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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

Grace G. Knie, Circuit Court Judge

Case No. 2022-CP-42-03465
Appellant Case No. 2024-001739

Annie Gray aka Gary, Sadie Jackson,
M. Diane Jackson, William Jackson Sr.,
Eric Caldwell, Renee Rose,
formerly and aka Renee Caldwell, and
Bobby L. Rookard.....Appellants,

v.

Lorene Jackson a/k/a Lorine Jackson.....Respondent.

RECORD ON APPEAL

Rolf M. Baghdady / SC Bar # 0464
Rolf M. Baghdady, P.A
118 Cobblestone Court
Chapin, South Carolina 29036-9705
(803) 345-7653
E-mail: rolf@rolfbaghdady.com
Attorney for Appellants

Johnny E. Watson Sr.
2715 Edgewood Avenue
Columbia, South Carolina 29204
(803) 400-1200
E-mail: jewatsonlwr@gmail.com
Attorney for Respondent

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PROCEDURAL HISTORY:

This matter was initiated in this Court by the filing of a Summons, Complaint and Lis Pendens by the Plaintiffs on September 13, 2022, in which they requested an order of this Court:

1. Finding an express trust declaring the property is held as an express trust for the benefit of all of the Plaintiffs and the Defendant in their respective interests;
2. Finding a resulting trust declaring the property is held as a resulting trust for the benefit of all of the Plaintiffs and the Defendant in their respective interests;
3. Finding a constructive trust declaring the property is held as a constructive trust for the benefit of all of the Plaintiffs and the Defendant in their respective interests;
4. Entering judgment for an accounting and for money damages; and
5. Requiring the Defendant to pay the costs and expenses of this litigation.

The Defendant filed a timely Pro-se answer in which she made a general denial of the allegations of the Plaintiffs. Thereafter, the Defendant retained legal counsel to represent her interests.

FINDINGS OF FACT:

The parties in this case are the children, and grandchildren of the deceased children of Irene Hardy Jackson and John C. Jackson. All of John C. and Irene Hardy Jackson's living children and the heirs of their deceased children instigated this action against their sibling, Lorine Jackson, to determine ownership of the family homestead in which Lorine Jackson claims sole ownership.

On December 15, 1962, Irene Hardy Jackson, gained possession of the subject property of this action, when the property was deeded to her for \$1.00 dollar with love and affection by Carrie H. King, Julius Hardy, Rosa Hardy and Gettys Murray.

Thereafter Irene Hardy Jackson and her husband John C. Jackson deeded the property to their daughter, M. Diane Jackson on March 15, 1985, for \$10.00 and love and affection when ownership of the property by them was in jeopardy due to loans from creditors. M. Diane Jackson thereafter put the property up for the bond of her husband which again put the property at risk of loss to the family. That act prompted a meeting where M. Diane Jackson, her son, her parents Irene Hardy Jackson, John C. Jackson, and Lorine Jackson met and the property was deeded to Lorine Jackson to “keep the property in the family” since Lorine had resources to maintain ownership of the property in spite of Lorine residing in Maryland. It is stipulated by the parties that a title search would show only the Defendant, Lorine Jackson, as the current owner of the property.

It is contested between the parties as to how the current deed was drafted and executed. M. Diane Jackson alleges that at the meeting Reverend Gary Burgess notarized a deed which deeded the property in trust to Lorine Jackson. Dr. Burgess testified that he notarized a document, but he could not testify as to whether the document purported to transfer the property in trust as the Plaintiffs allege. M. Diane Jackson further alleges that her signature appears on the final deed but that she signed a different document and that her signature must have been transferred to the deed using the document that she signed. She further alleges duress as to any signing of any deed. Defendant contends that Defendant and M. Diane Jackson were at office of James A. Cheek and that the deed was drafted and executed at the office of attorney James A. Cheek where the deed was witnessed and notarized by attorney Cheek and a law school graduate who clerked for attorney Cheek at the time on May 4, 1989.

Thereafter, Lorine Jackson assumed ownership of the property and rented the property back to her sibling M. Diane Jackson for \$300.00 per month. Lorine Jackson paid the property taxes on the property from 1989 to the present. M. Diane Jackson and Lorine Jackson contend that they each paid for the upkeep of the property and maintenance on the property. In 2021, Defendant commenced eviction proceedings against M. Diane Jackson to eject her from the property. The Magistrate granted the eviction request. The following year, on September 13th, 2022, the Plaintiffs initiated this action.

