that this money go to her (inaudible), which are three trusts and that hasn't happened. Said money that should have gone immediately to the trust was put in the estate and as Your Honor referenced earlier, that's an issue that is going to have to be reckoned with.

Essentially, with the special administrator, our goal is to have the decedent's wishes followed finally after all this time. There's a lot said, a lot was

THE COURT: Where are you seeing a PR fee?

MS. PALMER: It was in the accounting that was filed. I don't believe it has been taken based on the bank records we subpoenaed. Proposed, and that of course would have been based on an estate value of three point eight million. That's only if you combine - so that in and of itself is problematic that the accounting was done like that. The only reason we've even gotten any records is because my paralegal has spent a lot of time and money domesticating subpoenas in Virginia so we can get these records. They certainly haven't been provided by Mr. Pickett. Your Honor, it think you're absolutely right. There is no grey area here at all. It is 62 dash three dash 614 that gives Your Honor the power to appoint the special administrator which is exactly what you did. There is not a removal. The cases cited do not change that and with all due respect a will can't change what the South Carolina probate code says either. But there is a jurisdictional issue here to back it all up. These motions for reconsideration were never served on me. Rule 5090 requires they be filed and served within 10 days of receiving written notice of the order. The

order was emailed on September 27th of last year, of 23, so that means they were required to be served no later than October 9th. I just happened to be on the easy filing site on the 17th and saw them then but they were never served on me. These motions were untimely and I believe need to be denied solely on that basis. But again, even if they - Sorry, Your Honor.

THE COURT: Have these ever been served, have you filed a proof of delivery?

MR. LAQUIERE: I'll go first, Your Honor, because I've looked into this particular situation. Um, when I filed this one on the 9th it was electronically filed pursuant to the administrative quarter 2022, October 28th, order number one, which says that in subpart C under Rule Two, electronic filing system, a system approved by the State of South Carolina's Supreme Court for filing and servicing motions and other documents and it goes on to discuss the electronic service and other things. Um, so I relied upon the filing to serve the three of us who were registered, subsequent to that, having a conversation with Ms. Palmer, I came to realize this system at the probate court, for some reason, unlike the system at the circuit court, is not serving those copies of those filings on us contemporaneously with the approvals and so in this

one instance no, I did not serve her with it on October 9th. I believed that the electronic filing system did that automatically as it says that it does but I have learned that it does not do that, Judge, so anything since that date I have been making a point of serving directly as well but that is the situation and that is why it occurred.

THE COURT: And I will just tell you that we are not part of the common pleas filing system. We are the pilot system for the state of South Carolina. We're the first program to have e-filing. Mr. Ferrara, have you served yours?

MR. FERRARA: Your Honor, similar to Mr. Laquiere, I filed a motion and I received confirmation from The Court. I filed a motion timely, I received confirmation from The Court on October 10th, 2023 at 8:41 a.m. that the motion was accepted by The Court, and pursuant to Chief Justice Beatty's administrative order of October 28th, 2020 it states that if you're a registered filer with the probate court in the pilot program that when I read the rules as a whole, Your Honor, it appears that The Court is to select a provider and I was under the apparent mistaken belief that all parties had received notice of that filing once it was accepted by The Court but I spoke with Ms. Palmer and I

understand she did not receive it so I relied upon Chief Justice Beatty's order that the probate court shall select a provider to provide service to registered filers.

THE COURT: Yes. So that they can file it.

MR. FERRARA: No. So that it can be served upon - As I read this order -

THE COURT: I'm not going to rule that we had this hearing I'm going to take it under consideration. Just know that it's to be served accordingly. I want to make clear, Mr. Ferrara, and I think you think I'm picking on your client and I'm not; my job as a judge is to administer the probate law and probate has it's own set of rules and we follow them. For example, your client filed an inventory and appraisement on 9-27-2023, after the hearing, listing a beginning balance of four million dollars plus, also filed an inventory with 100 percent of the house listed and we know that's incorrect. There is no dispute about that, correct?

MR. FERRARA: No. I mean, Your Honor, I don't know how Your Honor would be aware of other than what has been argued in front of you -

THE COURT: I thought it was common knowledge that y'all presented that the deed was 50 percent in the husband; is that not the case?

MR. FERRARA: No, Your Honor. What we were trying to do before Your Honor last time but you told me to wrap it up so you could rule upon the petition that was before you, I tried to get into the background and explain the interplay between the trust and the estate and these two complex trust that were created but Your Honor not to move forward with that so respectfully, Your Honor, there is a dispute, I guess, now, I didn't understand that, from Mrs. Palmer and her client about the value of the estate, about what is in the estate and what is not in the estate.

THE COURT: Yes.

MR. FERRARA: I mean, Your Honor, has never had a hearing on this and that's what is inappropriate. All of these arguments that are presented to The Court are really not before The Court on this but they are being held against my client but respectfully, Your Honor, I guess to answer your question, there is a dispute apparently about the value of the estate.

THE COURT: I think the dispute comes from the fact that this is a 2017 estate, correct?

MR. FERRARA: It is, Your Honor.

THE COURT: And I think the dispute comes in at the time of the hearing there was never an inventory filed.

MR. FERRARA: There wasn't, Your Honor, but just -

THE COURT: I want to be clear about that. I've got a PR that's been appointed for six years almost and there is no inventory that has ever been filed.

MR. FERRARA: There wasn't, Your Honor, but the statute that I referenced, 62 three dash 1001 states that the filings are not required to be filed until the later, the later, of 90 days of an account closing letter so respectfully, Your Honor, that's why I mentioned that and so -

THE COURT: With all due respect those are the closing documents you are referencing, at any time after 90 days you could have easily listed what the assets were and then turned around and listed to be determined because how is any beneficiary supposed to know what is in the estate if an inventory has never been provided? That's the whole point of what I'm getting at that I think everybody is missing. Whether it's a four million dollar estate or a two million dollar estate, the fact of the matter is there was never a filing that showed what was in the estate for these beneficiaries.

MR. FERRARA: Respectfully, Your Honor, I was in constant communication with the beneficiaries and their counsel during this period of time and there was a

strategic reason for not filing documents with the probate court that would have a four million dollar valuation on the top line because we were in litigation.

THE COURT: I understand but it's just like I tell folks, you can't limit what you put on your tax returns because you don't want to pay taxes. You have to put down what the value is as a fiduciary, what he believes the value of the estate is worth. You can't hide behind it, okay, and I hear that it is (inaudible) because you didn't want to have a lot of value in the estate because there was a lawsuit but that isn't how it works. Creditors have the right to know what is in an estate.

MR. FERRARA: Additionally, Your Honor, I know it's not before you but in way of background, Your Honor, my client was also at that time trying to ascertain what was to be included in the estate because these are complex trusts, the documents. That is what I was trying to get into but we had a very limited time to hear the petition that was before Your Honor and the motion for subsequent administration so we moved beyond that. But when we have a final hearing I'll be happy to bring all that information out before Your Honor.

THE COURT: The Court can only look at the fact that there was a will filed and it's been six years and

there hasn't been one accounting or one inventory that shows what is in the estate. Even if the inventory didn't have values it has to show what is potentially in the estate because the beneficiaries have a right to know that and the creditors have a right to know that. You're talking to the beneficiaries but so many can bring a creditor claim and they have the right to do that. You have a right to disallow those creditor's claims and that was never done.

MR. FERRARA: Your Honor, I understand and respect everything Your Honor is stating but I was just trying to simply address the reason as Your Honor mentioned about the filings. We were beyond the one year creditor claim period so that is not an issue and when we have a trial on it, Your Honor, you'll be able to hear all the information from both sides, not just the attorney arguing, you'll be able to hear the truth of who knew what and when and what was filed. That's what happening here, Your Honor. You're making conclusions before we've even had a trial on the -

THE COURT: I think what you're misunderstanding is the inventory should have been filed within the first year listing what assets, even if they don't have a value. That's the whole point of the creditor's claim period. I'm not trying to be argumentative with you; I'm

just trying to tell you if you read the code it says an inventory and appraisement should be filed within 90 days of appointment. It was never done. There's a box on there that says amended. You can go back. You can get an appraisal of what the property is, you can get appraisals of the personal, you can get appraisals of the house because you have to have that when you go to sell it. It needs to be there so if the house does come into the estate, some portion there of, 100 percent. I hear what you're saying but I think you're missing out on the big thing which is we have to get something to follow what the rules are. Then again, we're going to get Mr. Gibson to marshal these assets, then you can come back and y'all can litigate whatever you want to litigate. I don't have any problems with that. I haven't ruled that your client did anything wrong, other than he didn't file within that time period. That's the only thing I've ruled on and I have great discretion in appointing a special administrator, okay? So we're going to move on, and I'll take that under advisement, and I'll issue an order. Now we're going to move on to Mr. Gibson's motion that was filed. We've not heard affidavit of attorney fees yet; I haven't gotten into any of that, the objection to attorney fees, notice of motion and motion to compel by Mac Gibson, November 10th,

2023; Mr. Gibson?

MR. GIBSON: Thank you, Your Honor, may it please The Court; Your Honor, the reason for the motion by special administrator for the estate is I have just hit roadblocks after roadblocks in trying to figure out what the assets are, what's going on with the assets. Anytime I ask for information about bank accounts what Mr. Ferrara simply does is tell me to refer to Beth Palmer's paralegal to the bank records. It seems to me if his client opened up these various bank accounts he should be getting bank statements. He should be getting copies of cancelled checks. I'm not getting them. I'm getting them from Beth Palmer, not from the attorney or the former representative. Furthermore, I put in my letter to Mr. Ferrara, October 26th, 2023, I asked information about the various bank accounts. Why were -

THE COURT: Before you get into that, Mr. Gibson, let me have Mr. Ferrara respond to that and we'll go to the next issue.

MR. FERRARA: Yes, Your Honor, may it please The Court; at the outset Mr. Gibson hasn't served any formal discovery upon me. He wrote a letter. I acknowledged that letter. I spoke with him shortly after court and I was under the mistaken belief that Mr. Gibson was going to review the filings with the probate court that have

every debit and every credit that went through this estate that's filed with The Court. Now, Mr. Gibson told me a few weeks later, when he filed a motion to compel I called him and he said, Paul, I didn't get that, and I said, Let me send you the links for the subpoenas that Mrs. Palmer's office sent out because that has complete information and I didn't know what questions Mr. Gibson had specifically about the charges because my accounting, Your Honor, has every single line item, debit and credit, that is filed with The Court, and so I sent those links from Ms. Palmer's office over to Mr. Gibson and then just as a follow up because I was shocked to see that he communicated with The Court today and said that he was still moving forward with his motion to compel so I re-established a shared drive and I didn't get a chance to speak with Mr. Gibson to see, maybe he didn't get it, maybe he didn't receive it or maybe he didn't look at the email yet but he has a link to every bank account that my client had control of with the folder, with the account, with the statements, and I also provided a breakdown as of 1-24-2024, not 24, as of today, as of yesterday, Your Honor, what the balances were in every single account. I provided that to Mr. Gibson via a link and it has all the documents and I apologize if Mr. Gibson didn't receive that but he

should have received that.

THE COURT: Do you have an accounting, Mr. Ferrara? The only accounting I have is the one and it may have just printed off that way but it's in alphabetical order; did you provide him with an accounting that is in chronological order; I don't know why mine is in alphabetical order?

MR. FERRARA: Uh, I think that's the way it printed out on our side, Your Honor, but I'll be happy to resort that in date order.

THE COURT: I'm sure the wrong button was pushed or whatever but if you can, unless you gave them a digital copy and they can sort it that way, I don't know.

MR. FERRARA: I would be happy, Your Honor, to send that Excel file out.

THE COURT: Attorney Gibson, what additional documents do you need?

MR. GIBSON: Your Honor, I need to make sure, to talk to Ms. Palmer because she was waiting for some additional copies of cancelled checks. I don't know if everything that has been produced by - We're talking about two different banks and I know Ms. Palmer has engaged in diligent effort to try to get a copy of every single check. Today I don't know if Ms. Palmer has

received all this yet. But more to the point, Your Honor, in my letter to Mr. Ferrara I made reference to various bank accounts and I specifically questioned about the various bank accounts so I could do my job, figure out exactly what is going on and create a foundation to build on to get the information I need, get the money so I could do my job. Your Honor, that was back in October 26, 2023. As we have this hearing today I have yet to receive any information on his client. Furthermore I made reference in the letters that I'd like to speak to his client so I can get more information. I can't do my job. I have not gotten any information or any cooperation as to the various bank accounts. There are a lot of questions, not saying they're wrong, but I can't do my job and I'm kind of put in a corner.

THE COURT: Mr. Ferrara, any reason why you didn't respond to his email specifically or his letter?

MR. FERRARA: I did. Your Honor, let's do this, because Your Honor wants to get to the truth of the matter, right? If Madame Court Reporter can help me share my screen where I responded to Mr. Gibson and the email or will Your Honor accept my representation as an office of The Court that I did respond? I sent Mr. Gibson a letter today because I saw he communicated with

The Court and said he was moving forward with the motion.

MR. GIBSON: Your Honor, I'd like to see those emails. I would not be perusing this motion to compel if I had all this information.

THE COURT: And I think this goes back to Attorney Laquiere's concern that if Mr. Gibson has to go do every single thing without you pointing him in the right direction and it appears you did point him in the right direction so we'll take a minute and try to get that up on screen.

MS. PALMER: Your Honor, may I add something in the interim?

THE COURT: Wait a minute, Madame Court Reporter, do you need to do something?

COURT REPORTER: I'm not sure. I'm going to have to figure it out.

MR. GIBSON: Your Honor, can we take a two minute break.

THE COURT: We can take a break and that will give Madame Court Reporter a chance to work with Mr. Ferrara to get that up on screen. I don't know how to do that so let's just take a break for a minute.

(Deposition went off the record for a brief period.)

THE COURT: Attorney Ferrara, were you able to

pull that up on the screen?

MR. FERRARA: I'm not sure how to get the preferences set up but I'll just make a record, I guess, Your Honor; I can send screen shots to The Court if you want. I've sent Mr. Gibson an email this morning at 11:58 with a letter that addressed - because I realized, to answer Your Honor's question on the motion to compel, I said, okay, Dear Mac, this is a formal response to your letter October 26th; you and I spoke on November 7, 2023 and I advised you there was filed accounting and inventory appraisement for Your review; I've again enclosed a copy of the filed inventory appraisement along with the filed accounting for your review; I will address each one of your questions in your letter below, you asked Your Honor about proceeds about 214 and 215 King Street --

THE COURT: The letter will speak for itself. You'll just add that as an exhibit to this hearing. It speaks for itself.

MR. FERRARA: Okay. And I'll tell you, Your Honor, as an officer of The COURT, just so Your Honor is clear, I forwarded Mr. Gibson the subpoena links I had that were the most complete banking information that I have, even more complete than what my client provided to me. Now, because they go for many years, even before the

estate was opened, when I realized Mr. Gibson still had questions this morning they copied me on an email with the clerk that he was moving forward I went ahead and did the letter. It's important, and I stated this earlier, that, you know, the funds at issue in this case are all in the bank that are specified in that letter by account number, amount as of now and I wanted to be clear the estate and trust funds are on the deposit and there has not been anything done improper by my client to convert any money. We did file the accountings, as Your Honor mentioned, pursuant to the authority established in the probate code that allows a personal representative, even though relieved, to make filings and account for proceeds under their control while they were in control. That's why we filed that, Your Honor, and just for clarity we filed a proposal for distribution but have not disbursed any funds and followed Your Honor's directives not to disperse any proceeds without an order of The Court. We're trying to cooperate with Mr. Gibson. He said he's got some questions and interestingly, and you heard him testify about this, he said, Well, Ms. Palmer still has questions, and that is one of the issues for the underlying motion is that we're now getting a motion -

THE COURT: I'm going to stop you real quick and

then I'll let you come back to that and if it's totally different than what you're going down that road; my concern, and I want each lawyer to weigh in on this, my thought is when I appoint a special administrator, he should be added onto those accounts. As special administrator he should be added on anything that is an estate asset. If it's a trust asset he doesn't have - in other words, and I want to make sure I'm clear on this, and Mr. Ferrara, I think you think I'm picking at your guy and I'm not. This is a complex estate plan. It's The Court's duty to make sure the administration is done to protect everyone. This is a protection. I'm throwing fault at anyone at this time. The only fault I said is if you didn't file those papers in a timely manner so notice wasn't given and we're passed that. I haven't found that he was maleficent or used money for his own personal good, okay? Having said that we have a special administrator in place. That special administrator steps in and takes control of estate funds. Those funds should not have been transferred, and this is my understanding, that the funds don't get transferred to those three estates. If I'm correct didn't the decedent leave everything to her son and her two granddaughters in trust; so there are three separate trusts, correct?

MS. PALMER: Correct.

THE COURT: Those shouldn't be funded with her money until they go through the estate, okay. Those are all subject to estate administration. Her funds, whenever she died, whatever was in her name, it's a pour over, it pours over into this trust and it creates these three trusts, and I see what you're saying, Attorney Ferrara, about the will gives him the right to put things in his own name but technically as the fiduciary when he grabs that money as PR it should be in an estate account and it doesn't transfer to the trust until all the closing documents and the proposal for distribution comes over; are we all on the same page with that?

MR. FERRARA: Yes, Your Honor.

THE COURT: So at this time I kind of thought my expectation would be by now, Mr. Gibson, and it may just be confusion on my part, wouldn't it be better to add Mr. Gibson, he should be added as special administrator on all these accounts so that he has access and he can combine them, okay. There was some testimony that your client, who had a legitimate worry during Covid and everything else about the insurance so he split them up. There was never an allocation that he was using those funds at this time that I'm aware of. He did it to keep the insurance, FDIC insurance. That was the testimony,

correct?

MR. FERRARA: Yes, Your Honor.

THE COURT: Shouldn't those be consolidated and if they're not consolidated, if we're worried about insurance, I'm not telling you to consolidate them, but shouldn't they all be estate accounts with Mr. Gibson as special administrator and him doing the accounting from this point forward?

MR. FERRARA: Well, if Your Honor is -

THE COURT: My point is that should have been happening regardless because your motion to reconsider does not stay his ability to act; in other words you don't have a PR right now that is acting; do you see what I'm saying?

MR. FERRARA: Yes, Your Honor.

THE COURT: He's holding funds as PR that he's not an active PR so Mr. Gibson needs to go to every financial institution with this order and this certificate of appointment and those funds need to be under his control and I think that will help everybody, it will help Mr. Ferrara because Mr. Gibson then will have authority to get whatever he needs from that bank and then he can send you specific follow up question that you will cooperate with. Now you know don't send him just the link, respond to each one within 15 to 30

days which is more than fair.

MR. FERRARA: Your Honor, just so Your Honor is clear I did respond to every single question he had.

THE COURT: I understand that you've done that on this by now, here are the links, but to be clear going forward page five of my order under the second paragraph where it says all parties shall fully cooperate with the special administrators to ensure efficient and effective administration, meaning I don't want him to have to go through 1,000 documents if it's something that either party can hand him quickly so just everybody take that under advisement, okay?

MR. GIBSON: Your Honor, if I could speak to that; my concern is several of the accounts are in Mr. Pickett's name, personal name; the problem I have is he account is in Virginia. You and I both know, we've done this a long time, the legal representative for a bank would say, We don't have to comply with this, this is not in the estate's name and it's from South Carolina. I need to get something. I have offered to have Mr. Pickett get a check, close out every check, provide an accounting for each account, send the check to me, certified check, and at that point once I get all the checks I will open an estate account and provide an accounting.

THE COURT: Mr. Gibson, you should get the EIN number. He should have an EIN number, correct, Mr. Ferrara?

MR. FERRARA: He does, Your Honor.

THE COURT: That EIN number needs to go to Mr. Gibson, okay? Mr. Gibson, you need to go to a local bank, have that paperwork ready and like you said, if y'all want to open - I mean, I don't know what to tell you about this FDIC insurance. I'm not going to tell you what to do on that but in my experience I'd have it all put it in an interest bearing account non-investment. When I served as a special administrator I never invested the money because we don't want it to go down. Now if the banking system crashes we all got a lot more problems. Okay. But at least I do not want Mr. Gibson investing this money other than any basic interest bearing account. I don't care if it's point one percent but I don't want it invested, okay? So Mr. Ferrara, Mr. Gibson is going to follow up with a letter or an email to you saying, Please have your client close out all those accounts, okay, each account with a check payable to the estate. Mr. Gibson, are you taking note of this?

MR. GIBSON: I am now.

THE COURT: He's going to close out any accounts, check payable to the estate and that's why I

want you to open an estate checking account with the EIN number because they may want to wire it. It may be easier to do the wire based on his instruction.

MR. GIBSON: Your Honor, will you instruct Mr. Pickett to wire the funds?

THE COURT: Whatever is easiest, whatever that bank would do. Wiring would be better but you obviously have to have a bank open to catch it.

MR. GIBSON: Your Honor, I would add for my protection as well, at the time the funds are wired I would like to have a copy of the last bank statement so I can match up the bank statement with the of the proceeds.

THE COURT: Well, he's going to close out each account with a copy of the statement, last statement, and an accounting of each one. Okay. Do that within 30 days and that should eliminate a lot of problems. When Mr. Gibson has that and Mr. Ferrara is going to resend that accounting in chronological order. Anything additional on the motion to compel?

MR. GIBSON: No. I appreciate it, Your Honor.

THE COURT: Attorney Ferrara?

MR. FERRARA: Yes, Your Honor. I don't want to waste The Court's time but just for clarification, I shared with Mr. Gibson every single banking record I had

from all the institutions so if he wants to reconcile those bank statements against the proceeds he can. I have all that that I provided to him via the link. How about I do this, Your Honor, I just resent an email and attach each document? Some of the documents are large but I'll just reattach those so it will be easier for him to just look at those and compare.

THE COURT: This is very easy. This is very easy. Your client has all these. Your client has all the bank statements and he's on every one of the accounts. He's going to close them out. He's going to take the last statement along with, whenever he opened it, if he opened it eight months ago, eight months ago the starting balance was $250,000 or 300,000, we've gotten this much in interest, here's the balance minus any wire fee or anything like that to get it wired or a check. Whatever the bank will do. Some banks don't like wires because they worry about it so I'm not going to impose a wire. If it's easier to wire it great. I don't do real estate but I know wires are a tendency to fraud. And then Mr. Gibson, I would ask whatever bank you put this in to get authorization for any distribution more than five or 10 thousand. For example, if you're making a 10,000 distribution you can all and say, Hey, I sent out these three checks; that way if you've got 500,000

or two million dollars sitting in an account, I always did that. The bank can do that before they clear a check or withdrawal, they can do that, make sure they have approval from you, that they communicate with you prior to that.

MR. GIBSON: Thank you.

THE COURT: Want to make sure we do everything to protect his money.

MR. FERRARA: And respectfully, Your Honor, uh, I think the banks now have where they can turn on positive pay. I know for our IOLTA accounts it doesn't cost attorneys but if it's a non IOLTA account it will probably cost but that does also protect against The Court's concern and no check would be able to clear unless Mac actually personally approved it even though it may have been personally presented the night before.

THE COURT: Something like that is great. Again, I don't do settlements. I know you do a lot of civil litigation so any technique that y'all know of please pass along. I just want to funds protected for any beneficiaries. Anything additional on this motion? I'm not going to award fees at this time. I don't think it was anything blamed. I think it was a miscommunication. This is a very contested case. It's very serious. The attorneys are very good. Everybody is trying to

represent their client as best they can. Anything additional on that motion?

MR. GIBSON: No, Your Honor.

MR. FERRARA: No, Your Honor.

THE COURT: I want to thank the lawyers. I know these cases are tough and again I see everyone on this call as a peer and I like that we talk through the issues. I'm just trying to get it right. I'm not personal to anybody. I'm not playing favorites, I'm not picking on anybody. I just want to get it right. If I don't get it right, I'm going to issue an order quickly so you can make any appeals or motions for consideration. I just want to make sure each person has their day in court. That's the main thing, that each beneficiary has their day in court, that they get what they deserve. After I get this order out, okay, I'm happy to grant the order to mediate but the problem is I'm not sure the parties are ready yet until Mr. Gibson gets control of the money and figures everything out, but I will say I want to grant that motion to mediate but I'm not going to put a date yet on that to mediate by such and such. I'll let y'all do some discovery, get some information. Hopefully you won't need a lot of formal discovery, get what you need. Mr. Gibson, as you know, you're the fiduciary. You don't have a side,

you're just there to collect everything and disperse it out to everybody. You have an open file. These are three good lawyers. They can advocate for their clients. We don't need the special administrator being a prosecutor or defense. Anything additional?

MR. GIBSON: Your Honor, the only thing I would add, if I need to speak to Mr. Ferrara's client, whether it would be by Zoom because I understand he's in Virginia, that he would grant that to me in case I have questions to each account?

THE COURT: Yes. As long as you go through him. Unless he waives that right but he's got a right to be on those calls.

MR. GIBSON: Absolutely.

THE COURT: That may be easier if you set up times with he and his client to do a Zoom to say I received this, I have this, what am I looking for, so you don't just spin your wheels.

MR. FERRARA: Your Honor, very briefly, just for housekeeping, the most recent order, were you going to clarify the appointment of special administrator and limit his role as Your Honor, I think just ruled or did I mis-hear you or is this a separate independent order that Your Honor just made regarding the transfer of the assets?

THE COURT: No, no. That was what I was talking in the rule, motion to compel; motion to compel is separate from the motion to reconsider.

MR. FERRARA: Okay.

THE COURT: So I think we ought to do two orders, one on the motion to reconsider and one on the motion to compel.

MR. FERRARA: Attorney Gibson, would you send one in on the motion to compel?

MR. GIBSON: Yes, Your Honor.

THE COURT: It could be a short order, that we had the hearing, this is how is we are going to proceed moving forward, and my other order, if I uphold it, unless I change the powers in there it will have the same one but that's a separate order. Let's stick to this on the motion to compel and I'll try to get those out within two weeks or the motion to reconsider within two weeks. Anything additional?

MR. GIBSON: Your Honor, let me ask you this question along that line, you have a motion to reconsider if you were to grant the motion then there is no point in my involvement.

THE COURT: Absolutely. But at this time, at least on the motion to compel, if you would send me that order and I won't sign that order until I rule on the

other.

Again, I want to thank the lawyers. I know this was a long afternoon and I have a tendency to cut people off and it's because I move my train of thought so don't take that personally. I like to resolve that issue and move on and again I appreciate everybody's professionalism because I know your clients get emotional, been there, done that, and I really appreciate everybody's professionalism. Thank you all. Everyone have a great day.

(Hearing concluded at 3:46 o'clock, p.m.)

STATE OF SOUTH CAROLINA)

: CERTIFICATE

COUNTY OF BERKELEY)

I, Molly C. Powell, Court Reporter and Notary Public, certify that I did have the aforementioned parties to appear before me at 2:00 o'clock, p.m., via video conference; that the witness was sworn and cautioned to tell the truth, the pages constitute a true and accurate transcript of the testimony given at that time and place.

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

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 13th day of February, 2024.

_____

Notary Public for South Carolina

My Commission Expires: March 4, 2029

STATE OF SOUTH CAROLINA * COURT OF COMMON PLEAS
*
COUNTY OF CHARLESTON * TRANSCRIPT OF RECORD

----------x
LAURA V. JONES, *
*
Plaintiff, *
*
vs. * Case No. 2024-CP-10-00921
*
BAYARD SCOTT PICKETT JR., *
*
Defendant. *
----------x

April 5, 2024

B E F O R E:

The Honorable George M. McFaddin, Jr., Presiding Judge

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

Elizabeth Palmer, Esq.
Attorney for Plaintiff Laura Jones

Paul B. Ferrara, III, Esq.
Attorney for Defendant Pickett, Jr.

Eric B. Laquiere, Esq.
Attorney for Defendant

Recorded by: OWL In-Court Recording System

Transcribed by: Bobbi Fisher, RPR
SC Official Court Reporter III

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E X H I B I T S

(None.)

COURT REPORTER LEGEND

Dash (--)	Indicates an interruption in speech
Ellipses (...)	Indicates trailing off in speech
(ph)	Indicates phonetic word
[Verbatim]	Indicates the word is said as written
(Indiscernible)	[Transcription] Indicates word(s) is not known due to audio recording quality

P R O C E E D I N G S

THE COURT: Jones v. Pickett -- Bayard Pickett.

MS. PALMER: Good morning.

THE COURT: How are y'all?

I have lots of things here in this case. I have not had a chance to read them yet. So two motions; is that right?

MS. PALMER: Yes, Your Honor.

MR. FERRARA: Yes, Your Honor.

THE COURT: [Indiscernible].

MS. PALMER: Your Honor, [indiscernible] file.

MR. FERRARA: I think mine was first filed. I can briefly be heard on mine.

THE COURT: Yes, sir.

MR. FERRARA: Yes, sir. Good morning, Your Honor. May it please the Court? Paul Ferrara on behalf of Bayard Scott Pickett Jr.

And, Your Honor, this motion is a motion to -- it's an emergency motion to appoint a personal representative. Just by way of very brief background, Your Honor, this matter was removed from probate court for Your Honor to decide or for this Court to decide the appointment of the personal representative. And in short, Your Honor, the will of this case authorizes my client to be the personal representative.

The will technically authorized my client and his late sister to be the personal representative, but in that probate matter that was subsequent -- or in that probate matter, there's a family settlement agreement that was filed at the outset in the probate case and it's part of this Court's file, and all parties to this action agreed that my client would be the personal representative.

And so, as a threshold matter, Your Honor, we think that this Court should appoint Bayard Scott Pickett as personal representative based upon family settlement -- based upon, you know, the priority under the statute, based upon him being name in the will in the first place, based upon the family settlement agreement. And I understand that there was a memorandum filed in this case last week objecting to my client being the personal representative and the allegations are that he is unfit.

And there's been a lot of dispute in this case in the appointment of a special administrator, which is still over in probate court -- and that issue is on appeal, Your Honor. But, respectfully, I would characterize the claims of unfitness of my client to be backhanded challenges to my client's conduct in the past while he was appointed personal representative -- maybe I should go back, Your Honor.

My client initially was appointed personal

representative by order of the probate court. No dispute there. In short, the case -- while that case was pending, there was litigation concerning the estate, and that litigation caused or -- there's an explanation for why my client didn't file original filings in this case, the appointment of -- or, excuse me, the inventory and appraisement and the accounting.

Well, as soon as that litigation ceased, Your Honor -- well, let me back up. Before the litigation ceased, my office -- and I was the second attorney involved -- continually asked the probate court for extensions of time to file. The basis for those extensions were twofold, Your Honor: One, my client was working with a CPA -- and, at this time, my client is a personal representative of this estate working with the CPA to finalize the tax return; and the second part, the reason for the extension, was that there was litigation pending in Charleston County they had concerning the estate.

As soon as the litigation was resolved and the tax issues were resolved, the same day, as soon as that litigation resolved, my client filed a motion to reopen the estate. Now, Judge [indiscernible], before this, Your Honor, had administratively closed the estate. And I will state briefly for the Court, the Court -- all this is in

the Court filing, Your Honor. But from what my office understood, the probate court said we're not going to grant anymore extensions, you know, because we had four or five extensions, and they said, "We're going to administratively close the probate under Form 4," and whenever we do that, Judge [indiscernible] issued an order -- and that's in this Court's file -- to allow leave for my client to file a motion to reopen.

My client did that as fast as he possibly could in an informal basis. As soon as -- shortly after filing that, one of the beneficiaries, Laura Jones, through her counsel, filed an objection and that application for any [indiscernible] administration in the informal application to appoint my client personal representative, that matter started in probate court and that issue is on appeal.

Thereafter, I filed a formal petition to have the circuit court appoint my client personal representative and that's what we're here for. And I know Your Honor is familiar with it, but interestingly, in probate court, there's a statute that says any proceeding, even though it's under one case number in the probate estate, it's its own separate proceeding.

And so we're just here on the narrow issue, Your Honor, of appointing personal representative. Respectfully, I would ask that you appoint my client

personal representative because he is -- first and foremost, in the family settlement agreement, he was the prior personal representative, and he's also named in the will.

I understand further about the allegations of unfitness, but I think that Your Honor can still appoint my client personal representative. My client's agreeable to -- all the allegations on fitness have to do with spending money or using money in the past, I believe, and there's approximately $1.43 million of money in this estate right now in various checking accounts.

My client is amenable, if Your Honor would allow, to -- once he's appointed personal representative -- consolidate all those funds into one account, make sure it's FDIC insured. My client has spoken with First National Bank, which is a bank here in town, that can yield around 5 percent interest, and they will pay -- the bank will pay the additional FDIC insurance so that the money is protected, and basically, my client would agree that all those funds would be in that account, and he would be restrained -- even though he would be personal representative -- he would be restrained from spending any money without further order from the Court [indiscernible].

There's a lot more information that I can talk

about, Your Honor, but as a preliminary matter, that's what's before you on the appointment of personal representative, and we would respectfully request that you grant that as a matter of law. Thank you, Your Honor, and I'll answer any questions you might have.

THE COURT: And you, ma'am?

MS. PALMER: Thank you, Your Honor. I'm Beth Palmer. I'm the attorney for Laura Jones, who, as trustee of the Laura Jones Trust, which was created by the decedent's will.

First [indiscernible] -- may I approach?

THE COURT: Yes, ma'am.

MS. PALMER: Mr. Ferrara, in the family settlement agreement, agreed that his client would serve as PR, that's not what it says. There was no agreement there [indiscernible] that he was named in the will, which is correct. It does not agree -- my client does not agree with that [indiscernible]. Not that it really matters because, thereafter, the probate court removed him, which it doesn't matter [indiscernible] what agreement he might have to the contrary and no matter what the will might say.

But the probate court here is intimately familiar with this estate, and it's decided more than once in the past year that this estate requires a special

administrator because Mr. Pickett is not meant to serve as the personal representative.

Here's why: After he was appointed as the initial personal representative of this estate in 2019, he didn't do anything. The one thing he did was take -- execute a deed of distribution to distribute the estate's primary asset, [indiscernible] 50 percent interest in property located in Mount Pleasant. He executed a deed of distribution to distribute that to the designees of the will, which were his own trust, my client's trust, and her sister's trust. He did that because he wanted to sell the property, which he did.

When the property was sold, that 50 percent, which was about 1.7 million, it wasn't distributed to the sellers, which, at that time, were my client's trust, his trust, and [indiscernible] trust. Instead, he put it in an estate account.

The claims that he did this and that he went for years and years without distributing that money to its rightful owners, the designees, because of this lawsuit that is pending. That lawsuit did not name the estate. The estate was not a party to that lawsuit.

Now, I can understand why you would hold some amount back for estate expenses, and I think that's completely proper, but withholding the entire amount for five years,

four years, never filing an inventory, never filing an appraisement. He had, I mean, a year and a half from the probate court about things that needed to be done and filed. It wasn't done. And so the probate court closed the estate administratively and discharged Mr. Pickett as personal representative.

Now, he did come back trying to reopen this estate. Interestingly, he did that [indiscernible] subsequent administration and be reappointed. It was filed the day after I spoke with his attorney to say if y'all don't get this information about where this money is and what bank it's at and the amount that it is currently, I'm going to have to get the probate court involved.

The very next day was when they filed their application. Did not give us notice of it. I did file an objection once I learned of it, which was by virtue of my client actually being on the clerk's website and seeing it. And then I filed a petition -- a formal petition for the appointment of a special administrator.

So we learned from his prior service as personal representative he doesn't respect the administrative process. And the probate court, Judge, I mean, that's the number-one basis. That's why the judge appointed a special administrator. It was not because of misconduct or anything else on the part of Mr. Pickett as far as

misappropriating money or anything like that, but I will tell you, we -- again, due to my client's inability [indiscernible] some years to get any information at all about this money, I domesticated several subpoenas. And it became very clear why I wasn't shown a bank statement at the outset over a year ago to show where the money was. That's because, in mid-March of last year, Mr. Pickett wrote four checks to himself each in the amount of $250,000 and did a counter withdrawal of 450. Now, he has testified he did that because he was scared of a bank failing and not having insurance, but he put all that money in accounts in his individual name, not even in an estate account.

And, Your Honor, I have got a courtesy copy. If you want to follow along, I have got exhibits, each of the bank statements, cancelled checks, everything else if you would like it.

THE COURT: Can I take it with me?

MS. PALMER: Yes, you can.

THE COURT: I just can't [indiscernible].

MS. PALMER: I understand.

THE COURT: [Indiscernible].

MS. PALMER: Absolutely. And if there's anything that you would like me to point to that says [indiscernible], but it's all there.

So opening a bunch of accounts in his individual name with estate money in March of this year when he wasn't even the PR, that's, obviously, a concern. The court -- the probate court heard our petition of a special administrator. The Court granted it in September of 2023 and chose -- the Court chose itself a local attorney, Mr. Matt Gibson. Appointed him as special administrator, finding, quote, "The appointment of special administrator is necessary to preserve the estate and to secure its proper administration."

THE COURT: Does he remain?

MS. PALMER: Yes, Your Honor. And I'll get to that.

Mr. Pickett filed a motion for reconsideration on that order appointing special administrator. That was also denied. That order is one of our exhibits. I included it because it has a very thorough recitation of the timeline back from when Mr. Pickett was first appointed then discharged.

That same day, the Court also entered -- the probate court entered an order ordering Mr. Pickett to transfer all the funds, all these estate assets and these different accounts -- a lot of them in local, regional banks just in Virginia, to Mr. Gibson. Mr. Pickett appealed all three of those orders. That appeal is pending.

We then filed an emergency application to appoint a

temporary special administrator so that there would be somebody that -- a fiduciary to act on behalf of the estate. The probate court granted that application and appointed, again, Mr. Gibson as the temporary special administrator.

Mr. Pickett appealed that order. I have a motion to dismiss that appeal that Your Honor, I believe, agreed to hear today. And the basis of that is twofold: It was untimely filed and it's an unappealable order. There's case law in South Carolina directly on point that the appointment of a temporary special administrator is not appealable. We'll get to that in a second.

We then filed a motion to lift any applicable stay that was put in place because of the appeal of the temporary order. That was granted. That has also been appealed.

Your Honor, what this is is just a series of filings in now different courts trying to get around the fact that the probate court has looked at this in detail, is familiar with this estate, and it's clear that Mr. Pickett should not serve and that a third-party outside of this family needs to be the one to clean everything up and get this estate finally administered and closed.

THE COURT: All right. So your motion today is...

MS. PALMER: To dismiss the appeal of the temporary

special administrative order but we're also opposing this petition.

THE COURT: To appoint Scott Pickett.

MS. PALMER: Yes, Your Honor.

THE COURT: Any reply, sir, to the motion?

MR. FERRARA: Yes, Your Honor. Just to be clear --

THE COURT: We're talking about the motion to dismiss now.

MR. FERRARA: Oh, you just want me to reply on the motion to dismiss?

THE COURT: Well, yeah. I heard your motion about appointing Scott.

MR. FERRARA: Okay, yeah. And I wanted to reply to that.

THE COURT: Okay. All right.

MR. FERRARA: And then I can answer the motion then.

Your Honor, at the outset, this Court is [indiscernible] of the jurisdiction de novo -- de novo on this issue before you. All of the other stuff that the respondent has cited to in findings of fact or things, respectfully, Your Honor, those are orders that were presented to the probate court that they were signed, but those were orders that came result of the appointment of a special administrator. That is on appeal. And there's a specific statute, Your Honor -- it's 6(b)(2) -- and Your

Honor, may very well be aware of that statute, but there is a [indiscernible] statute that says in the case of a formal petition for personal representative, if the parties request that the matter be removed from probate court to circuit court, that the probate court must -- no discretion -- transfer to the circuit court and have the circuit court make a de novo -- have a de novo hearing or trial on that matter, and that's what's before this Court.

And so, respectfully, Your Honor, I disagree with all the factual characterizations. And just by the way, Judge McFaddin, I'll be happy to give you every single transcript that provided the basis of that information, even though Your Honor is supposed to make a de novo review.

What's happened before we appeared before Your Honor today is there was a petition for a special administrator. No live testimony. No cross-examination. A verified petition of one of the beneficiaries. Okay?

Ms. Palmer represents one beneficiary who is to receive 25 percent of the estate. My client is to receive 50 percent of the estate. Mr. Laquiere's client is receive 25 percent of the estate. I believe that there's no objection back to the personal representative's appointment from, obviously, Mr. Pickett -- and we'll hear from Mr. Laquiere, but as I understand, the answer that he

has filed in this case states that there's not going to be an objection. His client is in agreement with my client being the personal representative.

And so, really, we're down to the issue of fitness. The fitness point. Your Honor, there was money -- there's not been any allegation of misappropriation of money. There's been innuendos [indiscernible] that Your Honor just heard by counsel, but my client has not disposed of one red penny -- one red cent, not to the benefit of the estate. My client not only was the personal representative in this case, he's also a trustee that's created under the trust.

And respectfully, Your Honor, as a result of the administrative closure of the probate court, a Form 4, by way of background, my client is still under a fiduciary obligation to protect the funds that he's holding. He's not distributed any funds improperly. That's what the allegation of fitness goes to.

And so what I was saying, Your Honor, was that my client, in order to meet any concerns that the Court might have at this preliminary stage of fitness, would agree that all that money -- my client's not spent any money -- all that money would go into one estate account or one account and everything -- my client would be restrained.

Now, Your Honor, again, back to the motion to

dismiss, counsel is completely wrong about the interlocutory nature of the appeals. So just by way of background, Your Honor, I have [indiscernible] to set this matter because of the emergency on the tax return issue. We have a tax return filing that's due today; otherwise, our CPA has advised that the estate will lose out 360 or 70 thousand dollars. That's because of the prior CPA, Your Honor, made a mistake and not calculating the [indiscernible] basis. The new CPA that my client hired, as trustee, at a minimum, and when he was, you know, still work -- he's been working on the benefit -- for the benefit of the estate, but the new CPA said here's the new return. He's prepared it. All he needed was a signature.

At the moment in time that that return was prepared, my client was no longer the personal representative, and the special administrator, Matt Gibson, that was appointed while -- even though it later became on appeal, he refused to sign the return. He said he didn't understand the basis of it, and he got into this factual disagreement about the underlying merits of the case, you know, about where the money should have went for closing and...

Anyway, my client -- we still need someone today to be authorized to sign a return. Now, my client has just recently, just by way of background, signed an indemnification agreement for the other two

beneficiaries -- the two nieces, okay -- and I'm talking about Mrs. Jones and Ms. Anderson -- that he would indemnify them from any audit or any improprieties with the return. Okay?

As I understand -- and Ms. Palmer [indiscernible] address any of this if I'm incorrect. As I understand, now that he has signed that indemnity agreement, the two nieces agree that he can be appointed the special administrator today for the limited purpose of signing that return and dealing with the IRS if there's any questions about an amended return. Because, in the end, this is going to benefit the estate by $370,000. I think that's the agreement.

Now, if Your Honor is appointing my client as the personal representative, all appointments as special administrator seeks by statute. Once Your Honor appoints the special administrator, the prior -- excuse me; appoints a personal representative, the prior appointment of special administrator are over because they're not needed anymore. So that's that.

Now, I have -- I have -- I know that I filed and sent to your clerk, Your Honor, and also e-filed, but I also have this Small case that I can pass up, and it's the -- the Small case gets to the heart of the matter about interlocutory. And it basically says -- and I'll

summarize it, but it essentially says that when a special administrator is appointed, if that matter is not appealed -- okay -- it basically says that the special administrator appointment order is final. It makes sense.