ARGUMENTS OF COUNSEL:

The Plaintiffs argue that the property was transferred to the Defendant for ten (\$10,00) dollars and love and affection. Therefore, there is a lack of consideration for the transfer of ownership. Defendant argues that is the same manner in which the property was transferred to Irene Hardy Jackson who had several siblings, but the property was deeded to her alone and she treated it as her own.

Further the Plaintiffs point to the fact that the Defendant would be unjustly enriched with the resulting ownership of the property. Defendant argues that it is uncontroverted that Defendant alone has paid the annual property taxes associated with the property that averaged approximately \$2,100 per year for the property for the past 35 years. Further Defendant argues she has been responsible for repairs and maintenance to the property except for the \$300.00 per month paid by M. Diane Jackson under their rental contract before she was evicted. Plaintiffs contend that some maintenance and improvements were made by Plaintiffs.

APPLICABLE LAW:

An express trust is created when the property owner explicitly declares that the property is to be held in trust for the benefit of another party. See S.C. Code § 62-7-401, an express trust may be created by “(i) transfer of property to another person as trustee during the settlor's lifetime or by will or other disposition taking effect upon the settlor's death...(2) To be valid, a trust of real property, created by transfer in trust or by declaration of trust, must be proved by some writing signed by the party creating the trust... (b) A trust that arises by act or operation of law does not require the existence of a writing.”

The South Carolina Court of Appeals described the law of constructive trust in The Estate of Tucker v. Tucker, as follows:

"A constructive trust arises entirely by operation of law without reference to any actual or supposed intentions of creating a trust." McNair v. Rainsford, 330 S.C. 332, 356, 499 S.E.2d 488, 501 (Ct. App. 1998). "It is resorted to by equity to vindicate right and justice or frustrate fraud." *Id.* Because an action to declare a constructive trust is in equity, this Court may find the facts in accordance with its own view of the evidence. Lollis v. Lollis, 291 S.C. 525, 530, 354 S.E.2d 559, 561 (1987).

"A constructive trust will arise whenever the circumstances under which property was acquired make it inequitable that it should be retained by the one holding the legal title." Lollis, 291 S.C. at 529, 354 at 561. "A constructive trust results from fraud, bad faith, abuse of confidence, or violation of a fiduciary duty which gives rise to an obligation in equity to make restitution." *Id.* "A constructive trust arises whenever a party has obtained money which does not equitably belong to him and which he cannot in good conscience retain or withhold from another who is beneficially entitled to it as where money has been paid by accident, mistake of fact, or fraud, or has been acquired through a breach of trust or the violation of a fiduciary duty." SSI Med. Servs., Inc. v. Cox, 301 S.C. 493, 500, 392 S.E.2d 789, 793-94 (1990).

The burden is on the plaintiff to establish a constructive trust by clear and convincing evidence. McNair, 330 S.C. at 357, 499 S.E.2d at 501; see also Lollis, 291 S.C. at 530, 354 S.E.2d at 561 ("In order to establish a constructive trust, the evidence must be clear, definite, and unequivocal."). Although fraud is generally cited as an element to establish a constructive trust, a party need not show actual fraud. McNair, 330 S.C. at 357, 499 S.E.2d at 501. Further, "equity is less than

demanding and quite flexible in prescribing the elements essential to a constructive trust." Whitmire v. Adams, 273 S.C. 453, 458, 257 S.E.2d 160, 163 (1979).

The Estate of Tucker v. Tucker, 2008-UP-284 (S.C. App. Jun 04, 2008).

"Constructive Trusts may... be imposed based on other conduct or circumstances including ... mistake in the transaction that originates the problem... other circumstances suggesting unjust enrichment, or other improper method by which one, in any way, either obtained or holds the legal right to property which he or she ought not hold and enjoy." 76 Am. Jur. 2d Trusts § 170 (2016). "Where one mistakenly retains property or money which rightfully belongs to another, a constructive trust is the proper remedial device to correct the situation." 76 Am. Jur. 2d Trusts § 201 (2016).

CONCLUSIONS AND ORDER:

The Court acknowledges and appreciates the amount of research and preparation for the hearing by Counsel, as well as, the professionalism of Counsel in their presentations to the Court. After consideration of the record, the testimony and evidence presented, arguments of Counsel, and the applicable law, it is the order of the Court that:

The Plaintiffs have failed to carry their burden of proving an implied/constructive trust in this case and in proving that the property has been held in trust by the Defendant regarding the property located at 23, 25A, and 25B Blackstock Road, Inman, South Carolina, more particularly described in the Lis Pendens in this action.