Now, there's a whole litany -- and I can send Your Honor all the cases, Slotchiver v. O'Connor -- and there's other cases where parties fail to object to the appointment of the special administrator at the outset and then, later, it's the law of the case.

So I made sure that didn't happen in this case, Your Honor, but this case -- it's a 1904 case, [Indiscernible] v. [Indiscernible]. If Your Honor would like, I could pass it up; I have it printed out.

THE COURT: Yes, sir.

Is it not possible for the estate to get an extension [indiscernible]?

MR. FERRARA: Your Honor, this is an amended return, and the CPA advised my client that, because it's an amended return that concerns more than three years -- there's a three-year statute of limitations, Your Honor, and this goes back to, I think, 2020. It's a 2020 return. So it's the 2020 return that has to be amended.

So what I was asking Your Honor, first of all, as a threshold matter, it's not interlocutory, and I filed a memo on that, Your Honor. That Small case answers that

question.

It's also not interlocutory for another reason, if Your Honor would like to hear me on that.

THE COURT: Well, to be honest with you, I have got other cases to hear.

MR. FERRARA: Sure.

THE COURT: I mean, I'm going to read it. I will. And y'all want a ruling today; right?

MR. FERRARA: We would -- we would like a ruling today.

THE COURT: Got $300,000 that needs to be paid or something; is that right?

MR. LAQUIERE: [Indiscernible].

THE COURT: I have to ask: Why -- why did this not get done sooner than today?

MR. FERRARA: Your Honor, respectfully, I'll --

THE COURT: I'm just curious.

MR. FERRARA: Yes, sir. So here's what happened: When the special administrator, who's on appeal, when he had the authority before I filed the appeal, I asked him, I said, "Can you email with CPA?" I said, "Can you file -- can you sign the return? Does he even have the authority to sign it?" He told me, "Oh, I'm not going to sign that return."

So that's when I decided, okay, well, I needed

[indiscernible]. I filed -- you know, I prepared the voluminous affidavit of Bayard Scott Pickett for Your Honor to review, showing everything he did, and then I filed this emergency hearing. I did it as fast as I could, Your Honor.

THE COURT: I'm not fussing at anybody. [Indiscernible] how it got here.

MR. FERRARA: That's how it got here.

THE COURT: [Indiscernible].

MS. PALMER: May I add one thing, Your Honor?

THE COURT: Yes, ma'am.

MS. PALMER: The amended return is based on the premise that the estate owned 100 percent of the amount of the real property at the time of the decedent's death. I don't know that that's correct, and I don't think Mr. Gibson, the special administrator, got that correct. That's the basis of an objection to that tax return.

My client didn't agree -- and this has now happened -- that Mr. Pickett has signed an indemnification agreement. [Indiscernible] agreed to indemnify my client and the estate should the IRS decide that this is a fraudulent return or the -- you know, I don't know how they're going to handle it. But I wanted to make sure that my client is protected.

To that extent, she had agreed to allow him to serve

as a very limited special administrator for the very limited purpose of dealing with that return. So the emergency nature of this has been dealt with.

A second thing I wanted to point out that I meant to mention earlier, so Mr. Pickett still holds nearly 1.5 million in individual accounts belonging to the estate. He's been ordered multiple times to transfer that money to Mr. Gibson. That was ordered and that's all been appealed. But he still holds that money.

And this has been going on for nearly a year. Mr. Pickett filed his application seeking -- to be reappointed in May of '24. So we can assume that, as of that point, he knew he wasn't personal representative; otherwise, he wouldn't be filing to be appointed as personal representative.

Yet, in between that time period when he filed his petition to be -- or his application to be reappointed and when the Court heard our position to appoint a special administrator, he spent 40,000 -- nearly 40,000 out of the estate account. Now, that might have all been for the benefit of a beneficiary. I'm not quite sure but that's all detailed on page 9 [indiscernible]. It wasn't his money to spend.

Again, he has demonstrated time and again a disrespect for the procedures and for the law that govern

the administration of [indiscernible].

And then, to my motion to dismiss, if Your Honor is inclined to grant it -- and I do have -- I actually have the notice of intent that shows the exact order that was appealed, the appointment of temporary special administrator. And this is our amended motion to dismiss that has the case law that I'm relying on. Thank you.

And there's a case directly on point: The Estate of [indiscernible]. And that case holds that the appointment of a temporary special administrator is not immediately appealable. This is a pretty simple thing. I mean, it squarely addresses that. It's the exact same thing, not to mention the fact that the probate code mandates that a notice of appeal be filed in both the circuit court and the probate court and served within ten days of notice. And, in this case, it was filed within ten days in circuit court. It was filed -- it was not filed until a day late in probate court, which makes it untimely.

So, on that basis alone, Your Honor, I think it can be dismissed, and the Court's dismissal of that appeal puts Matt Gibson right back in place as the temporary special administrator, which is what the probate court is seeing fit to do. The estate will be represented at that point by a competent fiduciary. And we have got to figure out the tax return issue.

THE COURT: Okay.

MR. LAQUIERE: Your Honor, I have not been heard today. May I [indiscernible]?

THE COURT: Yes, sir.

MR. LAQUIERE: [Indiscernible].

THE COURT: Yes, sir.

MR. LAQUIERE: Thank you, Your Honor. May it please the Court?

I don't want to repeat a lot of what the argument [indiscernible].

THE COURT: Please don't. Please don't.

MR. LAQUIERE: I'm going to argue the equitable perspective, which I don't believe the Court has heard yet.

THE COURT: Okay.

MR. LAQUIERE: I agree in part with both of my [indiscernible] here. On one hand, I agree that no matter what else happens today, either this Court or the probate court needs to issue an order compelling Mr. Pickett to file the return. That is an absolute necessity, and it either needs to happen by way of the consents that we put forth with the probate court this morning for the special administrator or limited special administrator [indiscernible] or by virtue of this Court appointing Mr. Pickett as the personal representative

[indiscernible].

Now, that's an absolute necessity. That's something that needs to be done. [Indiscernible].

THE COURT: [Indiscernible]; right?

MR. LAQUIERE: It has -- no order has been issued by any court authorizing that to be done.

THE COURT: Proceed, sir.

MR. LAQUIERE: Okay. Number two, I am in complete agreement that the most appropriate thing to do with the management of this estate is the appointment of Mr. Pickett as the PR subject to his statutory priority with the two conditions, the one condition being that all of the money be deposited into an account in the name of the estate in an interest-bearing account, and, number two, that he be restrained from utilizing any of the money or paying any of the money to any third-party out of that account absent an order of the court.

I believe that is the appropriate response for two reasons: Number one, by issuing that order, it moots all of these appeals over special administrator, which are taking up so much time and expense and work on behalf of all three of the attorneys in this case. The real reason I believe that there's such a fight over the procedural aspects of that is because it impacts -- the winner is going to be saying to the probate court at the end of the

case, "Look, I'm entitled to my fees [indiscernible]."

And I believe that that decision could, by virtue of the Court's order today, could be reserved for determination at the end of the case anyway based on whatever the needs of the case turn out to be, and we can [indiscernible] that way.

I also think that it is efficient for this Court because Mr. Gibson is not familiar with all the transactions. He would have to become familiar with them. He would probably have to hire a CPA to analyze things. Those are numerous expenditures of numerous hours that don't need to be spent when there's no allegation of embezzlement or misuse of funds.

Until there are allegations -- and I don't think there will be -- of embezzlement -- we don't need to do that. I think the problem here, Your Honor, was -- and my client was unhappy about this as well as Ms. Palmer's client being unhappy about this -- the delays in the finalizing of the accounting and the proposed distribution of the estate, which was the reason Ms. Palmer filed the action in the first place for the [indiscernible].

Whatever his failures were at that time or in the year up to that time while being [indiscernible] lawsuit, since the filing by Ms. Palmer, Mr. Pickett -- and with the help of Mr. Ferrara -- has jumped into action and

prepared those reports and prepared those accountings and have circulated them. I know that Ms. Palmer needs additional backup documentation, but, for the most part, the accountings have been done in a short time, and I think that trying to rebuild the thing from scratch is a waste of efficiency both in the Court's time as well as the monies that we stated.

So respectfully, Your Honor, I think the most appropriate thing is the appointment of [indiscernible] priority with those conditions and limitations with the reservation of [indiscernible], and that would moot all the procedural issues and we could move on to the merits and figuring out if there's any oppositions to the proposed distribution and how big or how small [indiscernible].

Judge, that's all I have to say, Your Honor.

THE COURT: Yes, sir.

MR. LAQUIERE: Thank you.

THE COURT: Thank you.

I [indiscernible] response [indiscernible]. You agree with him?

MR. FERRARA: I do Your Honor.

THE COURT: Okay. Ma'am?

MS. PALMER: I think -- I don't have anything to say that I haven't already said, but I'll be happy to answer

any questions the Court may have.

THE COURT: [Indiscernible].

Folks, I'll rule on this as quickly as I can and get you a ruling as quickly as I can.

MS. PALMER: Thank you, Your Honor.

MR. FERRARA: Thank you, Your Honor.

THE COURT: Thank you for your patience.

(The above matter concluded.)

CERTIFICATE OF TRANSCRIBER

CASE NAME/NUMBER: Jones v. Pickett

2024-CP-10-00921

DATE OF HEARING: 4/15/24

COURT REPORTER/MONITOR: OWL In-Court Recording

****

I, Bobbi Fisher, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information, and that I am neither counsel for, related to, nor employed by any of the parties to this case, and I have no interest, financial or otherwise, in its outcome.

Bobbi Fisher

_/s/ Bobbi Fisher_____

Bobbi Fisher, RPR and Certified Transcriber

Date Submitted: 8/18/24

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STATE OF SOUTH CAROLINA)
)
)
)
COUNTY OF CHARLESTON)

LAST WILL AND TESTAMENT
OF
VERONIQUE H. W. PICKETT

I, **VERONIQUE H. W. PICKETT**, a resident of the County of Charleston and State of South Carolina, and a citizen of the United States, do make, publish and declare this as and for my Last Will and Testament, hereby revoking any and all former Wills and Codicils by me at any time heretofore made.

My husband is Bayard Scott Pickett and my children are Veronique W. P. Anderson and Bayard Scott Pickett, Jr.

ARTICLE 1

Appointment of Fiduciaries

I appoint my husband, Bayard Scott Pickett, as my Personal Representative and as Trustee of the Trust created under Article 5. If my husband should fail to qualify or cease to act, I appoint my children, Veronique W. P. Anderson and Bayard S. Pickett, Jr., acting jointly, or the survivor solely, as Personal Representative or Trustee, or both, as the case may be.

1.1 **Ancillary Administration.** If my Personal Representative or Trustee is not permitted to act as my Personal Representative or as my Trustee, as the case may be, in a jurisdiction, they shall select an individual or entity to serve in such capacity in that jurisdiction, shall determine the compensation to be paid to such fiduciary, and shall delegate to such fiduciary any and all powers and discretion granted herein. I authorize my Personal Representative or my Trustee, as the case may be, in such jurisdiction to employ a person or entity, without designation of fiduciary capacity, as custodian or agent, to acquire, hold, register, or dispose of property in his, her or its name or the name of his, her or its nominee, to prepare accounts and tax returns, and to perform such other functions as may be required, and to pay out of income and, if insufficient, out of principal, the charges and expenses arising therefrom.

ARTICLE 2

Payment of Enforceable Claims

Except as may specifically be provided otherwise in this Will, I direct that all of my legally enforceable debts of a current nature, expenses incurred in the administration of my estate, and funeral and burial expenses (including the expenses of my last illness), including the cost of a suitable memorial, be paid out of my residuary estate. With respect to long term notes and debts secured by mortgages on or security interests in specific property, my Personal Representative, during the administration of my estate, shall pay such installments as they come due out of my residuary estate, and any such property shall be distributed by my Personal Representative subject to such debt. My Personal Representative may continue, renew, and/or refinance any indebtedness upon such terms and with such security for its repayment as he deems advisable.

ARTICLE 3

Gift of Personal Property

3.1 Disposition by Memorandum. I may leave with this, my Last Will and Testament, a list in my handwriting, or signed by me, directing the distribution of specific items of personal property to named individuals as specified in said list. If no such written list is found or identified by my Personal Representative within ninety (90) days after my Personal Representative's qualification, it shall be conclusively presumed that there is no such list and any subsequently discovered list shall be ineffective. It is my direction that my Personal Representative follow my instructions as specified in any such list in the distribution of said articles of personal property.

3.2 Conflicts. Should there be a conflict as to the disposition of any specific item or article between any memorandum I have left and a specific gift of such property under this Will, I direct that the list or memorandum which I may have left shall control such disposition over any specific gift provisions of this Will.

3.3 Remaining Personal Property. I give, devise and bequeath all tangible personal property not effectively disposed of by memorandum or by specific gift under this Will, including furniture, furnishings, silver, books and pictures (but not including securities, cash on

hand or on deposit, and other personal property relating to investments) which I may own at my death, and all policies of insurance relating to such property, to my beloved husband, Bayard Scott Pickett, if he survives me. If he does not survive me, I give, devise and bequeath such tangible personal property, per stirpes, to such of my issue as shall survive me, to be divided among them in such manner as they shall agree, or failing agreement for any reason whatsoever, then in such manner as my Personal Representative shall determine. If neither my husband nor any of my issue survive me, said property shall become part of my residuary estate.

3.4 Packing and Shipping Expenses. I direct that all costs and expenses, including the expense of packing, shipping, insuring and transporting, incurred by the delivery of the bequests made in this Article shall be borne by my Personal Representative as an expense of administration and shall not be charged against any of said devises.

ARTICLE 4

Exercise of Powers of Appointment

I do not intend by this Will to exercise any power of appointment.

ARTICLE 5

Gift of Credit Shelter Amount in Trust

5.1 Creation of the Trust. If my husband, Bayard Scott Pickett, survives me, I give to my Trustee such fractional share of all the rest, residue and remainder of my estate (my "residuary estate") (the "Credit Shelter Amount") as is equal to the largest amount that can pass under this Will free of Federal estate tax by reason of the Federal unified credit and the state death tax credit (provided the use of this credit does not require an increase in the state death taxes paid) allowable to my estate (under the Internal Revenue Code then in effect). The Credit Shelter Amount shall be computed after taking account of (i) my prior adjusted taxable gifts and any reduction in them pursuant to Treasury Regulation §25.2701-5, (ii) taxable gifts under previous Articles of this Will, (iii) property passing outside of this Will but includable in my estate which does not qualify for the marital or charitable deduction, and (iv) charges to principal that are not allowed as deductions in computing my Federal estate tax. For the purpose of establishing the share disposed of by this Article, the values finally determined in the federal estate tax proceedings

relating to my estate shall be used. Furthermore, for purposes of determining the fractional share, the Federal estate tax payable because of my death shall be computed as if: (i) there were no credit except (a) the credit for state death taxes to such extent as state death taxes would not thereby be incurred or increased and (b) the unified credit; (ii) there were no disclaimer of any property (or interests therein) that, but for such disclaimer, would otherwise qualify for the marital deduction; and (iii) there were no failure to elect under §2056(b)(7) of the Internal Revenue Code to qualify any property for the marital deduction. I recognize that no amount may be disposed of by this Article and that the amount disposed of by this Article may be affected by my Personal Representative's actions in exercising tax elections.

5.2 Trust Property and Distributions of Trust Income and Principal. My husband, as Trustee, shall pay or apply so much or all or none of the net income and/or principal of this Trust (even to the extent of its exhaustion) to or for the benefit of that class of persons consisting of my husband and my issue, as he, as Trustee, shall determine to be necessary or advisable from time to time for their maintenance in health and reasonable comfort, education and support in their accustomed manner of living. My husband, as Trustee, is instructed to consider himself as the Primary Beneficiary of the Trust and, consistent with the mandate of ascertainable standards contained herein, is requested to refrain from paying income or principal of the Trust to or for the use or benefit of any other beneficiary unless he has first determined that he is adequately provided for (subject to the above named standards of maintenance in his health and reasonable comfort, education and support in his accustomed manner of living). It is my intention that the power which is being granted to my husband, as Trustee, in the immediately preceding sentence shall be a power limited by an ascertainable standard, as defined in Treasury Regulation Section 20.2041-1(c)(2), and such power shall not be a general power of appointment. In addition, my husband, as Trustee, shall not have the power to make any determination with respect to any payment or application which would discharge any of his legal obligations, all such determinations shall only be made by a Special Trustee (whose decision making authority shall be specifically limited to such determinations) after being appointed by the majority vote of my husband and my then living children for the purpose of making any such determinations. Any income not so paid shall be added to principal.

5.3 **Distributions of $5,000 or 5% of Trust Principal.** My Trustee shall pay to my husband, so much or all, if any, of the principal of this Trust, not to exceed in value for any calendar year five thousand dollars ($5,000.00), and if my husband shall be living on the last day of such year, such additional amount (if any) as five percent (5%) of the value (of the last day of the year) of the principal exceeds the value previously withdrawn for such year pursuant to this sentence, as my husband may direct in writing at any time, or from time to time, during the year. Distribution shall be made within 10 days after delivery to my Trustee of the instrument of withdrawal, except that a distribution of a withdrawal as of the last day of a year shall be made within 30 days after the close of the year.

5.4 **Trust Termination and Distribution.** Upon the death of my husband, the Trust provided for under this Article shall terminate and my Trustee shall divide the then remaining Trust assets into separate shares, per stirpes, for my then living issue, each such separate share thereby created to be held in further trust pursuant to the provisions of Article 7, below.

ARTICLE 6
Residuary Estate

All the rest, residue and remainder of my property and estate, real and personal, of whatever nature and wherever situated, including any property before mentioned but not effectively disposed of (my "residuary estate"), I give, devise and bequeath to my husband, if he survives me. If he shall not be living at my death my residuary estate shall be divided into separate shares, per stirpes, for my then living issue, each such separate share thereby created to be held in further trust pursuant to the provisions of Article 7, below.

My husband, Bayard Scott Pickett shall have the right, by an acknowledged instrument delivered to my Personal Representative within nine months of my death, to disclaim an interest in any portion or all of any property which he may receive under this Will, in which event the property constituting such disclaimed portion shall be added to the Trust created under Article 5, above.

ARTICLE 7

Issue Trust

7.1 Separate Shares. If any amounts are directed to be held, In Trust, pursuant to the terms and conditions of this Article, each such amount to be held as a separate Trust for the benefit of the person entitled to receive that share and his or her issue (the child or other issue of mine for whose benefit a separate share is determined is referred to as the "Primary Beneficiary"). If the Primary Beneficiary of this Trust has attained the age of thirty-five (35) at the time of the Trust's establishment, or at such time as the Primary Beneficiary attains the age of thirty-five (35), the Primary Beneficiary shall become the sole Trustee and any then acting Trustee(s) other than the Primary Beneficiary shall automatically cease to serve as Trustee(s). After the Primary Beneficiary of any Trust created under this Article has attained the age of thirty-five (35) and if he or she has elected not to serve as Trustee, he or she shall have the power to appoint a substitute Trustee or Trustees and also shall have the power to remove and replace any then acting Trustee, either with himself or herself or with another Trustee.

7.2 Income and Principal Distributions. The Primary Beneficiary, as Trustee of the separate trust for his and his issue's benefit shall pay to or apply for his own benefit, and for the benefit of his issue, so much or all, if any, of the net income and so much or all of the principal of this Trust as he, as Trustee hereunder, shall determine to be necessary or advisable for both his own, and his issue's, maintenance in health and reasonable comfort, support in their accustomed manner of living, and education, including college and professional education. It is my intention that this power which is being granted to the Primary Beneficiary, as Trustee, in the immediately preceding sentence shall be a power subject to an ascertainable standard, as defined in Treasury Regulations Section 20.2041-1(c)(2), and such power shall not be a general power of appointment.

7.3 Distribution Guidelines - The Primary Beneficiary. My Trustee shall be extremely liberal in exercising the discretion conferred upon him, and preference shall be given to the health, education, support and comfortable maintenance of the Primary Beneficiary for whom the Trust is established, rather than for the benefit of the other eligible income beneficiaries or the conservation of principal for the benefit of the remaindermen. No payment or application

of any amount from the Trust shall be made to any beneficiary of the Trust, other than to or for the benefit of the Primary Beneficiary of the Trust, unless the Trustee shall determine that the Primary Beneficiary is adequately provided for.

7.4 Distributions of $5,000 or 5% of Trust Principal. Once the Primary Beneficiary has attained the age of thirty (30), my Trustee shall pay to him or her, so much or all, if any, of the principal of the Trust, not to exceed in value for any calendar year five thousand dollars ($5,000.00), and if the Primary Beneficiary shall be living on the last day of such year, such additional amount (if any) as five percent (5%) of the value (as of the last day of the year) of the principal exceeds the value previously withdrawn for such year pursuant to this sentence, as the Primary Beneficiary may direct in writing at any time, or from time to time, during the year.

7.5 Death of the Primary Beneficiary. Upon the death of the Primary Beneficiary, the Trust for such Primary Beneficiary under this Article shall terminate, and the principal and any accumulated income of the Trust shall at that time be:

7.5.1 Limited Power of Appointment. Paid over and delivered by my Trustee to or IN TRUST for the benefit of the persons and objects and in such proportions and in further trust or otherwise, with the same or other or additional Trustees, and with the same or another situs, as the Primary Beneficiary shall appoint by Will duly admitted to probate expressly referring to this power of appointment; provided, however, (i) that the power of appointment shall not be exercisable to any extent in favor of the Primary Beneficiary, the Primary Beneficiary's estate, the Primary Beneficiary's creditors or creditors of the Primary Beneficiary's estate; (ii) that the power of appointment shall only be exercisable in favor of my descendants or their spouses; and (iii) that any exercise in favor of a spouse of one of my descendants may grant to such spouse no greater than an income interest for life in the appointed assets. To the extent the Primary Beneficiary does not effectively exercise this limited power of appointment, the unappointed property shall be;

7.5.2 Power of Appointment not Exercised. Divided among the Primary

Beneficiary's then living issue per stirpes, and each share to be held by my Trustee, IN TRUST, for the benefit of the person for whom the share is set apart, subject to the trust provisions of this Article; that person being the "Primary Beneficiary" and the Trustee of the separate Trust; and if upon termination of a Trust, no issue of the deceased Primary Beneficiary is then living, the then remaining principal of the Trust shall be;

7.5.3 Primary Beneficiary Without Issue. Paid over and distributed per stirpes among the then living issue of my most remote descendant who is an ancestor of the deceased Primary Beneficiary and who has issue then living, or if none;

7.5.4 Per Stirpes Distribution. Paid over and distributed per stirpes among my then living issue;

subject, except in the case of the exercise of the power given herein to appoint (whether outright or In Trust subject to other provisions), to the trust provisions of this Article.

7.6 Trustees Protected. Any exercise by my Trustee of these powers, which are made in good faith and subject to the ascertainable standards set forth herein shall be fully protected and shall be binding and conclusive upon all persons interested in this Trust.

7.7 Trust Term Limitations. Notwithstanding the foregoing provisions of this Article, each Trust established under this Article shall terminate not later than twenty-one (21) years after the death of the last to die of my husband and my issue who are living (or in being) at the date of my death. Within the final year of this Trust prior to a mandatory termination under this §7.7, the Trustee (other than any beneficiary - if there is no Trustee other than a beneficiary then acting, a Special Trustee shall be appointed for the purposes of making the distributions on termination) shall distribute the then assets of the Trust to and among that class of persons consisting of the Primary Beneficiary of the Trust and his or her issue; provided, however, that if the Primary Beneficiary has no issue then living, then, with the consent of the Primary Beneficiary, the class of permissible distributees shall include my other issue then living. The Trustee (or Special Trustee, as the case may be) shall consider the financial needs and resources

of the Primary Beneficiary and his or her issue (or my other issue, as the case may be) at that time, giving primary consideration to the needs and resources of the Primary Beneficiary, as well as to the various estate and gift tax situations of the various beneficiaries at that time. The Trustee (or Special Trustee, as the case may be) is requested, but not directed, to consider any requests the Primary Beneficiary may make as to any such distributions of the Trust assets, favoring particularly the Primary Beneficiary or such other beneficiaries as the Primary Beneficiary may request (though any such requests from the Primary Beneficiary shall in no manner be deemed to be more than a request, the sole and absolute discretion as to any such decision residing in the Trustee (who is not a beneficiary), or the Special Trustee, as the case may be).

7.8 Generation Skipping Transfers. If, upon the death of any beneficiary, a generation-skipping transfer of property (within the meaning of §2611(a) of the Internal Revenue Code) would occur with respect to such Trust property, then such beneficiary shall have a general testamentary power of appointment over a fractional share of such assets which is equal to an amount, if any, which, when included in the estate of such person will result in the maximum reduction in the sum of generation-skipping transfer taxes and estate, legacy, succession and inheritance taxes imposed by reason of the death of such person with respect to such Trust property when compared with the sum of the generation-skipping transfer taxes and estate, legacy, succession and inheritance taxes which would have been imposed if no testamentary power of appointment were created hereunder. Any such testamentary general power of appointment may be exercised by appointment to such person's estate or otherwise and may be exercised by an appointment outright or in further trust subject to such terms and conditions as the donee of this power may determine; provided, however, that this power of appointment may only be exercised by specific reference thereto in such person's Will duly admitted to probate, and provided further, that such general power of appointment shall be exercisable only with the consent of the Trustee who is (i) neither a beneficiary of the Trust (if there is no such independent Trustee then acting and there arises a need to grant or deny such consent, such an independent Trustee shall be appointed by a court of competent jurisdiction), nor (ii) a potential remainderman of the Trust's assets should the appointment power not be exercised. To the extent that any such general power of appointment is granted but not exercised, the assets which are subject to the power shall pass as they would have had the power not been granted.

ARTICLE 8

Disabled Persons and Their Property

8.1 Disabled Person. A "disabled person" is a minor or a person who (i) has been determined to be legally incapacitated to act on his or her own behalf by a court of competent jurisdiction, or as to whom a such court has appointed a guardian to act on his or her behalf, (ii) in the written opinion of two licensed physicians or psychiatrists appointed by the Trustee is deemed to be physically or mentally incapable of managing his or her affairs although a judicial declaration of the incapacity may not have been made, or (iii) as to whom the Trustee has creditable and current evidence that such individual has disappeared, is unaccountably absent, or is being detained under duress in such a manner as to be unable effectively and prudently to attend to his or her own financial best interests. The incapacity shall be deemed to continue until the court order or circumstances have been revoked or become inapplicable.

8.2 Title To Property Vested. Whenever under this Will any property is to be distributed to a person under a disability (a "disabled person"), title to that property shall vest in the disabled person, but payment may be deferred and held by my Personal Representative or Trustee, as the case may be, who shall apply so much or all or none of the principal and income as he may determine, in the exercise of his sole and absolute discretion (without regard to the other income or other resources of the disabled person), for the disabled person's comfort and welfare. When the disability ceases, the property and any accumulated income shall be delivered to the disabled person or to his or her legal representatives. Any income accumulated shall be added to and accounted for as part of the principal.

8.3 Distributions for Disabled Person's Benefit. In case the income or principal payment under this Will or under any Trust created hereunder or any share thereof shall become payable to a disabled person, then such amounts shall be paid out by my Personal Representative or Trustee, as the case may be, in such of the following ways as the Personal Representative or Trustee, in his sole and absolute discretion, deems best: (1) directly to the disabled person; (2) to the disabled person's parent, guardian, custodian under the applicable state Uniform Gifts to Minors Act, committee, conservator, or to an individual with whom the disabled person resides; (3) to an appropriate relative or friend for the care, support and education of the disabled person;

or (4) by the Personal Representative or Trustee using such amounts directly for the disabled person's care, support and education. The receipt of the distributee shall constitute a full and sufficient discharge to the Personal Representative or Trustee, as the case may be. The powers for the management of assets granted to Fiduciaries in this Will shall be applicable to any property dealt within this Article.

ARTICLE 9

Payment of Transfer and Death Taxes

I direct that all estate and inheritance taxes assessed with respect to my estate herein disposed of, or any part thereof, or on any bequest or devise contained in this my Last Will and Testament (which term wherever used herein shall include any and all codicils hereto) or on any insurance upon my life, or on any jointly owned property, or any other property, transfers or interests included in my Gross Estate (as that term is defined in Section 2031 of the Internal Revenue Code of 1986, as amended or any successor thereto), be apportioned among all probate as well as non-probate interests which are included in my Gross Estate for the purposes of calculating the taxes payable at my death. The apportionment shall be based ratably upon the values at which such interests or properties are valued in my Gross Estate as finally determined for federal estate tax purposes. However, such apportionment shall not apply to the gifts made under Article 3, above, or to any and all interests which qualify for the federal estate tax marital deduction, the federal GST exemption and/or the federal estate tax charitable deduction. So far as practicable my Personal Representative shall deduct the amount of such taxes allocable to each beneficiary from the amount distributable to such beneficiary, and shall recover from all others for the benefit of my estate their allocable parts of such taxes.

Notwithstanding the preceding paragraph of this Article, any generation-skipping transfer tax payable by reason of my death shall be charged, and the liability for the payment of such generation-skipping transfer tax shall be determined according to the law imposing such generation-skipping transfer tax.

In determining the estate tax and other transfer tax liability, and the income tax liability, related to my estate, the decision of my Personal Representative as to all available tax elections

(including but not limited to the election whether to deduct certain administration expenses for income tax or for estate tax purposes) shall be conclusive on all persons concerned. My Personal Representative shall be under no liability to any person as a result of the election made. In addition, no compensating adjustments between principal and income or in the amount of any gift under this Will shall be made as a result of any such election made by my Personal Representative, nor shall any person be entitled to a right of reimbursement with respect to the economic consequences of any such election. If my Personal Representative joins with my husband in filing income tax returns, or consents for gift tax purposes to having gifts made by either of us during my life considered as made one-half by each of us, any resulting liability shall be borne by my estate and my husband in such proportions as my Personal Representative and my husband may agree.

ARTICLE 10

Removal, Appointment and Succession of Fiduciaries

10.1 Resignation Procedure. Any Fiduciary at any time serving hereunder, whether as Personal Representative or as a Trustee of any Trust provided for in this Will, may resign at any time by written notice to another then acting Co-Fiduciary (if there is one) with respect to the Estate or the affected Trust, or, if none, to the then beneficiary or one of the then beneficiaries of the Estate or such Trust, setting forth the effective time and date of such resignation on or before such effective time.

10.2 Appointment of Successor Trustees and Co-Trustees. Any Trustee (including any substitute or successor Trustee) shall have the right at any time after qualifying as Trustee to appoint a successor Trustee to act in the place of the appointing Trustee, either immediately or in the future upon any stated contingency. Any such appointment may be changed from time to time prior to the date it becomes effective. If any initial Trustee or any such successor, for any reason, fails or ceases to act without having appointed a Trustee who succeeds the former Trustee, any remaining Trustee may appoint another Trustee to act in the former Trustee's place. In addition, the Trustee or Trustees acting at any time (acting jointly and unanimously if more than one) shall have the right to appoint one or more Co-Trustees.

10.3 Removal and Replacement of Trustee. So long as he is alive and not a disabled person, my husband shall have the right at any time to remove any then acting Trustee and appoint a successor Trustee or Trustees in such Trustee's place, if, and only if, the powers granted to such Trustee are subject to ascertainable standards as defined in Treasury Regulation § 20.2041-1(c)(2). At such time as my husband is unable to exercise any such removal and/or appointment power, such power shall be exercised by the majority vote of my children. The legal guardian for each such child who has not attained the age of twenty-five (25) (or the person who was such beneficiary's legal guardian at the time he or she attained the age of majority) shall have one vote for each such person he or she represents. A Trustee whose powers are not subject to ascertainable standards may be removed by the my husband, but any successor Trustee appointed by him may only be an individual or corporate successor trustee that is not related or subordinate to my husband within the meaning of §672(c) of the Internal Revenue Code.

10.4 Successor Trustees and Permissible Appointees. If no Trustee appointed hereunder is able to serve, such vacancy shall be filled (by appointment by the person or persons granted the power to appoint Trustees under this Will) by an individual over the age of twenty-five (25), or a corporate trust department of a national bank or trust company which has a paid in capital and surplus of no less than twenty-five million dollars ($25,000,000). An individual who may be a beneficiary of the Trust (whether vested or contingent) shall be an eligible appointee if and only if (i) the beneficiary is to be appointed to act in the capacity of Co-Trustee with an independent Trustee or with another beneficiary/trustee who has an adverse interest to such beneficiary, or (ii) the powers to be exercised by such beneficiary as Trustee are subject to ascertainable standards as that term is defined in Treasury Regulation §20.2041-1(c)(2).

10.5 Appointment of Additional Trustees. All the Trustees of any Trust serving at any time, acting jointly, may appoint one or more individuals over age twenty-five (25) or a bank or trust company to act as an additional Trustee(s).

10.6 Delegation of Ministerial Acts. Each Fiduciary hereunder is authorized, by acknowledged instrument filed with such Fiduciary's Co-Fiduciary or Co-Fiduciaries, to delegate to such other Co-Fiduciary or Co-Fiduciaries, or any one of them, such Fiduciary's duties with

respect to general ministerial acts, specifically including the signing of checks, the execution of tax returns and the execution of instruments of contract, sale or conveyance with respect to my Estate's or a particular Trust's assets, including the opening of checking, brokerage or similar accounts. This authority to delegate ministerial duties does not permit a Fiduciary to delegate fiduciary powers, authorities or discretions conferred upon such Fiduciary under this Will, the purpose of this delegation authority being intended solely to facilitate the administration of my Estate, and any Trusts created under this Will, through the delegation of non-discretionary duties. Upon written assurance by any Fiduciary that such Fiduciary has been delegated such ministerial duties, any third parties shall accept the signature of such Fiduciary as binding upon my Estate or the affected Trust, shall not require further authorization of any other Fiduciary, and shall be indemnified and held harmless to the extent of the Estate's or such Trust's assets (as the case may be) on account of any loss, liability or expense arising out of the acceptance of the signature of any Fiduciary as the basis of any transfer, withdrawal or other transaction.

10.7 Termination of Fiduciary Powers. An outgoing Fiduciary, upon the effective date of removal, resignation, or incapacity, shall cease to have any powers or discretion hereunder. At the earliest possible date after a Fiduciary ceases for any reason to be a Fiduciary hereunder, there shall be delivered to such Fiduciary's successor or to another then acting Fiduciary hereunder all of the assets (Trust or otherwise) which were in the possession of such Fiduciary and there shall be made available to each successor Fiduciary a complete financial record and inventory of assets affected thereby. With respect to any properties thus transferred by the outgoing Fiduciary or by such Fiduciary's representative, such Fiduciary shall stand and be discharged of all further duties and obligations.

10.8 Successor Fiduciary Powers and Authority. Each successor Fiduciary, upon assumption of such position, shall have the same powers, rights, discretion, duties, and obligations as the predecessor Fiduciary. Title to the entire property (of the Trust or otherwise) shall automatically vest in any successor Fiduciary without the necessity of any conveyance. The assumption of authority by a successor Fiduciary shall not be complete until such successor executes a written acceptance of such appointment showing the authority for such succession (a copy of which shall promptly be delivered personally or sent by certified mail to the outgoing

Fiduciary or to such Fiduciary's legal representative).

10.9 Exoneration from Liability for Acts of Prior Fiduciaries. Each successor Fiduciary shall be exempt from any liability in any way related to the prior actions or omissions of the previous Fiduciaries and each shall be entitled to accept as conclusive any accountings and statement of assets furnished by any predecessor Fiduciary.

10.10 Trustee Settlements. The Primary Beneficiary of any Trust created hereunder or, if none, any adult who is at the time (a) a beneficiary entitled to receive income distributions from any Trust created hereunder, and (b) not then serving as a Trustee, may at any time or from time to time settle any Trustee's or former Trustee's accounts and to the extent permissible by law each settlement shall be binding and conclusive upon all persons who may be interested in the Trust, whether directly or contingent, born or unborn, infant or adult. If the person herein designated with the power to consent to settlements is a disabled person, such power shall only be exercised by his or her guardian or other legal representative.

ARTICLE 11
Fiduciary Provisions

11.1 Inventory; Appraisals; Bond. Except as otherwise required by law, neither my Personal Representative nor my Trustee shall be required to file any inventory or appraisal or any annual or other returns or reports to any court or to give bond in any jurisdiction, but shall make available a statement of receipts and disbursements and an investment review of the assets of the Estate or the Trust at least annually to each person then entitled to income from my Estate or any Trust.

11.2 Notice. Any notice or other instrument required or permitted to be given, made, executed, or delivered hereunder shall be in writing duly signed by (or, where permitted hereunder, on behalf of) the party or parties giving, making, or executing the same and shall be physically delivered or sent by certified or express mail (or equivalent postal or private express service) to all parties, if any, entitled thereto (when so sent, such notice or communication shall be plainly addressed to such person at such person's last known address). Any such instrument

required to be given or sent to the estate of any deceased or incapacitated person shall be physically delivered or sent, in like manner, to the personal representative (or one of the personal representatives) of such person at such representative's last known address or, if there be no such personal representative known to the sender, to the estate of such person at his or her last known address.

If any instrument is sent by mail (or express service) as provided above, the third day following the date of its receipt by the postal service (or such express service), as evidenced by a dated postal (or express) service receipt showing the addressee's name and proper address (as described above), shall be deemed to be the effective date of delivery of the notice or other communication contained in such instrument. In all other cases, the date of actual physical delivery shall be the effective date of delivery and, except as such instrument may specifically provide for a later effective date, it shall be effective for all purposes from such date.

Copies of all instruments of amendment, revocation, exercise of power, designation, release, disclaimer, etc., as well as of trustee resignation, removal, appointment, and/or acceptance, the original of which shall be attached hereto, shall, upon request, be promptly delivered or sent by mail by the Trustee receiving or initiating the same to each other then interested party (i.e., the other then Trustee or Trustees, if any, of the affected Trust or Trusts, and each present beneficiary of the affected Trust or Trusts).

11.3 Notice to Disabled Parties. If a person under a disability is a party to any legal proceeding relating in any manner to any Trust created by this Agreement, service of process upon the disabled person shall not be required if another individual, not under a disability, is a party to the proceeding and has the same interest as the disabled person.

11.4 Fiduciaries Protected. Each Fiduciary shall be fully protected for any action taken in good faith, in accordance with the advice of counsel, or in reliance thereon. No Fiduciary acting hereunder shall be responsible for the act, default or omission of any other Fiduciary, nor for the default or misconduct of any agent or attorney appointed by the Fiduciary, or any of them, except that any corporate Fiduciary shall be liable for the default or misconduct of its own agents,

officers, or employees. Each Fiduciary shall be liable only for his, her or its own willful misconduct or gross negligence.

ARTICLE 12

Fiduciary Powers

In the administration of the Estate and of any Trusts established under this Will, my Personal Representative and Trustee shall have all the powers granted by law, including but not limited to the powers granted to Personal Representatives by S. C. Code Section 62-3-715, and to Trustees by the Uniform Trustee Powers Act (S. C. Code Section 62-7-701, et. seq.), which powers shall not be revoked or reduced if said statutes should hereafter be repealed or restrictively amended. It is my intention in specifying the following powers to give broad discretion and flexibility to my Personal Representative and my Trustee. However, in no event, shall any power to be exercised or interpreted in any fashion which shall not give to my husband as the sole beneficiary of any Trust qualifying for the marital deduction the degree of beneficial enjoyment of the Trust property which principles of the law of Trusts accord to a person who is unqualifiedly designated as the life beneficiary of the Trust. Without limiting the foregoing, my Personal Representative and Trustee shall have the following powers:

12.1 Determinations. To determine what property is covered by general descriptions in this Will.

12.2 Payment of Expenses. To pay all debts and funeral and burial expenses (including the expenses of my last illness, which I direct shall be paid out of my estate) as soon as the convenience of my estate will permit and without regard to any limitation in applicable laws as to the amount of such expenses, and to pay or deliver any legacy without waiting the time prescribed by law.

12.3 Investments and Reinvestments. To invest or reinvest in such securities or other property, real or personal (whether within or without the United States), and to retain any property received by them for such periods as they determine, including specifically retention of, or investment in, assets which may be for the use of the beneficiary or beneficiaries of any such Trust, even though such asset or assets may not be of a character, or of such a percentage of the total Trust, as would otherwise be deemed proper Trust investments. I request that my Trustee honor the wishes of the Trust beneficiaries as to the disposition or retention of any

original property of the Trust, or any Trust asset which is of a personal use nature, unless the Trustee determines that such wishes are clearly in contradiction to the purposes and terms of any such Trust.

12.4 Management and Holding of Assets. To invest and reinvest all or part of the assets of my estate or of any Trust created hereunder in any common trust fund of any corporate Fiduciary; to employ a bank, trust company, or securities brokerage firm located anywhere within the United States, at the discretion of my Personal Representative or the Trustee, as the case may be, but at the expense of my estate or the Trust, as custodian or agent; to have stock and securities registered in the name of such agent or custodian or nominee thereof without designation of fiduciary capacity; and to appoint such bank, trust company, or securities brokerage firm to perform such other ministerial functions as my Fiduciary(ies) may direct. While such stock or securities are in the custody of any such bank, trust company, or securities brokerage firm, my Fiduciary(ies) shall be under no obligation to inspect or verify such stock or securities nor shall my Fiduciary(ies) be responsible for any loss by such bank, trust company, or securities brokerage firm.

12.5 Consolidation and Division of Assets. To hold and administer the assets of my estate or the Trusts created hereby in one or more consolidated funds, in whole or in part, in which any separate Trusts shall have undivided interests. Generally, and subject only to the provisions of this Will, my Fiduciary(ies) shall hold, manage, control, use, invest, reinvest and dispose of trust properties to the same extent as may a fee simple owner of such properties.

12.6 Life Insurance. To invest Trust assets in any life insurance policy or policies (including term insurance) on the life of one or more of the beneficiaries of the Trusts, or on the life of any person or persons in whom one or more of the beneficiaries of the Trusts have an insurable interest and to exercise any and all rights, powers, options and elections relating to any such policies; provided, however, that under no circumstances shall any person who is the insured under any policy of insurance owned by any Trust participate in any determination concerning the policy or its proceeds or in any manner or fashion exercise any incident of ownership (as that term is defined in Treasury Regulation §20.2042-1(c)(2)) over such policy.

12.7 Borrowing. To borrow such sums, on a secured or unsecured basis, from any source (including themselves), for such period and upon such terms as they deem necessary or convenient in the administration of my estate or of such Trust, and to secure any such loan by mortgage or pledge. No lender shall be bound to see to

or be liable for the application of the proceeds, and no Personal Representative or Trustee shall be personally liable, and each such loan shall be payable only out of assets of my estate or the Trust.

12.8 Lending. To lend all or any portion of the funds of any Trust created hereunder to any beneficiary, with or without security and with or without interest, to make any Trust property available as security for a loan obligation or undertaking made or to be made by any beneficiary, or to guarantee a loan to be made to, or any obligation to be assumed by, any beneficiary (notwithstanding in each case that the beneficiary may also be a Trustee), subject to those terms and conditions as the Trustee may in his discretion impose.