IT IS HEREBY ORDERED that:

- 1) The legal title to 23, 25A, and 25B Blackstock Road, Inman South Carolina, more particularly described in the Lis Pendens in this action is vested in the Defendant, and
- 2) The Defendant, Lorine Jackson is the sole owner of the property.

IT IS SO ORDERED.

The Honorable Grace Gilchrist Knie
Resident Judge, Seventh Judicial Circuit

Spartanburg, South Carolina
This 8th day of October, 2024.



Spartanburg Common Pleas

Case Caption: Annie Gray , plaintiff, et al VS Lorine Jackson

Case Number: 2022CP4203465

Type: Order/Other

IT IS SO ORDERED.

S/GRACE GILCHRIST KNIE - 2760

Electronically signed on 2024-10-08 21:38:55 page 8 of 8

**STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG**

IN THE COURT OF COMMON PLEAS

CASE NO: 2022-CP-42-03465

**Annie Gray, Sadie Jackson, M. Diane
Jackson, William Jackson Sr.,
Eric Caldwell, Renee Rose, formerly and
nka Renee Caldwell, and Bobby L. Rookard,**

PLAINTIFFS,

v.

Lorine Jackson aka Lorene Jackson,

DEFENDANT.

**ORDER GRANTING PLAINTIFFS'
MOTION FOR SANCTIONS FOR
FAILURE TO APPEAR AT A
DEPOSITION; FOR DENYING
PLAINTIFFS' MOTION FOR SUMMARY
JUDGMENT; & FOR DEFERRING THE
PLAINTIFFS' *IN LIMINE* TO THE
TRIAL JUDGE**

Date and time of hearing: February 8, 2024 at 9:30 A.M.

Location: Spartanburg County Courthouse Courtroom 6C

Appearances: Rolf M. Baghdady, Attorney for Plaintiffs
Plaintiff Sadie Jackson
Plaintiff M. Diane Jackson

Johnny E. Watson, Attorney for Defendant Lorine Jackson aka Lorene Jackson

Witness appeared under subpoena: Pastor Burgess

Before the Honorable J. Mark Hayes II - Circuit Court of South Carolina At-Large Seat No. 5

The Court heard arguments and considered evidence from both counsel on the following:

- 1) Plaintiffs' Motion for Sanctions;
- 2) Plaintiffs' Motion for Partial Summary Judgment; and
- 3) Plaintiffs' Motion *in limine* all filed February 4, 2024.

After considering the arguments and evidence, the Court ruled as follows:

- 1) Granted Plaintiffs' Motion for Sanctions for failure to appear at the deposition by determining the Defendant's Answer stands as pled, thus denying the Defendant the

opportunity to amend her Complaint, and made scheduling by the further notice of deposition of the Defendant optional to Plaintiffs;

2) Denied Plaintiffs' Motion for Summary Judgment; and,

3) Deferred ruling on the Motion *in limine* to the presiding Judge at trial.

IT IS SO ORDERED:

Date

J. Mark Hayes II
Circuit Court of South Carolina
At-Large Seat No. 5

Proposed order prepared by:
Rolf M. Baghdady Trial Counsel
SC Bar No: 0464
Rolf M. Baghdady, P.A.
118 Cobblestone Court
Chapin, SC 29036
(803) 345-7653
E-mail: rolf@rolfbaghdady.com
Attorney for Plaintiffs



Spartanburg Common Pleas

Case Caption: Annie Gray , plaintiff, et al VS Lorine Jackson

Case Number: 2022CP4203465

Type: Order/Sanctions

IT IS SO ORDERED

s/ J. Mark Hayes, II #2132

Electronically signed on 2024-03-12 16:15:45 page 3 of 3

**STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG**

IN THE COURT OF COMMON PLEAS

CASE NO:

**Annie Gray, Sadie Jackson, M. Diane
Jackson, William Jackson Sr.,
Eric Caldwell, Renee Rose, formerly and
nka Renee Caldwell, and Bobby L. Rookard,**

SUMMONS

Plaintiffs,

v.

Lorine Jackson aka Lorene Jackson,

Defendant.