12.9 Receipts, Disbursements and Allocations. To allocate receipts and disbursements between income and principal in such manner as my Trustee (other than any beneficiary) determines, even though a particular allocation may be inconsistent with otherwise applicable state law; provided, however, that this power shall not apply to permit any allocation to income of administrative expenses to the extent that such allocation would result in a "material limitation" (as that term is used in the Federal Estate Tax Regulations under Internal Revenue Code §2055 and/or §2056) on the rights of any charitable beneficiary or of my husband with respect to any gift or Trust which qualifies for the estate tax charitable deduction or marital deduction, as the case may be; and provided further, that this power shall not apply with respect to any Trust which qualifies for the marital deduction during the life of my husband as to any allocation which would cause the trust not to qualify for the estate tax marital deduction. Upon the sale or other disposition of property which has been unproductive or underproductive of income, no part of the proceeds received shall be allocated to income, except (i) in the case of property qualifying for the marital deduction, in which case such allocation shall follow state law, and (ii) in the discretion of the Trustee (other than any beneficiary).

12.10 Distributions. Without the consent of any beneficiary, to make distributions (including the satisfaction of any pecuniary bequest) in cash or in specific property, real or personal, or an undivided interest, or partly in cash and partly in such property, and to do so without regard to the income tax basis of specific property allocated to any beneficiary (including any Trust) and without making pro-rata distributions of specific assets. In addition, my Personal Representative is authorized to select specific assets in funding fractional share devises and is not required to select a percentage of each specific asset.

12.11 Occupancy and Use. Except as may be otherwise specified elsewhere in this Will as to any specific property, my Trustee shall have the power to permit any

person having an interest in the income of any Trust created hereunder to occupy real property, or to use personal property, held by any such Trust upon such terms as my Trustee deems proper, whether rent free or for the payment of taxes, insurance, maintenance and ordinary repairs, or other expenses, or upon such terms and conditions as the Trustee determines.

12.12 Unproductive, Wasting and Personal Use Assets. In addition to the powers granted under this Article, my Trustee (other than any beneficiary) is expressly authorized to invest and reinvest the Trust funds without regard to the production of current income. The Trustee should invest and reinvest the Trust funds in assets which are expected to produce a reasonable rate of appreciation or are expected to produce substantial personal enjoyment for the Trust's beneficiaries. Such assets may include, but are not limited to, personal use real estate, personal property such as works of art and antiques, undeveloped real estate, discounted debt obligations, and remainder interests, whether such interests will produce current enjoyment and benefits or enjoyment and benefits after any term of years or the deaths of one or more individuals, which terms or deaths may not be expected to occur within the term of this Trust. HOWEVER, in reinforcing of the intent of this Will as to all fiduciary powers in general and as to this power in particular, this power is subject to the express limits imposed under this Will, that my husband may at any time require that the Trustee for a Trust established under this Will which my Fiduciaries intend to qualify for the marital deduction make any nonproductive property productive and any such dealings with, payments on, or investments in non-productive property by such Trust must give my husband the degree of beneficial enjoyment of the trust property which principles of the law of trusts accord to a person who is unqualifiedly designated as the life beneficiary of the trust.

12.13 Related Party Transactions. To sell to or purchase from, at fair market value at the time of such purchase, property of any character from any Trust I may have established during my lifetime and to retain such property so long as my Trustee hereunder may deem advisable, whether or not such property is of the class in which Trustees are authorized by law or any rule of court to invest; and to make loans to, or borrow from, any such Trust or Trusts upon such terms and conditions as the Trustee deems advisable.

12.14 Management of the Closely Held Businesses. In connection with (a) the continuation of operation of any business or investment interests owned by my husband or me prior to my death which become a part of any Trust under this Will (whether by purchase by my Trustee or bequest under the Will or otherwise), or (b) the establishment of any new business or investment, my Trustee is specifically

authorized: (i) to invest sums or additional sums in any such business even to the extent that the Trust may be invested largely or entirely in that business; (ii) to hold the interest in any form, including, but not limited to, general or limited partnership interests; and (iii) to act as or to select other persons to act as directors, officers, agents, or in other capacities with respect to the business, and to be compensated for those services (and for any other services rendered by him in respect of the operation of the business) without regard to his being a Trustee under this Agreement. Such power shall include the power to organize, either alone or jointly with others, new corporations, partnerships, limited partnerships, limited liability companies or other business entities; and generally to exercise with respect to the continuance, management, sale or liquidation of any business which my estate or any Trust may own or in which it may be financially interested, or of any new business or business interest, all the powers which I could have exercised.

12.15 **Division or Combination of Trusts.** In the event that the Trustee determines that it is more feasible or advisable to administer the Trust or any shares or interests created hereunder as separate trusts or shares (whether for administrative, liability, environmental, or other reasons), the Trustee shall have the power to divide any such Trust into further trusts or shares. The Trustee shall also have the power to combine any such Trust created hereunder with any other Trust, whether created by me or another person, if the terms of the trusts are substantially the same and the Trustees are the same.

12.16 **Uneconomical Trusts.** If at any time any Trust created hereunder has a net asset value (adjusted for inflation by the Consumer Price Index from the date of my death), as determined by the Trustee, of Fifty Thousand ($50,000) Dollars or less, the Trustee (other than any beneficiary), in his sole and absolute discretion, if he determines that it is uneconomical to continue such Trust, may terminate such Trust and distribute the Trust Estate to the Trust's then Primary Beneficiary, or if none, to the person or persons then entitled to receive or have the benefit of the income therefrom, or to the legal representative of such person. If there is more than one income beneficiary, the Trustee shall make such distribution to such income beneficiaries in the proportion in which they are beneficiaries or if no proportion is designated, to such beneficiaries, per stirpes.

12.17 **Limitations.** Notwithstanding the foregoing, nothing in this Will shall be construed as permitting a beneficiary who may also be a Trustee of any Trust created hereunder to exercise any rights or powers which may be in excess of any limitations imposed by law or elsewhere in this Will upon the exercise of such powers (such as, for example, those limited by ascertainable standards, or otherwise prohibited to such Trustee).

ARTICLE 13

Definitions

13.1 Executor, Trustee, Fiduciary. Whenever the word "Executor", "Trustee", "Fiduciary", and/or "Personal Representative", or any modifying or substituted pronouns therefor are used in this my Will, such words and respective pronouns shall be held and taken to include both the singular and the plural, the masculine, feminine and neuter gender thereof, and shall apply equally to the executor, personal representative, fiduciary, or trustee named herein and to any successor or substitute executor, fiduciary, trustee or personal representative acting hereunder, and such successor or substitute shall possess all the rights, powers and duties and the authority and responsibility conferred upon my executor, fiduciary, trustee and/or personal representative originally named herein.

13.2 Children, Issue, etc. The terms "children", "issue", "descendant", or words of similar import shall include (a) legally adopted children or their issue, as the case may be, but, in the case of an adopted person, only if the adoption occurred during the adopted person's minority or reflected an earlier parent-child relationship that existed during the adopted person's minority, and (b) persons conceived before the death of such child's parent, but born thereafter.

13.3 Spouse. My "husband" shall mean the person to whom I was legally married and living with, if any, and with respect to which marriage no action for separation or dissolution had commenced at the time of my death. The term "spouse", when referring to any beneficiary, shall mean the person, if any, to whom such beneficiary is legally married and living with and with respect to which marriage no action for separation or dissolution has commenced, at the time any distribution is to be made to the beneficiary's spouse hereunder, or at the time any other transaction or matter involving the beneficiary's spouse is to be effected hereunder, or, as to transactions or other matters occurring at or after the beneficiary's death, to whom such beneficiary was legally married and living with and with respect to which marriage no action for separation or dissolution had commenced at the time of the beneficiary's death.

13.4 "Per Stirpes". The phrase "per stirpes" as used herein is used as it was

defined under South Carolina law prior to the adoption of the South Carolina Probate Code on July 1, 1987. Thus, the term "per stirpes" as used herein is intended to describe the division of shares at each generation regardless of whether there is surviving issue representing that generation. The term "per stirpes" with reference to the issue of any individual shall mean that the stock begins with the children of such individual and that no distribution at any generational level shall be "per capita". If no issue representing a generation are surviving, the number of shares for that generation shall equal the number of predeceased issue of that generation leaving surviving issue. If issue representing a generation are surviving, the number of shares for that generation shall equal the number of issue of that generation surviving, plus the number of predeceased issue of that generation leaving surviving issue.

ARTICLE 14

Spendthrift Provisions

With the exception of any powers or discretions which may be exercised by a beneficiary solely in a fiduciary capacity, no beneficiary of any Trust created herein shall have the right, power, or authority to sell, assign, pledge, mortgage, anticipate, or in any manner encumber, alienate, or impair all or any part of his or her interest in such Trust or in the principal or income of such Trust. The beneficial and legal interest in, and the principal and income of, any such Trust and every part thereof shall be free from the interference or control of any creditor of any beneficiary of this Trust and shall not be subject to the claims of any such creditor nor liable to attachment, execution, bankruptcy, or any other process of law.

ARTICLE 15

Termination of Trusts

Notwithstanding any other provision of this Will to the contrary, each Trust established hereunder shall terminate not later than twenty-one (21) years after the death of the survivor of my husband and my issue who are living (or in being) at the time of my death.

ARTICLE 16

Fiduciary Limitations

16.1 Limitations on Tax Sensitive Powers. No particular Trustee or other Fiduciary

shall possess, or participate in the exercise of, any power given the Fiduciary by this Will or by law to make any determination with respect to:

16.1.1 Legal Obligations. Any payment or application which would discharge any legal obligation of such particular Fiduciary personally; or

16.1.2 §2041(b)(1)(A) Powers - Power of Appointment Limitations. Any power to consume, invade or appropriate property for the benefit of, such particular Fiduciary personally (neither the preceding portion of this paragraph nor any otherwise applicable rule of law shall limit such particular Fiduciary's possession or participation in the exercise of any power (or severable portion thereof) granted in this Will to such Fiduciary personally to consume, invade or appropriate property for the benefit of such Fiduciary which is limited by an ascertainable standard relating to the health, education, support or maintenance of such Fiduciary personally); or

16.1.3 §25.2511-1(g)(2) Powers - Taxable Gift Limitations. Any transfer of, or power to transfer, property to or for the benefit of another person, if such Fiduciary personally has any beneficial interest in the property subject to the determination (neither this subparagraph nor any otherwise applicable rule of law shall limit such particular Fiduciary's possession or participation in the exercise of any fiduciary power (or severable portion thereof) granted in this Will to such Fiduciary to make any payment to, or expenditure for the benefit of such other person, the exercise or non-exercise of which is limited by a reasonable fixed or ascertainable standard which is set forth in this Will).

16.2 Additional Fiduciary Limitations. All powers given to the Trustee and other Fiduciaries in this Will are exercisable only in a fiduciary capacity. Notwithstanding any other provisions of this Will, no Fiduciary who is a beneficiary hereunder or who is obligated to support a beneficiary hereunder shall ever participate in (i) the exercise of, or decision not to exercise, any discretion over payments, distributions, applications, appointments or accumulations of income or principal by the Fiduciary(ies), (ii) the exercise of discretion to allocate receipts or expenses between principal and income, (iii) the exercise of any discretion with respect to an insurance

policy held hereunder, (iv) holding property as custodian for a minor or as donee of a power during minority, or selecting any such custodian or donee, (v) decisions to exercise tax options, (vi) any decision to retain or invest in unproductive or underproductive property (which does not produce an appropriate value in beneficial use for the appropriate beneficiary in lieu of income), or (vii) the exercise of any power to amend or affect beneficiaries' powers of withdrawal over additions, which may be in excess of the limitations imposed by the preceding section of this Article, nor may such Fiduciary remove and replace any Fiduciary with any other Fiduciary who is a related or subordinate party to such removing Fiduciary within the meaning of §672(c) of the Internal Revenue Code unless (a) the Fiduciary being appointed has a substantial adverse interest to the appointing Fiduciary or (b) the powers of the Fiduciary being replaced are subject to the limitations contained in the preceding section of this Article. In the event that there arises a need to exercise a discretion or power which all of the then acting Fiduciaries are prohibited from exercising, that discretion or power may be exercised by a Special or an Independent Trustee or Fiduciary, after being duly appointed as such, by a court having jurisdiction over the Trust's administration.

ARTICLE 17

Spouse Deemed to Survive

If my husband, Bayard Scott Pickett, and I die simultaneously or under circumstances so that the order of our deaths cannot be established by proof, he shall be deemed for purposes of this Will to have survived me.

ARTICLE 18

Jurisdiction, Governing Law and Trust Removal

18.1 Jurisdiction and Governing Law. Except as provided in the next section of this Article, all questions pertaining to the construction, validity and effect of this Will and any Trusts hereby created shall be determined in accordance with the laws of the State of SOUTH CAROLINA.

18.2 Trust Removal. The Trustee of any Trust created under this Will may at any time and from time to time (i) declare that the construction and effect of all or any portion of the

Trust shall from that date be determined in accordance with the law of a different jurisdiction; provided, the designated jurisdiction must be a jurisdiction (a) where a portion of the Trust property or its indicia is located or is to be removed and (b) under the laws of which the Trust (or the portion of the Trust) would not be invalid or revocable, (ii) change the situs of the Trust, and (iii) pay or transfer the whole or any part of the Trust's income and principal to the Trustee or Trustees for the time being of any irrevocable Trust with the same or similar provisions under which the beneficiary or beneficiaries of the Trust under this Will (and no other person or persons) are the beneficiary or beneficiaries to be held by the Trustee or those Trustees as an addition to the property held in that Trust (freed and discharged from the trusts, powers and provisions of this Will) whether or not the Trustee or Trustees of that Trust are domiciled or resident in SOUTH CAROLINA or the United States (or in such other place to which this Trust shall have been previously removed). or whether or not the Trust is governed by the laws of SOUTH CAROLINA or the United States (or by such other place to which this Trust shall have been previously removed), and the receipt of such Trustee or Trustees shall constitute full discharge of the Trustee.

ARTICLE 19

Headings

The article and section headings used in this Last Will and Testament are for convenience only and are not to be considered as part of this Last Will and Testament.

EXECUTION

IN WITNESS WHEREOF, I, VERONIQUE H. W. PICKETT, the Testatrix, sign my name to this instrument this 31 day of March, 1999, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Veronique H. W. Pickett (SEAL)
VERONIQUE H. W. PICKETT

We, Edward A. Bennett and Brenda F. Nelson, the witnesses, sign our names to this instrument, and at least one of us, being first duly sworn, does hereby declare generally and to the undersigned authority that the Testatrix signs and executes this instrument as her Last Will and that she signs it willingly and that each of us, in the presence and hearing of the Testatrix, hereby signs this Will as witness to the Testatrix' signing, and that to the best of our knowledge the Testatrix is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Brenda F. Nelson

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

Subscribed, sworn to and acknowledged before me by VERONIQUE H. W. PICKETT the Testatrix and subscribed and sworn to before me by Edward G.R. Bennett witness, this 3/4 day of March, 1999.

Brenda F. Nelson (SEAL)
Notary Public for South Carolina
My commission expires: 10-20-2005

STATE OF SOUTH CAROLINA) IN THE PROBATE COURT

COUNTY OF CHARLESTON)

IN RE: **ESTATE OF VERONIQUE H. W. PICKETT**

CASE NO.: **2019 - ES10 -**

FAMILY SETTLEMENT AGREEMENT

THIS AGREEMENT ("Agreement") is effective February 21, 2019, by and among Bayard Scott Pickett, Jr. (also known as Bayard S. Pickett, Jr.), Laura V. Jones and Kathleen Elizabeth Anderson, all three being beneficiaries of the testamentary trust under the Last Will and Testament of Veronique H. W. Pickett dated March 31, 1999 (the "Will"), as well as being all intestate heirs (the "Heirs") of Veronique H. W. Pickett who died on December 18, 2018. Also joining as a party to this Agreement is Bayard S. Pickett, Jr. as Trustee and Laura V. Jones as Trustee under Article 7 of the Will (which trusts are the beneficiaries under the Decedent's Will). Bayard S. Pickett, Jr. is also the person designated to serve as Personal Representative under the Will. All of the above named persons are hereinafter collectively referred to as the "Parties".

RECITALS

1. Veronique H. W. Pickett (the "Decedent"), who died on December 18, 2018, was domiciled in Virginia Beach, Virginia but owned real property in Charleston County, South Carolina.
2. On March 31, 1999, the Decedent signed her final Last Will and Testament. The Decedent signed the Will in the presence of both Edward G.R. Bennett and Brenda F. Nelson as the witnesses, and Brenda F. Nelson as Notary Public. The original Will was subsequently given to the Decedent for safekeeping.
3. The Decedent's husband, Bayard Scott Pickett, died on December 19, 2009, as will more fully appear in the Probate Court for Charleston County, South Carolina, Case No. 2010-ES10-138. The Last Will and Testament of Veronique H. W. Pickett dated March 31, 1999 and the Last Will and Testament of Bayard Scott Pickett dated March 31, 1999 are mutual Wills with reciprocal provisions.

S

4. The Decedent's original Will cannot be located despite a diligent search by the designated Personal Representative. Veronique H. W. Pickett was suffering from dementia when she was moved from Charleston, SC to Virginia Beach, VA after her husband's death to be in close proximity to her family. It is believed that the original Will was lost in the move by someone other than the Decedent.

5. Edward G.R. Bennett, Esq., an attorney with Evans Carter Kunes & Bennett P.A., has retained a conformed photocopy of the Will. The persons (i.e. the Heirs) who would inherit the Decedent's entire probate estate if the Decedent were found to have died intestate do not believe that the Decedent revoked her Last Will and Testament dated March 31, 1999 prior to her death, and assert the Decedent believed her Will was effective at the time of her death, despite the fact they have been unable to locate the original document.

6. The South Carolina Probate Code provides, in part, in Part 11 of Article 3 of Title 62 as follows in Section 62-3-1101:

> "A compromise of a controversy as to admission to probate of an instrument offered for formal probate as the will of a decedent, the construction, validity, or effect of a probated will, the rights or interests in the estate of the decedent, of a successor, or the administration of the estate, if approved by the court after hearing, is binding on all the parties including those unborn, unascertained, or who could not be located."

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing premises, the Parties agree as follows:

1. The Recitals set forth above are incorporated into this Agreement and made a part hereof.

2. The attached photocopy of the Decedent's Last Will and Testament dated March 31, 1999 is the Decedent's final Last Will and Testament, which should be accepted by the Charleston County Probate Court as such; and

3. The Parties, who represent all Interested Persons within the meaning of Part 11 of Article 3 of Title 62, agree to waive the Hearing described in S.C. Code Section 62-3-1102, and hereby request that the Court accept their signatures below as a waiver of their rights to notice of this Agreement and of a Hearing regarding the approval of this Agreement.

The Remainder Of This Page Was Left Intentionally Blank

Witnesses:

Bayard Scott Pickett, Jr. a/k/a Bayard S. Pickett, Jr., son of Decedent

Laura V. Jones, granddaughter of Decedent

Kathleen Elizabeth Anderson, granddaughter of Decedent

AGREED:

Designated Personal Representative and Trustee under the Last Will and Testament of Veronique H. W. Pickett dated March 31, 1999

Bayard S. Pickett, Jr.

Designated Trustee under the Last Will and Testament of Veronique H. W. Pickett dated March 31, 1999

Laura V. Jones

IRVIN G. CONDON
Judge of Probate

TAMARA C. CURRY
Associate Judge of Probate

LENNA S. KIRCHNER
Associate Judge of Probate

PETER A. KOUTEN
Associate Judge of Probate

CHARLESTON COUNTY
SOUTH CAROLINA

ESTATE DIVISION
HISTORIC COURTHOUSE
84 BROAD STREET
CHARLESTON, SC 29401
PHONE: 843.958.5030
FAX: 843.958.5044

June 21, 2019

BAYARD S. PICKETT
4616 THOROUGHGOOD DRIVE
VIRGINIA BEACH, VA 23455

STATUTORY COMPLIANCE REQUIRED
ESTATE OF VERONIQUE W. PICKETT
CASE NO. 2019ES1000394

Dear Sir/Madam;

A review of your file indicates that the following document(s) need to be filed with the court.

INVENTORY AND APPRAISEMENT

You have (20) days to file the above document(s). If you are represented by an attorney, your attorney, (instead of the Personal Representative) will have received this letter regarding this matter.

I look forward to working with you in completing the probate of this estate. If you have any questions, I can help answer, please call me at 958-5030.

Sincerely yours,

THERESA PADRON
Estate Clerk

cc: SHAWN FLANAGAN
5 EXCHANGE STREET
CHARLESTON, SC 29401

IRVIN G. CONDON
Judge of Probate

TAMARA C. CURRY
Associate Judge of Probate

LENNA S. KIRCHNER
Associate Judge of Probate

PETER A. KOUTEN
Associate Judge of Probate

CHARLESTON COUNTY
SOUTH CAROLINA

FLF361
ESTATE DIVISION
HISTORIC COURTHOUSE
84 BROAD STREET
CHARLESTON, SC 29401
843-958-5030

September 21, 2020

BAYARD S. PICKETT JR.
4616 THOROUGHGOOD DRIVE
VIRGINIA BEACH, VA 23455

STATUTORY COMPLIANCE REQUIRED
ESTATE OF VERONIQUE W. PICKETT
CASE NO. 2019ES1000394

Dear Sir/Madam;

We are in the process of reviewing the more than 3,000 open probate files. An estate clerk has been assigned to your case. A review of your file indicates that the following document(s) must be filed:

DEED OF DISTRIBUTION (Form 400ES)
RECEIPT AND RELEASE
PROPOSAL FOR DISTRIBUTION (Form 410ES)
FINAL ACCOUNTING (Form 361ES)
APPLICATION FOR SETTLEMENT (Form 412ES)
PROOF OF DELIVERY - CLOSING DOCUMENTS
NOTICE OF RIGHT TO DEMAND A HEARING (Form 416ES)
INVENTORY & APPRAISEMENT (Form #350ES)

The court has previously written to you or your attorney. You have exactly 20 days from the date of this letter to comply by filing the above document(s). The above listed documents are located on our website at ccprobate.charlestoncounty.org and you may download them from the Forms/Instructions tab.

If you fail to comply, this Court will be required to issue a Rule to Show Cause to be served upon you to compel your appearance in Court to show cause why you have not complied. It is preferred that this Court hearing be avoided, but this can only be done with your cooperation and compliance in this matter. If a court hearing is required, you will be responsible for any court costs that may result.

I look forward to working with you in completing the probate of this estate. If you have any questions, I can help answer, please call me at 843-958-5034.

Sincerely,

Theresa C. Padron

Theresa C. Padron
Estate Clerk

cc:
SHAWN FLANAGAN ESQ.
5 EXCHANGE STREET
CHARLESTON, SC 29401

FLF362

IRVIN G. CONDON
Judge of Probate

TAMARA C. CURRY
Associate Judge of Probate

LENNA S. KIRCHNER
Associate Judge of Probate

PETER A. KOUTEN
Associate Judge of Probate

CHARLESTON COUNTY
SOUTH CAROLINA

ESTATE DIVISION
HISTORIC COURTHOUSE
84 BROAD STREET
CHARLESTON, SC 29401
843-958-5030

March 25, 2021

BAYARD S. PICKETT JR.
4616 THOROUGHGOOD DRIVE
VIRGINIA BEACH, VA 23455

STATUTORY COMPLIANCE REQUIRED
CONVENIENT ELECTRONIC FILING NOW AVAILABLE
ESTATE OF VERONIQUE W. PICKETT
CASE NO. 2019ES1000394

Dear Sir/Madam;

We are sorry for your loss. We are here to help you. A review of your file indicates you need to file:

RECEIPT AND RELEASE
PROPOSAL FOR DISTRIBUTION (Form 410ES)
FINAL ACCOUNTING (Form 361ES)
APPLICATION FOR SETTLEMENT (Form 412ES)
PROOF OF DELIVERY - CLOSING DOCUMENTS
NOTICE OF RIGHT TO DEMAND A HEARING (Form 416ES)
INVENTORY & APPRAISEMENT (Form #350ES)

Please file the above document(s) within 20 days. If an attorney represents you, your attorney (instead of the Personal Representative) will receive this first letter. The above listed document(s) are located on our website at ccprobate.charlestoncounty.org/forms-instructions.php, which you may download and file by E file at EZ-Filing.net/SouthCarolina for a one-time fee of $7 which covers this and future filings of these documents, which will save you time and money. You may still file by mail, or drop off at the Court. Please note Judge Condon's helpful video on the probate process at ccprobate.charlestoncounty.org/estate-planning.php#estatevideoworkshops.

Again, we are sorry for your loss and look forward to helping you. If you have any questions, please call me at 843-958-5034, or by email at tpadron@charlestoncounty.org.

Sincerely,

Theresa C. Padron

Theresa C. Padron
Estate Clerk

cc: SHAWN FLANAGAN ESQ.
5 EXCHANGE STREET
CHARLESTON, SC 29401

FLF363

IRVIN G. CONDON
Judge of Probate

TAMARA C. CURRY
Associate Judge of Probate

LENNA S. KIRCHNER
Associate Judge of Probate

PETER A. KOUTEN
Associate Judge of Probate

CHARLESTON COUNTY
SOUTH CAROLINA

ESTATE DIVISION
HISTORIC COURTHOUSE
84 BROAD STREET
CHARLESTON, SC 29401
843-958-5030

April 13, 2021

BAYARD S. PICKETT JR.
4616 THOROUGHGOOD DRIVE
VIRGINIA BEACH, VA 23455

STATUTORY COMPLIANCE REQUIRED, CONVENIENT ELECTRONIC FILING NOW AVAILABLE
ESTATE OF VERONIQUE W. PICKETT, CASE NO. 2019ES1000394

Dear Sir/Madam;

We are sorry for your loss and are here to help you. A review of your file indicates you need to file:

RECEIPT AND RELEASE
PROPOSAL FOR DISTRIBUTION (Form 410ES)
FINAL ACCOUNTING (Form 361ES)
APPLICATION FOR SETTLEMENT (Form 412ES)
PROOF OF DELIVERY - CLOSING DOCUMENTS
NOTICE OF RIGHT TO DEMAND A HEARING (Form 416ES)
CREDITOR CLAIM DEADLINE
INVENTORY & APPRAISEMENT (Form #350ES)

Please file the above document(s) within 20 days. If an attorney represents you, your attorney (instead of the Personal Representative) will receive this first letter. The above listed document(s) are located on our website: ccprobate.charlestoncounty.org/forms-instructions.php, which you may download and file by E-file at EZ-Filing.net/SouthCarolina for a one-time fee of $7 which covers this and future filings, saving you time and money. You may still file by mail, or drop off at the Court. Please note Judge Condon's helpful video on the probate process: ccprobate.charlestoncounty.org/estate-planning.php#estatevideoworkshops.

Again, we are sorry for your loss and look forward to helping you. If you have any questions, please call me at 843-958-5034, or by email at tpadron@charlestoncounty.org.

Sincerely,

Theresa C. Padron

Theresa C. Padron, Estate Clerk

cc:

PAUL B FERRARA III
2300 OTRANTO ROAD
NORTH CHARLESTON, SC 29406

IRVIN G. CONDON
Judge of Probate

TAMARA C. CURRY
Associate Judge of Probate

LENNA S. KIRCHNER
Associate Judge of Probate

PETER A. KOUTEN
Associate Judge of Probate

CHARLESTON COUNTY
SOUTH CAROLINA

FLF364 ESTATE DIVISION
HISTORIC COURTHOUSE
84 BROAD STREET
CHARLESTON, SC 29401
843-958-5030

May 12, 2021

BAYARD S. PICKETT JR.
4616 THOROUGHGOOD DRIVE
VIRGINIA BEACH, VA 23455

SECOND STATUTORY COMPLIANCE LETTER, CONVENIENT ELECTRONIC FILING NOW AVAILABLE
ESTATE OF VERONIQUE W. PICKETT, CASE NO. 2019ES1000394

Dear Sir/Madam;

We are sorry for your loss and are here to help you. A review of your file indicates you need to file:

RECEIPT AND RELEASE
PROPOSAL FOR DISTRIBUTION (Form 410ES)
FINAL ACCOUNTING (Form 361ES)
APPLICATION FOR SETTLEMENT (Form 412ES)
PROOF OF DELIVERY - CLOSING DOCUMENTS
NOTICE OF RIGHT TO DEMAND A HEARING (Form 416ES)
INVENTORY & APPRAISEMENT (Form #350ES)

We previously sent a statutory compliance letter. If an attorney represents you, your attorney (instead of the Personal Representative) received the first letter. Failure to file the required document(s) within 20 days may lead to an administrative closing of the estate. You may now file at EZ-Filing.net/SouthCarolina for a one-time fee of $7, which covers this and future filings, saving you time and money. The above listed document(s) may be E-filed, mailed or dropped off and are located on our website: ccprobate.charlestoncounty.org/forms-instructions.php. For additional assistance, please view Judge Condon's helpful video on the probate process: ccprobate.charlestoncounty.org/estate-planning.php#estatevideoworkshops.

Again, we are sorry for your loss. We look forward to helping you. If you have any questions, please call me at 843-958-5034, or email at tpadron@charlestoncounty.org.

Sincerely,

Theresa C. Padron

Theresa C. Padron, Estate Clerk

cc:

PAUL B FERRARA III
2300 OTRANTO ROAD
NORTH CHARLESTON, SC 29406

STATE OF SOUTH CAROLINA)	**IN THE PROBATE COURT**
)	**CASE NO: 2019ES1000394**
COUNTY OF CHARLESTON)	
)	
IN RE:)	
THE ESTATE OF)	
VERONIQUE W. PICKETT,)	
DECEASED)	

NOTICE OF OVERDUE FILINGS

NOTICE IS HEREBY GIVEN TO:

BAYARD S. PICKETT, JR., PERSONAL REPRESENTATIVE
4616 THOROUGHGOOD DRIVE
VIRGINIA BEACH, VA 23455

PAUL B. FERRARA, III, ESQ.
8887 OLD UNIVERSITY BLVD.
NORTH CHARLESTON, SC 29406

A REVIEW OF THIS ESTATE INDICATES THAT MANDATORY DOCUMENTS ARE OVERDUE, AND THAT PREVIOUS CORRESPONDENCE HAS BEEN PROVIDED TO YOU REQUESTING THESE DOCUMENTS BE FILED. THESE DOCUMENTS ARE REQUIRED TO BE FILED WITH THIS COURT BY THE DATE SHOWN BELOW OR THIS ESTATE SHALL BE ADMINISTRATIVELY CLOSED.

DUE DATE FOR DOCUMENTS: DECEMBER 29, 2021

ADDRESS FOR FILING: **Charleston County Probate Court**
Historic Courthouse, 84 Broad Street, Third Floor
Charleston, South Carolina 29401

DESCRIPTION/SUBJECT MATTER:

Administrative notice for filing of overdue documents. You are responsible for the court costs created by this notice. Please note that all required documents may be downloaded from the Court's website at ccprobate.charlestoncounty.org, under the Forms/Instructions tab.

Executed at Charleston, South Carolina

This 24 day of November, 2021

Signature: Irvin G. Condon

Name: **IRVIN G. CONDON, JUDGE OF PROBATE**
Address: **HISTORIC COURTHOUSE**
84 BROAD STREET - 3RD FLOOR
CHARLESTON, SOUTH CAROLINA 29401
Telephone: (843) 958-5030

STATE OF SOUTH CAROLINA)
)
COUNTY OF: CHARLESTON)
)
)
)
IN THE MATTER OF:)
VERONIQUE H.W. PICKETT)
(Decedent))

IN THE PROBATE COURT

FLF366

INVENTORY AND APPRAISEMENT

☒ ORIGINAL
☐ AMENDED #
(*must restate the unchanged information from the original Inventory*)

CASE NUMBER: 2019-ES-10-00394

File the original Inventory and Appraisement with the Probate Court within ninety (90) days following the fiduciary appointment. A copy shall be sent to each interested person who has demanded it. A Proof of Delivery must be filed with the Court. The gross fair market value of all probate assets, regardless of location (whether in this state or elsewhere), should be listed as of the date of death. Continue on additional sheets if necessary. An Amended Inventory should be utilized for correcting, adjusting or adding to an original inventory, and *must restate the unchanged information from the original Inventory*. A qualified and disinterested appraiser may be employed to ascertain the value of any asset. If an appraiser is employed, his/her name and address must be indicated with the item or items he/she appraised.

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
9/22/2023 10:15AM

RECAPITULATION

	Non-Probate (**OPTIONAL**)	Probate
Schedule A - Real Estate		$4,000,000.00
Schedule B - Stocks and Bonds		$
Schedule C - Notes Due Decedent and Cash		$84,963.38
Schedule D - Insurance on Decedent's Life - Part 1 - Payable to Estate		$
Part 2 - Payable to Beneficiary	$	
Schedule E - Jointly Owned Property	$	
Schedule F - Other Miscellaneous Assets Payable to Estate		$5,000.00
Schedule G - Transfers During Decedent's Life	$	$
Schedule H - Powers of Appointment	$	$
Schedule I - Annuities and Retirement Accounts	$	$
GROSS VALUE OF PROBATE ESTATE		$4,089,963.38

The undersigned, being sworn, states: That the following schedules contain a complete and accurate inventory and appraisement of all probate real and personal property of this estate so far as the undersigned is informed; that he/she has estimated and/or appraised all listed property at its fair market value, according to the best of his/her knowledge and ability.

SWORN to before me this 22 day of September, 20 23
Tina Markferding
Notary Public for South Carolina
My Commission Expires: 12-30-29

Tina M. Markferding
Notary Public, State of South Carolina
My Commission Expires December 30, 2029

Personal Representative Signature: Scott Pickett
Print Name: Bayard Scott Pickett, Jr.
Address: 4616 Thoroughgood Drive
Virginia Beach, VA 23455
Telephone (Work): 757-718-6500
(Home):
(Cell):
(Email): bayardpickettjrinc@gmail.com

Attorney:
Address:
Telephone:
Email:

Co-Personal Representative Signature (if applicable)
Name:
Address:
Telephone (Work):
Telephone (Home):
(Cell):
(Email):

WHEN COMPLETING THE FOLLOWING SCHEDULES LIST ALL PROBATE ASSETS, REGARDLESS OF LOCATION. ALL OUT-OF-STATE PROBATE ASSETS MUST BE DISCLOSED. NON-PROBATE PROPERTY NEED NOT BE DISCLOSED.

SCHEDULE A – REAL ESTATE. List below any real estate in Decedent's name alone or tenants in common (not as joint with right of survivorship or tenants in the entirety). Describe each property by listing its full address, tax map number, deed book and page, and description consistently (for example: house, lot, buildings, acreage). Also list oil/mineral rights and time shares if it is real property. If none, so state. If the property is encumbered, list the full fair market value of the property here and the encumbrance on the Encumbrance Schedule below. (For jointly owned property **with right of survivorship**, you may list in Schedule E.)

Item No. Description	% owned by Decedent	Fair Market Value	Value of Decedent's interest
1. 213 & 215 King Street Tax Map Number: 532-05-00-002 & 200	100%	$4,000,000.00	4,000,000.00
2. Tax Map Number:			
3. Tax Map Number:			

TOTAL SCHEDULE A $ 4,000,000.00

(also enter under recapitulation, page 1)

SCHEDULE B – STOCKS AND BONDS. List below all stocks and bonds in the Decedent's name alone or tenants in common (not as joint with right of survivorship). Identify each type of security and the number of shares. If none, so state. (For jointly owned property **with right of survivorship**, you may list in Schedule E.

Item No.	Description	Face Value	Appraised Value
1.	None		
2.			
3.			
4.			

TOTAL SCHEDULE B $

(also enter under recapitulation, page 1)

SCHEDULE C – CASH, BANK ACCOUNTS, NOTES RECEIVABLES. List all bank accounts owned by Decedent alone or as tenants in common (checking, savings, CDs, money market, brokerage, employment bonus, cash award, final paycheck, etc.), cash on hand, notes payable to Decedent, and survival action proceeds. If none, so state. List each separate account type and institution and last two digits of the account. (For jointly owned property **with right of survivorship**, you may list in Schedule E.)

Item No.	Description	Value
1.	100% of BOA acct 435025411485 - Est of Bayard Scott Pickett	$84,963.38
2.		
3.		

TOTAL SCHEDULE C $ $84,493.38

(also enter under recapitulation, page 1)

SCHEDULE D - LIFE INSURANCE (If none, so state.)
Part 1 - Life Insurance – List the insurance on the life of the Decedent which is payable to the Estate.

Item No.	Description	Value
1.	None	
2.		
3.		

TOTAL PART 1 $

(also enter under recapitulation, page 1)

(If more space is required, insert additional sheets of same size.)

Part 2 (**OPTIONAL**) - You may list here the insurance on the life of the Decedent which is payable to beneficiaries.

Item No.	Description	Beneficiary	Value
1.	None		
2.			
3.			

TOTAL PART 2 $ _____

(also enter under recapitulation, page 1)

SCHEDULE E - (OPTIONAL) JOINT WITH RIGHT OF SURVIVORSHIP– You may list below any non-probate property jointly owned by the Decedent with another **with right of survivorship.** List each separate account type and institution and the last two digits of each account.

Item No.	Description	Joint Owner(s)	Percentage Includible	Value of Decedent's Interest
1.	None	t		
2.				
3.				

TOTAL SCHEDULE E $ _____

(also enter under recapitulation, page 1)

SCHEDULE F – OTHER MISCELLANEOUS ASSETS PAYABLE TO ESTATE. List below any tangible personal property, including household goods & furnishings, vehicles, boats/motors/trailers, mobile homes that are not de-titled (Include year/make/model/VIN, if applicable), airplanes, equipment, interest in a partnership or unincorporated business, articles or collections having either artistic or intrinsic value, including coins, guns, artwork, jewelry, etc., and any other miscellaneous probate items not listed elsewhere, including any digital assets. If none, so state. (For jointly owned tangible personal property **with right of survivorship**, you may list in Schedule E.)

Item No.	Description	Value
1.	Personal Property consisting of household furnishings	$5,000.00
2.		
3.		
4.		
5.		

TOTAL SCHEDULE F $ $5,000.00

(also enter under recapitulation, page 1)

NOTE: FOR SCHEDULES G, H, AND I. LIST VALUES ONLY IF PAYABLE TO ESTATE.

SCHEDULE G – TRANSFERS DURING DECEDENT'S LIFE. List any transfers intended to take effect at death if such property is payable to the Estate. You may list in the "Optional" section below any non-probate transfers intended to take effect at death not payable to the Estate, including United States Government Bonds "Payable on Death," accounts which are "Transfer on Death," a trust created by Decedent in which income for life was retained by the Decedent, power to revoke or other incidents of ownership retained by the Decedent, lifetime transfers of real property in which Decedent retained life estate, etc. If none, so state.

List date and type of transfer and list total amount **payable to estate**:

1.	None	
2.	\	

(**OPTIONAL**) describe and list amounts **not** payable to estate:

1.		
2.		

TOTAL SCHEDULE G $ _____

(also enter under recapitulation, page 1)

(If more space is required, insert additional sheets of same size.)

SCHEDULE H – POWERS OF APPOINTMENT. List property, both real and personal, over which Decedent possessed a Power of Appointment whether testamentary or otherwise, if such property is payable to the Estate. You may list property subject to such power if it was not payable to the Estate in the "Optional" section below. If none, so state.

Describe and list total amount **payable to estate**:

1.	None	
2.		

(OPTIONAL) describe and list amounts **not** payable to estate:

1.		
2.		

TOTAL SCHEDULE H $ _____

(also enter under recapitulation, page 1)

SCHEDULE I – ANNUITIES AND RETIREMENT ACCOUNTS (IRA's, 401(K), etc.). List any annuities or retirement accounts owned by the Decedent and payable to the Estate. You may list in the "Optional" section below any accounts payable to a beneficiary which is not payable to the Estate.

Describe and list total amount **payable to estate**:

1.	None	
2.		
3.		

(OPTIONAL) describe and list amounts **not** payable to estate:

1.		
2.		
3.		

TOTAL SCHEDULE I $ _____

(also enter under recapitulation, page 1)

ENCUMBRANCES (e.g., mortgages, liens, judgments, etc., **but not general debts of the estate**). List debts of the Decedent secured by assets on the above Schedules and describe the debt and the specific asset encumbered.

Item No.	Schedule & Item Number Encumbered Thereby	Description & Amount
1.	Mortgage with South State Bank	$30,361.58
2.		
3.		

TOTAL ENCUMBRANCES $ $30,361.58

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
9/27/2023 5:12PM

FLF370

STATE OF SOUTH CAROLINA)
)
COUNTY OF: CHARLESTON)
)
IN THE MATTER OF:)
VERONIQUE H. W. PICKETT)
(Decedent))

IN THE PROBATE COURT

ACCOUNTING

CASE NUMBER: 2019-ES-10-00394

☒ FINAL
☐ INTERIM # _____

The undersigned Personal Representative(s) submits this accounting, which covers the period from 12/18/2018 through 09/20/2023.

The documentation on the following page(s) of this form sets forth a complete accounting for the period specified, which is summarized as follows:

Beginning Balance from Inventory(ies) or prior Interim Accounting, if applicable	$4,084,963.37
Plus: Receipts (Rent, Refunds, Dividends, Interest, etc.)	$133,095.53
Subtotal	$4,218,058.90
Less: Disbursements and Distributions	$2,830,909.27
Ending Balance	$1,387,149.63

The Personal Representative(s) declares that this account has been examined and that its contents represent a correct statement of all receipts and disbursements and are true to the best knowledge and belief of the Personal Representative(s).

SWORN to before me this 21st day of September, 20 23

Notary Public for South Carolina
My Commission Expires: 6/26/2024

PAUL B. FERRARA III
My Commission Expires
June 26, 2024

Signature: Bayard Scott Pickett
Print Name: BAYARD SCOTT PICKETT
Address: 4616 THOROUGHGOOD DRIVE
VIRGINIA BEACH, VA 23455
Telephone (Work): (757) 718-6500
(Home):
(Cell):
Email: BAYARDSPICKETTJRINC@GMAIL.COM

Co-Personal Representative Signature:
Print Name:
Address:
Telephone (Work):
(Home):
(Cell):
Email:

SWORN to before me this _____ day of _____, 20 _____

Notary Public for South Carolina
My Commission Expires: _____

ESTATE OF VERONIQUE PICKET
CASE # 2019-ES-10-00394

DATE	$		PAYEE	BANK	
9/5/23	$	150.00	AMES LAWSON CK1115	ATLANTIC	
2/12/22	$	2,500.00	ATTY FLFA		5092
6/12/20	$	2,500.00	ATTY FLFA		5092
4/5/23	$	2,770.59	ATTY FLFA		5092
9/19/23	$	5,000.00	ATTY FLFA CK 1119	ATLANTIC	
5/17/19	$	8,032.15	ATTY WOMBLE, BOND, DICKINSON		5092
1/31/19	$	1,000.00	ATTY WOMBLE, BOND, DICKSON -		1485
3/27/23	$	3.00	BANK FEE		5038
4/24/20	$	3.00	BANK FEE		5038
1/7/19	$	75.00	BANK FEE		1485
7/25/23	$	3.00	BANK FEE		5038
1/26/20	$	26.10	BANK FEE		5092
2/24/20	$	3.00	BANK FEE		5092
3/25/20	$	3.00	BANK FEE		5092
5/22/20	$	3.00	BANK FEE		5092
6/24/20	$	3.00	BANK FEE		5092
7/27/20	$	3.00	BANK FEE		5092
9/24/20	$	3.00	BANK FEE		5092
10/25/20	$	3.00	BANK FEE		5092
7/25/21	$	3.00	BANK FEE		5092
11/22/21	$	3.00	BANK FEE		5092
12/27/21	$	3.00	BANK FEE		5092
2/22/22	$	3.00	BANK FEE		5092
3/25/22	$	3.00	BANK FEE		5092
5/24/22	$	3.00	BANK FEE		5092
6/24/22	$	3.00	BANK FEE		5092
7/25/22	$	3.00	BANK FEE		5092
11/24/22	$	3.00	BANK FEE		5092
7/25/23	$	3.00	BANK FEE		5092
4/18/19	$	26.04	BANK FEE CHECKS		5092
7/18/19	$	30.00	BANK FEE WIRE TNS FEE		5092
7/22/19	$	550.00	BRADY PUTMAN - 213/215 KING		5092
8/24/23	$	2,500.00	C. HUMPHREYS (CPA) CK 1107	ATLANTIC	
10/23/19	$	24,010.00	CHARLESTO CO DES PMT		5092
8/26/20	$	89.00	COMCAST		5038
12/23/19	$	179.24	COMCAST		5092

9/26/20	$ 89.00	COMCAST			5092
10/28/20	$ 95.91	COMCAST			5092
8/19/21	$ 99.99	DAR ROBERT (MOBILE SCAN TO D(			5092
9/5/23	$ 1,200.00	DENNY GACIA CK 1114	ATLANTIC		
8/30/23	$ 275.00	DEREK HILTON(D.WALL) CK 1110	ATLANTIC		
11/6/19	$ 435.40	DOMINION			5038
1/2/20	$ 656.30	DOMINION			5092
1/23/20	$ 470.18	DOMINION			5092
3/6/20	$ 225.00	DOMINION			5092
3/25/20	$ 241.28	DOMINION			5092
5/15/20	$ 166.72	DOMINION			5092
9/2/20	$ 600.00	DOMINION			5092
9/2/20	$ 484.01	DOMINION			5092
9/24/20	$ 499.71	DOMINION			5092
9/24/20	$ 35.81	DOMINION			5092
11/6/19	$ 3.00	DOMINION BILL MATRIX			5038
1/23/20	$ 3.50	DOMINION BILL MATRIX			5092
9/2/20	$ 3.50	DOMINION BILL MATRIX			5092
9/2/20	$ 3.50	DOMINION BILL MATRIX			5092
9/24/20	$ 3.50	DOMINION BILL MATRIX			5092
9/24/20	$ 3.50	DOMINION BILL MATRIX			5092
11/4/19	$ 636.30	DOVENMUEHLE MTG			5038
1/2/19	$ 646.13	DOVENMUEHLE MTG			1485
2/4/19	$ 646.13	DOVENMUEHLE MTG			1485
3/4/19	$ 646.13	DOVENMUEHLE MTG			1485
4/2/19	$ 656.30	DOVENMUEHLE MTG			1485
4/26/19	$ 667.80	DOVENMUEHLE MTG			5092
6/20/19	$ 1,312.60	DOVENMUEHLE MTG			5092
7/2/19	$ 656.30	DOVENMUEHLE MTG			5092
8/2/19	$ 656.30	DOVENMUEHLE MTG			5092
9/3/19	$ 656.30	DOVENMUEHLE MTG			5092
10/2/19	$ 656.30	DOVENMUEHLE MTG			5092
12/2/19	$ 656.30	DOVENMUEHLE MTG			5092
1/2/20	$ 656.30	DOVENMUEHLE MTG			5092
2/3/20	$ 656.30	DOVENMUEHLE MTG			5092
3/2/20	$ 656.30	DOVENMUEHLE MTG			5092
4/2/20	$ 1,125.56	DOVENMUEHLE MTG			5092
5/4/20	$ 1,125.56	DOVENMUEHLE MTG			5092
6/2/20	$ 1,125.56	DOVENMUEHLE MTG			5092
7/2/20	$ 1,125.56	DOVENMUEHLE MTG			5092

8/3/20	$ 1,125.56	DOVENMUEHLE MTG		5092
9/2/20	$ 1,125.56	DOVENMUEHLE MTG		5092
9/19/23	$ 5,485.00	EAST COAST CENTER DR CHICKY CK 1118	ATLANTIC	
8/31/23	$ 2,297.73	FLOOR & DECOR CK 1112	ATLANTIC	
12/28/18	$ 10,751.00	FUNERAL EXP J HENRY STUHR - V.		1485
6/1/21	$ 2,326.48	FUNERAL EXP THE MEMORIAL SH(		5092
1/22/19	$ 300.00	GEORGE BALLER		1485
8/31/23	$ 1,619.14	HOTEL FOR KATY CK 1113	ATLANTIC	
7/12/19	$ 3,429.00	INS FLOOS INS PREMIUM		5092
9/27/19	$ 51.25	INS LINCOLIN - PMT JP5195151		5092
3/15/23	$ 153.75	INS LINCOLN NATIONAL CK # 1024		5092
6/15/23	$ 700.00	INS LINCOLN NATIONAL CK # 1105		5092
1/31/19	$ 51.25	INS LINCOLN NATIONAL LIFE - JP51		1485
7/15/23	$ 51.25	INS LINCOLN NATL CK # 1106		5092
2/15/23	$ 500.00	INS LINCOLN PMT.		5092
12/31/18	$ 200.00	JOHN BURWELL - VERONIQUE		1485
8/24/23	$ 3,500.00	K. ANDERSON CK 1108	ATLANTIC	
8/30/23	$ 3,000.00	K. ANDERSON CK 1111	ATLANTIC	
9/18/23	$ 2,000.00	K. ANDERSON CK 1117	ATLANTIC	
8/9/23	$ 10,000.00	KATY FROM LAQUIERE LF	ATLANTIC	
1/18/19	$ 4,000.00	LAURA JONES		1485
3/11/22	$ 50,010.00	LAURA JONES - $50K + $10 FEE	ATLANTIC	
6/17/22	$ 50,010.00	LAURA JONES - $50K + $10 FEE	ATLANTIC	
12/27/18	$ 500.00	LAURA JONES - KATY		1485
10/20/21	$ 35,000.00	LAURA JONES.	ATLANTIC	
4/9/19	$ 900.00	MCGINNIS APPRSL SVS, LLC		5092
12/23/19	$ 220.32	MT. PL. WATER		5092
9/25/20	$ 66.47	MT. PL. WATER		5092
4/29/19	$ 900.34	CK # 1003		5092
3/31/20	$ 1,105.00	CK # 1061		5092
7/25/22	$ 273.67	CK # 1126		5092
11/24/22	$ 6,668.05	CK # 1129		5092
11/29/19	$ 500.00	PAM PICKETT		5092
10/11/19	$ 2,428.91	PAM PICKETT -		5092
9/26/19	$ 1,200.00	PAM PICKETT - 213 KING		5092
11/15/19	$ 500.00	PAM PICKETT - 213 KING		5092
11/18/19	$ 1,000.00	PAM PICKETT - 213 KING		5092
12/20/19	$ 200.00	PAM PICKETT - CURTAINS		5092
11/13/19	$ 2,000.00	PAM PICKETT - DEPOSIT		5092
8/8/19	$ 1,400.00	PAM PICKETT - GUTTERS & MOLD		5092

9/16/19	$ 725.00	PAM PICKETT - LAWN & HURRICAN			5092
1/23/19	$ 1,000.00	PAM PICKETT - NIQUES PAPER			1485
9/16/19	$ 700.00	PAM PICKETT - PAY BACK			5092
1/16/19	$ 1,000.00	PAM PICKETT - WORK ON ESTATE T			1485
11/22/21	$ 99.99	PAM PICKETT REIMB MOBILE SCAN			5092
8/26/20	$ 1,000.00	PAM PICKETT-REIMB CREDIT CARD			5092
9/11/20	$ 600.00	PAM PICKETT-RENT VEHICLE			5092
11/5/20	$ 435.56	PENN CREDIT VIRG DES PMT			5092
5/25/20	$ 125.00	PHILLIP HEATH			5092
10/8/19	$ 225.00	PICKETT - 213/215 KING			5092
7/10/19	$ 530.00	PICKETT LAWN CARE			5092
7/27/20	$ 625.00	PICKETT LAWN CARE			5092
8/5/19	$ 1,425.00	PICKETT LAWN CARE - INV # 2961			5092
11/25/19	$ 305.00	PICKETT LAWN CARE 213/215/ KIN			5092
5/5/20	$ 224.10	RAQUEL ZERBAND			5092
11/19/19	$ 1,000.00	RAQUEL ZERBONIA - PAY BACK			5092
5/5/20	$ 225.00	ROBERT CARR			5092
3/21/19	$ 750.00	ROBINSON TAXES - PERSONAL TAX			1485
8/28/23	$ 3,105.77	RPG PLUMBING CK 1109	ATLANTIC		
9/12/23	$ 590.65	RPG PLUMBING CK 1116	ATLANTIC		
9/18/23	$ 836.59	S. PICKETT-HOME DEPOT CK 1120	ATLANTIC		
9/16/19	$ 650.00	SAM PCIKETT - WORK ON 213 KING			5092
9/4/20	$ 75.00	SCOTT PICKETT			5092
4/29/19	$ 1,835.00	SCOTT PICKETT - LAWN CARE			5092
5/14/19	$ 1,000.00	SCOTT PICKETT - SC TRIP			5092
9/1/20	$ 650.00	SCOTT PICKETT-LAWN CARE			5092
1/9/20	$ 3,000.00	SEABREEZE CONST			5092
2/27/20	$ 2,000.00	SEABREEZE CONST			5092
10/1/19	$ 1,000.00	SEABREEZE CONST - 213 KING			5092
9/16/19	$ 500.00	SEABREEZE CONST - PAY BACK 213			5092
5/23/19	$ 3,000.00	SEABREEZE CONST 213/215 KING			5092
5/3/19	$ 2,000.00	SEABREEZE CONST PAM PAYBACK			5092
9/9/19	$ 500.00	SEAGREEZ CONST - LAWYER			5092
9/9/19	$ 1,500.00	SEAGREEZ CONST - TIP			5092
5/4/20	$ 700.00	SERGIO FRANCISCO			5092
5/17/20	$ 400.00	SERGIO FRANCISCO			5092
7/22/19	$ 2,100.00	SERGIO FRANCISCO - 213/215 KING			5092
11/18/19	$ 250.00	SERGIO FRANCISCO - 213/215 KING			5092
10/16/20	$ 800.00	SHIRLEY DECKER			5092
12/8/21	$ 1,400.00	SHIRLEY DECKER			5092

5/20/22	$ 400.00	SHIRLEY DECKER		5092
3/15/23	$ 400.00	SHIRLEY DECKER CK # 1098		5092
4/29/19	$ 800.00	SHIRLEY DECKER - TAX & ACCOUN		5092
5/14/19	$ 539.00	TAXE US DEPT TRSRY - 2014 1040		5092
1/15/20	$ 15,592.00	TAXES CHARLESTON CO TAXES		5092
12/21/18	$ 23,653.00	TAXES CHARLESTON CO TREASURE		1485
12/21/18	$ 15,361.00	TAXES CHARLESTON CO TREASURE		1485
5/17/19	$ 479.00	TAXES DPT TAXATION - 2014 VA76		5092
5/17/19	$ 619.00	TAXES DPT TAXATION - 2015 VA76		5092
7/17/19	$ 669.00	TAXES DPT TAXATION - 2016 VA76		5092
5/17/19	$ 697.00	TAXES DPT TAXATION - 2017 VA76		5092
5/17/19	$ 498.00	TAXES DPT TAXATION - 2018 VA76		5092
5/14/19	$ 7,070.00	TAXES IRS - 2017 1040		5092
10/28/19	$ 997.12	TAXES IRS - 2017 249540313		5092
5/5/19	$ 93.00	TAXES US DEPT TRSRY - 2012 FORM		5092
10/4/19	$ 354.16	TAXES US DEPT TRSRY - 2014 249-5		5092
5/14/19	$ 2,155.00	TAXES US DEPT TRSRY - 2016 1040		5092
10/29/19	$ 2,510.13	TAXES US DEPT TRSRY - 2016 249-5		5092
5/14/19	$ 5,294.00	TAXES US DEPT TRSRY - 2018 1040		5092
10/14/21	$181,982.00	TAXES US TREASURY	ATLANTIC	
10/30/19	$ 470.51	TAXES US TRSRY - 2018 249540213		5092
4/13/22	$ 325.00	THE MEMORIAL SHOP		5092
7/9/19	$ 1,123.00	TLM - 213/215 KING		5092
2/4/19	$ 11,960.02	USAA - 00723991 CARD BAL		1485
2/22/22	$ 751.95	VA DEPT OF TAXATION		5092
6/20/19	$ 10.18	VA DEPT TNSP		5092
9/8/20	$ 55.00	ZEKE ABBOTT-MOVING		5092

Totals $ 591,352.42

9/29/20	$479,153.70	Settlement Statement	213/215 Closing Costs/Disbursements to
9/29/20	$880,211.57	Settlement Statement	Scott Pickett
9/29/20	$440,105.79	Settlement Statement	Kathleen Anderson c/o Laura Jones
9/29/20	$440,105.79	Settlement Statement	Laura Jones

Total Disbursements $ 2,830,929.27

ESTATE OF VERONIQUE PICKETT
CASE # 2019-ES-10-00394

DATE	$	PAYOR	BANK
11/14/19	$3,312.00	BRIDGEPOINT	5038
1/11/19	$3,312.00	BRIDEGPOINT	5092
6/13/19	$6,314.69	BRIDEGPOINT	5092
9/16/19	$2,852.00	BRIDEGPOINT	5092
1/16/19	$7,383.00	BRIDGEPOINT	1485
2/14/19	$7,383.00	BRIDGEPOINT	1485
3/13/19	$7,383.00	BRIDGEPOINT	1485
4/15/19	$7,383.00	BRIDGEPOINT	1485
5/14/19	$7,173.00	BRIDGEPOINT	5092
7/15/19	$7,383.00	BRIDGEPOINT	5092
8/4/19	$6,925.50	BRIDGEPOINT	5092
10/16/19	$7,689.94	BRIDGEPOINT	5092
12/16/19	$3,012.00	BRIDGEPOINT	5092
1/15/20	$2,705.75	BRIDGEPOINT	5092
2/21/20	$2,809.79	BRIDGEPOINT	5092
3/13/20	$6,628.64	BRIDGEPOINT	5092
4/17/20	$6,786.23	BRIDGEPOINT	5092
5/15/20	$10,696.19	BRIDGEPOINT	5092
6/16/20	$3,268.50	BRIDGEPOINT	5092
7/17/20	$6,941.82	BRIDGEPOINT	5092
8/13/20	$1,332.96	BRIDGEPOINT	5092
9/15/20	$3,312.00	BRIDGEPOINT	5092
4/9/19	$657.98	COUNTER CREDIT	5092
7/11/19	$282.07	COUNTER CREDIT	5092
1/9/20	$207.29	COUNTER CREDIT	5092
12/18/19	$282.00	DEPOSIT	5092
7/23/20	$310.20	DEPOSIT	5092
10/1/20	$620.40	DEPOSIT	5092
10/16/20	$620.40	DEPOSIT	5092
11/10/20	302.71	DEPOSIT	ATLANTIC
12/30/20	781.16	DEPOSIT	ATLANTIC
2/25/22	$324.30	DEPOSIT	ATLANTIC
4/25/22	$338.40	DEPOSIT	5092
6/28/22	$338.40	DEPOSIT	ATLANTIC
7/28/22	$352.50	DEPOSIT	ATLANTIC
9/2/22	$408.90	DEPOSIT	ATLANTIC

12/22/22	$338.40	DEPOSIT	ATLANTIC
5/4/23	$352.50	DEPOSIT	ATLANTIC
7/28/23	$352.50	DEPOSIT	ATLANTIC
10/9/20	$3,571.00	DEPOSIT USAA INTEREST	ATLANTIC
4/20/23	$3.84	INTEREST INCOME	3979
5/22/23	$4.38	INTEREST INCOME	3979
5/23/23	$1.37	INTEREST INCOME	3979
6/22/23	$4.25	INTEREST INCOME	3979
7/21/23	$3.97	INTEREST INCOME	3979
4/1/21	$324.30	PRUDENTIAL STOCK	5092
10/22/21	$324.30	PRUDENTIAL STOCK	5092

$133,095.53

HELLMAN YATES & TISDALE
ATTORNEYS AND COUNSELORS AT LAW

HELLMAN YATES & TISDALE, PA
106 BROAD STREET, THIRD FLOOR
CHARLESTON, SOUTH CAROLINA 29401
v 843 266-9099
f 843 266-9188

SELLER'S STATEMENT OF CLOSING COSTS

Purchaser: CJP REALTY, LLC, A SOUTH CAROLINA LIMITED LIABILITY COMPANY
Seller: (i) BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT, JR., AS TRUSTEE OF THE BAYARD SCOTT PICKETT, JR. TRUST AS ESTABLISHED UNDER THE WILL OF BAYARD SCOTT PICKETT, SR. DATED MARCH 31, 1999; (ii) BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT, JR., AS TRUSTEE OF THE BAYARD SCOTT PICKETT, JR. TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999; (iii) BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT, JR. AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF VERONIQUE H.W. PICKETT; (iv) BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT, JR., INDIVIDUALLY; (v) LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED UNDER THE WILL OF BAYARD SCOTT PICKETT, SR., DATED MARCH 31, 1999; (vi) LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999; (vii) LAURA V. JONES, INDIVIDUALLY; (viii) LAURA V. JONES, AS TRUSTEE OF THE KATHLEEN ELIZABETH ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF BAYARD SCOTT PICKETT, SR. DATED MARCH 31, 1999; (ix) LAURA V. JONES, AS TRUSTEE OF THE KATHLEEN ELIZABETH ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999; (x) KATHLEEN ELIZABETH ANDERSON, INDIVIDUALLY
Property: 213 & 215 KING STREET, MOUNT PLEASANT, SC 29464
Closing Date: September 29, 2020

PURCHASE PRICE:	**$**	**4,000,000.00**
LESS AMOUNT DUE FROM SELLER:		
South State Bank: Mortgage Payoff (Interest thru 10/14/2020)		30,361.58
Ferrara Law Firm, PLLC: Seller's Counsel Fees		4,000.00
Ferrara Law Firm, PLLC: Wire/Courier Fees		150.00
US Department of Treasury: Withholding Taxes		150,000.00
SC DOR: Non-Resident Withholding (Estate of Veronique H.W. Pickett)		12,768.98
SC DOR: Non-Resident Withholding (BSP, Jr. Trust under BSP, Sr. Will)		3,192.24
SC DOR: Non-Resident Withholding (BSP, Jr. Trust under VHWP Will)		3,192.24
SC DOR: Non-Resident Withholding (LVJ Trust under BSP, Sr. Will)		1,596.12
SC DOR: Non-Resident Withholding (LVJ Trust under VHWP Will)		1,596.12
SC DOR: Non-Resident Withholding (KEA Trust under BSP, Sr. Will)		1,596.12
SC DOR: Non-Resident Withholding (KEA Trust under VHWP Will)		1,596.12
Keller Williams Realty: Broker's Commission		90,000.00
Disher, Hamrick & Myers Residential, Inc.: Broker's Commission		120,000.00
Seabreeze Construction: Invoice for Labor (July 18 - 20)		2,520.00
Seabreeze Construction: Invoice for Labor (November 7 - 26)		4,500.00
Seabreeze Construction: Invoice for Labor (September 12 - October 7)		7,200.00
Seabreeze Construction: Invoice for Cleaning Services (January)		200.00
Seabreeze Construction: Invoice for Garbage Management		215.00
Charleston County Taxes 01/01/2020 to 09/29/2020 (213 King)		17,909.09
Charleston County Taxes 01/01/2020 to 09/29/2020 (215 King)		11,630.09
Charleston County Register of Deeds: Memorandum of Trust Recording Fees		70.00
Charleston County Register of Deeds: Deed Recording Fees		30.00
Charleston County Register of Deeds: Deed Stamps		14,800.00
Hellman Yates & Tisdale, PA: Wire Fee		30.00
	$	**479,153.70**
TOTAL CASH DUE TO SELLER:	**$**	**3,520,846.30**

DISBURSEMENTS CONTINUED ON FOLLOWING PAGE

[SIGNATURE PAGES TO FOLLOW]

TOTAL CASH DUE TO SELLER:	**$ 3,520,846.30**
CASH DUE TO THE ESTATE OF VERONIQUE H.W. PICKETT	**$ 1,760,423.15**
CASH DUE TO BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT, JR., AS TRUSTEE OF THE BAYARD SCOTT PICKETT, JR. TRUST AS ESTABLISHED UNDER THE WILL OF BAYARD SCOTT PICKETT, SR. DATED MARCH 31, 1999	**$ 880,211.57**
CASH DUE TO LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED UNDER THE WILL OF BAYARD SCOTT PICKETT, SR. DATED MARCH 31, 1999	**$ 440,105.79**
CASH DUE TO LAURA V. JONES, AS TRUSTEE OF THE KATHLEEN ELIZABETH ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF BAYARD SCOTT PICKETT, SR. DATED MARCH 31, 1999	**$ 440,105.79**

[SIGNATURE PAGES TO FOLLOW]

Disbursement in accordance with the above is hereby approved and authorized.

SELLER:

Bayard S. Pickett Jr. A/K/A Bayard Scott Pickett Jr. Trustee

BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT, JR., AS TRUSTEE OF THE BAYARD SCOTT PICKETT, JR. TRUST AS ESTABLISHED UNDER THE WILL OF BAYARD SCOTT PICKETT, SR. DATED MARCH 31, 1999

Bayard S. Pickett Jr A/K/A Bayard Scott Pickett Jr Trustee

BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT, JR., AS TRUSTEE OF THE BAYARD SCOTT PICKETT, JR. TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999

Bayard S. Pickett Jr, A/K/A Bayard Scott Pickett Jr ~~Trustee~~ PR

BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT, JR. AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF VERONIQUE H.W. PICKETT

Bayard S. Pickett Jr. A/K/A Bayard Scott Pickett PR

BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT, JR., INDIVIDUALLY

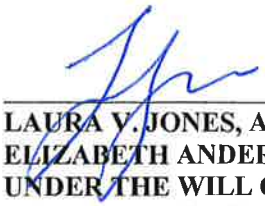
[SIGNATURES CONTINUE ON FOLLOWING PAGE]

LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED UNDER THE WILL OF BAYARD SCOTT PICKETT, SR., DATED MARCH 31, 1999

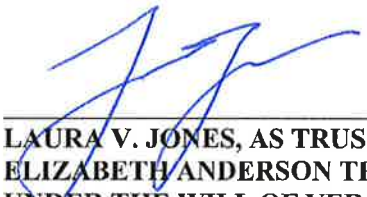
LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999

LAURA V. JONES, INDIVIDUALLY

[SIGNATURES CONTINUE ON FOLLOWING PAGE]



LAURA V. JONES, AS TRUSTEE OF THE KATHLEEN ELIZABETH ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF BAYARD SCOTT PICKETT, SR. DATED MARCH 31, 1999



LAURA V. JONES, AS TRUSTEE OF THE KATHLEEN ELIZABETH ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999



KATHLEEN ELIZABETH ANDERSON, INDIVIDUALLY

HELLMAN YATES & TISDALE
ATTORNEYS AND COUNSELORS AT LAW

HELLMAN YATES & TISDALE, PA
105 BROAD STREET, THIRD FLOOR
CHARLESTON, SOUTH CAROLINA 29401
T 843 266 9099
F 843 266 9188

PURCHASER'S STATEMENT OF CLOSING COSTS

Purchaser: CJP REALTY, LLC, A SOUTH CAROLINA LIMITED LIABILITY COMPANY
Seller: (i) BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT, JR., AS TRUSTEE OF THE BAYARD SCOTT PICKETT, JR. TRUST AS ESTABLISHED UNDER THE WILL OF BAYARD SCOTT PICKETT, SR. DATED MARCH 31, 1999; (ii) BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT, JR., AS TRUSTEE OF THE BAYARD SCOTT PICKETT, JR. TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999; (iii) BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT, JR. AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF VERONIQUE H.W. PICKETT; (iv) BAYARD S. PICKETT, JR. A/K/A BAYARD SCOTT PICKETT, JR., INDIVIDUALLY; (v) LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED UNDER THE WILL OF BAYARD SCOTT PICKETT, SR., DATED MARCH 31, 1999; (vi) LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999; (vii) LAURA V. JONES, INDIVIDUALLY; (viii) LAURA V. JONES, AS TRUSTEE OF THE KATHLEEN ELIZABETH ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF BAYARD SCOTT PICKETT, SR. DATED MARCH 31, 1999; (ix) LAURA V. JONES, AS TRUSTEE OF THE KATHLEEN ELIZABETH ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999; (x) KATHLEEN ELIZABETH ANDERSON, INDIVIDUALLY
Property: 213 & 215 KING STREET, MOUNT PLEASANT, SC 29464
Closing Date: September 29, 2020

PURCHASE PRICE:	**$**	**4,000,000.00**
EARNEST MONEY DEPOSIT:	**$**	**300,000.00**
Other Purchaser Costs and Disbursements Made at Closing:		
Peabody & Associates, Inc.: As-Built Survey (Inc. #6453)		4,375.00
Atlantic Shield Insurance Group: Insurance Premium (Invoice No.: 1001)		17,406.82
Hellman Yates & Tisdale, PA: Purchaser's Counsel Fee		5,000.00
Hellman Yates & Tisdale, PA: Reimbursement (SC SOS LLC Filing Fees)		145.50
Hellman Yates & Tisdale, PA: Wire & Courier Fee		50.00
First American Title Insurance Company: Title Insurance Premium		7,470.00
First American Title Insurance Company: Title Insurance Binder Fee		250.00
First American Title Insurance Company: Title Abstract		975.00
Charleston County Taxes 01/01/2020 to 09/29/2020 (213 King)		(17,909.09)
Charleston County Taxes 01/01/2020 to 09/29/2020 (215 King)		(11,630.09)
Charleston County Register of Deeds: Deed Recording Fee		15.00
TOTAL DISBURSEMENTS:	**$**	**6,148.14**
CASH DUE FROM PURCHASER:	**$**	**3,706,148.14**

[SIGNATURE PAGE TO FOLLOW]

Disbursement in accordance with the above is hereby approved and authorized.

PURCHASER:

CJP REALTY, LLC, a South Carolina
limited liability company

By: _____
Christopher J. Pallotta
Its: Manager

Net to Distribute			$	1,380,419.03				Distributions from Trust
	Proposal for Distribution		Prior Disbursements		**Net to Disburse**			213/215 King St
Laura	$	345,104.76	$	(139,520.00)	**$**	**205,584.76**		440105.79
Katy	$	345,104.76	$	(34,059.88)	**$**	**311,044.88**		440105.79
Scott	$	690,209.51			**$**	**690,209.51**		880211.57
Totals	**$**	**1,380,419.03**			**$**	**1,206,839.15**	**Total**	**1760423.15**

Credits		Source
Proceeds from Bayard Scott Pickett Trus	$ 84,963.37	Bank Acct
213/215 King Street	$ 4,000,000.00	Settlement Statement
Income from Bridgepoint/Stock	$ 133,095.53	Credit Exhibit
Subtotals	$ 4,218,058.90	
Debits		
Closing Costs/Disbursements to 3rd part	$ 479,153.70	Settlement Statement
Scott Pickett	$ 880,211.57	Settlement Statement
Kathleen Anderson c/o Laura Jones	$ 440,105.79	Settlement Statement
Laura Jones	$ 440,105.79	Settlement Statement
Disbursements from Estate	$ 591,352.42	Debit Exhibit
Subtotals	$ 2,830,929.27	
Net in accounts after partial disbursmen	$ 1,387,129.63	
Laura Advancements	$ 139,520.00	Laura Disbursements
Kathleen Advancements	$ 34,059.88	Kathleen Disbursements
Costs of Adminstration- PR Fees	**$ 180,290.48**	S.C. Code 62-3-719 (5% of sale proceeds and 5% of personal p
Total to disburse after PR fees	**$ 1,380,419.03**	

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2019ES1000394
9/27/2023 5:12PM

Summary of Accounts		
Bank of America 5092	$	5,678.32
Bay Port CU 0000++++++++++	$	250,113.02
Town Bank 0618	$	253,369.43
Bank of America 3979	$	214,995.91
Atlantic Union CU 2742	$	607,364.16
Atlantic Union CU 1141	$	824.62
ABNB-8825	$	101,306.14
ABNB-7487	$	7.88
	$	**1,433,659.48**

ELECTRONICALLY FILED - 2024 Mar 26 5:45 PM - CHARLESTON - COMMON PLEAS - CASE#2024CP1001325

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON IN THE MATTER OF: VERONIQUE W. PICKETT BAYARD SCOTT PICKETT, JR., Petitioner/Plaintiff, v. LAURA V. JONES, AS TRUSTEE OF THE LAURA V. JONES TRUST AS ESTABLISHED BY THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999, AND AS TRUSTEE OF THE KATHLEEN E. ANDERSON TRUST AS ESTABLISHED UNDER THE WILL OF VERONIQUE H.W. PICKETT DATED MARCH 31, 1999, Respondents/Defendants. v. KATHLEEN E. ANDERSON aka KATHLEEN ELIZABETH ANDERSON, in her individual capacity. Party in Interest/Counterclaimant.	IN THE COURT OF COMMON PLEAS CASE NO: 2024-CP-10-01325 **EMERGENCY AFFIDAVIT OF SCOTT PICKETT**

After being duly sworn, I Bayard Scott Pickett, Jr., under oath, state the following:

1. I am Bayard Scott Pickett, Jr. and my mother H.W. Veronique Pickett departed this earth on December 18, 2018. My mother was married to my father, Bayard Scott Pickett, Sr., who predeceased her on December 21, 2009.
2. My mother was named as personal representative of my father's estate, but she had dementia, so I served as successor personal representative. I was the trustee and personal

ELECTRONICALLY FILED - 2024 Mar 26 5:45 PM - CHARLESTON - COMMON PLEAS - CASE#2024CP1001325

representative in my father's estate that was successfully probated without incident. My mother and a trust that flowed from my father's estate were the active beneficiaries.

3. My mother's will has been duly admitted in the Charleston County Probate Court in case number 2019-ES-10-00394.
4. I was named as a personal representative in my mother's will, along with my sister, who predeceased me. I was also named as a trustee in my mother's will.
5. I am a Fifty (50%) percent beneficiary of my mother's estate, and my nieces Kathleen Anderson and Laura Jones are each twenty-five (25%) beneficiaries of the estate.
6. The family had a meeting and agreed I would be the sole personal representative on February 21, 2019, and executed a family settlement agreement. (attached as Exhibit 1)
7. Judge Curry issued an Order dated March 11, 2019, and filed on March 12, 2019, in the Charleston County Probate Court appointing me as the personal representative. I accepted the appointment as the personal representative of my mother's estate.
8. My father, Bayard Scott Pickett Sr. predeceased my mother and a portion of his estate passed to my mother and a portion of his estate passed to a trust.
9. Upon appointment, I began ascertaining the assets of my mother and determining what passed through the estate and what was non-probate. I hired Mr. Shawn Flannagan of Buist, Moore, Smythe & McGee to assist me in fulfilling my duties and all required filings.
10. In the summer of 2019, I met with a Certified Public Accountant, Shirley Decker, and my attorney to ascertain what assets were probate and non-probate. At that time, I was under the mistaken belief that all required filings, i.e. the inventory and appraisement and accountings were made with the probate court.
11. I spoke with Mr. Flannagan in the fall of 2019 and advised him that a tenant was threatening a lawsuit concerning the property owned by the estate.
12. Thereafter, on December 26, 2019, a lawsuit was filed by Duke Highfield, Esq., in case number 2019-CP-10-06634, concerning my mother's property located at 213/215 King Street, Mount Pleasant, South Carolina whereby he asserted damages because of alleged mold exposure. Mr. Highfield was initially claiming $100,000 worth of damage but the amount increased to $268,520.

ELECTRONICALLY FILED - 2024 Mar 26 5:45 PM - CHARLESTON - COMMON PLEAS - CASE#2024CP1001325

13. I hired Mr. Paul Ferrara and Mr. Shawn Bevans to represent the Bayard Scott Pickett Trust of which my mother was the beneficiary.
14. In the late summer/early fall of 2020, I received word that Mr. Flannagan was leaving the firm of Womble Carlisle, and I hired Paul B. Ferrara, III to assist me on this estate.
15. On November 24, 2020, Mr. Ferrara filed a motion to substitute counsel. On April 13, 2021, the Court Order the substitution. (Attached as Exhibit 2)
16. On June 14, 2021, I learned that the potential required filings may be due in my mother's estate. I immediately directed my counsel to request an extension to file the documents because there was pending litigation that affected the estate and there was a question, by my certified Public Accountant, about what property passed through the estate. (attached as Exhibit 3)
17. Judge Condon granted an extension until August 15, 2021, to file the required filings. (Attached as Exhibit 4)
18. On August 16, 2021, I directed an additional extension because of the pending litigation and outstanding taxable estate issues as referenced above. On August 17, 2021, Judge Condon granted an additional extension to September 17, 2021, for the inventory and appraisement and October 15, 2021, for the closing documents. (Attached as Exhibit 5)
19. On September 17, 2021, I directed my counsel to file an additional extension because the litigation of Mr. Highfield was still pending, and the CPA advised that she was delayed and backed up with returns from the COVID pandemic. (Attached as Exhibit 6)
20. My counsel was requested to file proof of litigation with the probate Court and did so.
21. As a result, Judge Condon issued a new order allowing a five-day extension until October 20, 2021, to file the accounting and March 18, 2022, to close the estate. (Attached as Exhibit 7)
22. On November 24, 2021, the probate Court modified the prior order and allowed until December 29, 2021, to close the estate.
23. In early January 2022, my counsel called the probate court and was advised no more extensions would be granted.
24. On January 19, 2022, the Court ordered the file administratively close. (Attached as Exhibit 8)

ELECTRONICALLY FILED - 2024 Mar 26 5:45 PM - CHARLESTON - COMMON PLEAS - CASE#2024CP1001325

25. During this time, I understood from my counsel that while the estate was administratively closed, a motion to reopen the estate could be filed once the litigation was settled and the estate was ready to be closed.
26. The Duke Highfield litigation concerning the estate settled on May 19, 2023, as evidenced by the attached filed stipulation of dismissal. (Attached as Exhibit 9)
27. I promptly filed a motion to reopen my mother's estate on May 19, 2023, and requested that I be named as personal representative.
28. On May 31, 2023, Laura Jones, through her counsel, filed an objection to my appointment asserting that I: 1. "exhibited a persistent neglect of fiduciary duties, and 2. "misappropriated, and at a minimum, negligently administered, over $1.76 mm in cash and over $100,000 worth of personal property." (Objection of Laura Jones, Attached as Exhibit 10) I dispute the veracity of these statements.
29. On June 26, 2023, thereafter, my niece, Laura Jones, filed a formal petition to have a special administrator appointed, which was amended. In that petition, it was directed that I do not transfer any proceeds out of the estate or trust pending the outcome of the hearing. I have complied with that directive.
30. Thereafter, I timely answered the petition for special administrator, demanded removal to the Circuit Court, and demanded a jury trial.
31. In the meantime, I continued diligently working to handle the estate tax and estate obligations of my mother's estate. I met with a certified public accountant, ("CPA"), Christopher Humphreys, to review the trust and estate tax returns filed by the prior CPA and I discovered there may have been an error in the prior CPA's return concerning the stepped-up basis in the property.
32. On September 21, 2023, I signed the inventory and appraisement and directed my attorney to file the same prior to the start of the hearing on September 22, 2023, at 11 a.m.
33. On September 22, 2023, at 10:30 am- I filed the inventory and appraisement. It was accepted by the Court at 10:54 a.m. (Attached as Exhibit 11)
34. The probate Court hearing started at 11 a.m. on September 22, 2023, to hear the contested issues; however, the Court did not apparently address my motion for subsequent

ELECTRONICALLY FILED - 2024 Mar 26 5:45 PM - CHARLESTON - COMMON PLEAS - CASE#2024CP1001325

administration and appointment as personal representative. (See Order dated September 27, 2023).

35. As a result of the hearing, C. Mac Gibson was appointed as a special administrator. His appointment is on appeal with this court in case number 2024-CP-10-00598, filed on February 2, 2024.
36. Thereafter, the probate Court on February 8, 2024, without a motion to lift the automatic stay, ordered that the special administrator temporarily receive the proceeds held by me in trust. This directive is also on appeal with this court in case number 2024-CP-10-00921. However, all estate and trust proceeds are secured and insured in banks as directed by my mother's will.
37. Thereafter, on March 12, 2024, the probate court lifted the automatic stay regarding the appointment of C. Mac Gibson as temporary administrator. This order was appealed on March 20, 2024, in Case number 2024-CP-10-01509.
38. Currently, the Estate has an emergency need to file an amended estate/fiduciary tax return for the Estate of Veronique Pickett which yields a refund to the Estate of over $276,426 federal and $81,094 state. The amended return has been completed by Christopher Humphreys CPA and must be filed on or before and accepted by the U.S. Department of Treasury and the South Carolina Department of Revenue, on April 15, 2024. Otherwise, the refunds will be time barred.
39. During the interim days in which C. Mac Gibson was serving as special administrator he refused to sign the amended tax return.
40. The Estate will suffer financial damages of $357,520 if the tax return is not signed and filed.
41. I am ready, willing, and able to sign the return as soon my authority as personal representative is restored by Order of this Court.

ELECTRONICALLY FILED - 2024 Mar 26 5:45 PM - CHARLESTON - COMMON PLEAS - CASE#2024CP1001325

42. My mother's estate primarily contained the real property located at 213 and 215 King St., Mount Pleasant South Carolina. Prior to the sale of the property, the estate received $133.095.53 worth of income. I, as personal representative, sold the property for $4,000,000.00. The net proceeds totaled $3,520,846.30. Hellman Yates performed the closing and disbursed 50% of the net proceeds, $1,760,423.15 to my mother's beneficiaries, Laura Jones individually ($440,105.79) Laura Jones as trustee for Kathleen Anderson ($440,105.79) and myself Bayard Scott Pickett, Jr. ($880,211.57). The remaining $1,760,423.15 was held in trust to settle claims of the estate, pay estate taxes, and administrative costs of my mother's estate and/or the trust of Bayard Scott Pickett, Sr.
43. At the time of my mother's death, the trust of Bayard Scott Pickett, Sr. had $84,963.38. This amount was held at Bank of America in a trust account for the benefit of the trust and beneficiaries.
44. I, as the then Personal Representative for the Estate of Veronique W. Pickett, received the net proceeds of $1,760,423.15 from the sale of 213 and 215 King St., Mount Pleasant South Carolina in trust for the benefit of the estate and beneficiaries aforementioned of the estate of Veronique Pickett and trust established by the estate of Bayard Scott Pickett, Sr.
45. Hellman Yates wired $1,760,423.15 to Atlantic Union Bank (Acct. #1141). Federal taxes, estate expenses and trust expenses were then paid from these funds. As of September 21, 2023, I as trustee and personal representative of the Estate of Veronique Pickett had disbursed $2,830,909.27 as expenses and advancements to Laura Jones and Katheleen Anderson. I made no advancements from the estate in the past or as of the date of this sworn statement.
46. I segregated the funds on deposit with separate banks so as to ensure that the federal deposit insurance corporation would keep all funds insured and that the funds would make the most interest.
47. As of March 26, 2024. the remaining funds are being held in trust total $1,430,447.39, in separate banks as follows:

ELECTRONICALLY FILED - 2024 Mar 26 5:45 PM - CHARLESTON - COMMON PLEAS - CASE#2024CP1001325

$258,340.52 $256,127.33 Towne Bank, Account ending in 618;
$5,685.23 $5,332.73 Bank of America, account ending in 5092;
$190,015.30 Bank of America, accounting ending in 3979;
$1,543.72 $1,177.12 Atlantic Union Bank, account ending in 1141;
$620,830.55 $616,366.48 Atlantic Union Bank, account ending in 2742;
$7.88 ABNB, account ending in 7487;
$103,727.01 $102,922.58 ABNB, account ending in 8828; and
$250,297.18 2183 Bayport, account ending in 2183 (non-interest bearing)

48. The current holdings of the aforementioned funds make over $123 per day; however, once my appointment is restored, I plan on consolidating all funds with First Capital Bank in Charleston so that the estate would make more money than in the current accounts while still being insured with the FDIC.

Bayard Scott Pickett Jr.

Bayard Scott Pickett, Jr.

This 26th day of March 2024
Virginia Beach, Virginia

COMMONWEALTH OF VIRGINIA

COUNTY OF VIRGINIA BEACH

I acknowledge the signature of Bayard Scott Pickett Jr., after being duly sworn on the aforementioned affidavit and attest that he freely and voluntarily executed the same in my presence.

Notary Public (L.S.)

BEVERLY MABANGLO GATBONTON
EXP: 6/30/2024
REG #: 7844310
COMMONWEALTH OF VIRGINIA
NOTARY PUBLIC

Common Pleas

Julie Armstrong

Charleston County Judicial Center

Charleston, SC 29401

Date: 7/24/2024
Transaction Number: 1
Clerk: Julie Armstrong
Receipted By: COCSLB

Received From: FERRARA LAW FIRM PLLC IOLTA

Paying For: FERRARA LAW FIRM PLLC IOLTA

Payment Type: CK
Payment Amount: $1,441,790.60
Reference Number: 62975

Case #	Caption	Amount Paid
2024CP1000921	Bayard Scott Pickett Jr , plaintiff, et al VS Laura V Jones , defendant, et al	$1,441,790.60

Date	Description	View Image
3/1/2019	FAMILY SETTLEMENT AGREEMENT FLF396	Image
3/1/2019	COPY OF LAST WILL AND TESTAMENT	Image
3/4/2019	DISCHARGE / CLOSING	No Image on File
3/4/2019	Death Certificate	Image
3/4/2019	Application	Image
3/4/2019	Creditors Notice	Image
3/4/2019	Fiduciary Letters	Image
3/4/2019	RECEIPT	Image
3/11/2019	PR APPOINTMENT DATE	No Image on File
3/11/2019	REOPENED	No Image on File
3/11/2019	DEATH CERTIFICATE OF CHILD	Image
3/21/2019	PROOF OF DELIVERY - INFORMATION TO HEIRS	Image
3/21/2019	PROOF OF DELIVERY OF THE INFORMATION TO HEIRS & DEVISEES (Form 305)	No Image on File
3/27/2019	PUBLICATION DATE	No Image on File
3/27/2019	PUBLICATION DATE	No Image on File
3/27/2019	AFFIDAVIT OF CREDITORS NOTICE	Image
3/29/2019	AMENDED FIDUCIARY LETTERS	Image
4/3/2019	PUBLICATION DATE 2	No Image on File
4/10/2019	PUBLICATION DATE 3	No Image on File
7/11/2019	STATUS COMPLIANCE LETTER 1	No Image on File
11/27/2019	CREDITOR CLAIM DEADLINE	No Image on File
7/13/2020	FILE COPY THROUGH	Image

7/13/2020	FILE COPY THROUGH	Image
9/21/2020	STATUS COMPLIANCE LETTER 2	Image
10/2/2020	CERTIFICATE OF APPOINTMENT	No Image on File
11/2/2020	NOTICE OF APPEARANCE (ATTY FERRARA FOR ESTATE)	Image
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RECEIVED
May 19 2025
SC Court of Appeals

CERTIFICATION BY COUNSEL

I, the undersigned counsel, hereby certify that the Record on Appeal complies with Rule 267.

Respectfully submitted this 15th day of May, 2025.

/s/ *Paul B. Ferrara, III*
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