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

Date: September 13, 2022

By: /s/ Rolf M. Baghdady
Rolf M. Baghdady (SC Bar # 0464)
ROLF M. BAGHDADY, P.A.
118 Cobblestone Court
Chapin, S.C. 29036-9705
(803) 345-7653
rolf@rolfbaghdady.com
ATTORNEY FOR PLAINTIFFS

**STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG****IN THE COURT OF COMMON PLEAS****CASE NO:****Annie Gray, Sadie Jackson, M. Diane
Jackson, William Jackson Sr.,
Eric Caldwell, Renee Rose, formerly and
nka Renee Caldwell, and Bobby L. Rookard,****COMPLAINT****Plaintiffs,****v.****Lorine Jackson aka Lorene Jackson,****Defendant.**

Plaintiffs, by and through undersigned counsel, allege on information and belief the following:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiffs are the heirs of Grandfather Robert Hardy and Mother Irene Hardy Jackson.
2. The Defendant is also an heir of Grandfather Robert Hardy and Mother Irene Hardy Jackson
3. The Plaintiffs and Defendant are entitled to ownership as heirs in their respective shares to the real property formerly belonging to Grandfather Robert Hardy and Mother Irene Hardy Jackson described as 23, 25A, and 25B Blackstock Rd., Inman SC 29349 and as more particularly described on the Lis Pendens attached as Exhibit A.(Note M. Diane-Wright Jackson on the lis pendens is known as M. Diane Jackson, a Plaintiff herein)
4. Mother Irene Hardy Jackson obtained the land in Inman in 1962. In 1985, the property was deeded over to Plaintiff Jackson and was to be held in trust for all of the heirs.
5. The parents met with the notary, who was Pastor Gary Burgess, and had a document prepared for Plaintiff Jackson to sign that would have kept the property in trust for the benefit of the children, with the Defendant as Trustee.

6. Deed 55J at page 459 is a false document because Plaintiff Jackson did not sign that particular document before a notary. The Cheek notarized document was a document created a few days after whereby Plaintiff Jackson's signature was obtained by having her sign on a blank piece of paper. Plaintiff Jackson's signature was then transferred over to the rest of the document, thus creating a false deed. Copy attached as Exhibit B.
7. As Trustee, Defendant collected rents from Plaintiff Jackson, which rents were for taxes, insurance, and maintenance on the property.
8. Subject matter jurisdiction is proper in the circuit court
9. Venue is proper in Spartanburg County as this is the site of the real estate at issue in Spartanburg County.

FIRST CAUSE OF ACTION — EXPRESS TRUST

10. Each and every allegation contained in paragraphs 1-9 above is repeated and re-alleged as though fully set forth herein.
11. Plaintiffs are entitled to judgement declaring the property is held as an express trust for the benefit of all of the Plaintiffs and the Defendant in their respective interests.

SECOND CAUSE OF ACTION — RESULTING TRUST

12. Each and every allegation contained in paragraphs 1-11 above is repeated and re-alleged as though fully set forth herein.
13. Defendant paid nothing for the property and, by the nature of the transaction and circumstances of the transaction, Defendant was only vested with title to hold it in trust for herself and the Plaintiffs.

THIRD CAUSE OF ACTION — CONSTRUCTIVE TRUST

14. Each and every allegation contained in paragraphs 1-13 above is repeated and re-alleged as though fully set forth herein.

15. Plaintiffs are entitled to the equitable remedy by which the heirs are entitled to be restored to their interest in the property by means of Defendant's fraud on Plaintiff Jackson in the execution of her signature which was then used to facilitate a false document.

FOURTH CAUSE OF ACTION — ACCOUNTING

16. Each and every allegation contained in paragraphs 1-15 above is repeated and re-alleged as though fully set forth herein.

17. Plaintiffs are entitled to an accounting of Defendant's receipts and application of the rents to expenses and for judgement of the excess for the benefit of the heirs in their respective interests.

WHEREFORE, Plaintiffs pray that the Court will enter an Order as follows:

1. Find express trust declaring the property is held as an express trust for the benefit of all of the Plaintiffs and the Defendant in their respective interests;
2. Find resulting trust declaring the property is held as a resulting trust for the benefit of all of the Plaintiffs and the Defendant in their respective interests;
3. Find constructive trust declaring the property is held as a constructive trust for the benefit of all of the Plaintiffs and the Defendant in their respective interests;
4. Enter judgement for an accounting and for money damages;
5. The costs and expenses of this action; and,
6. Such other and further relief as may be just and proper.

Date: September 13, 2022

By: /s/ Rolf M. Baghdady
Rolf M. Baghdady (SC Bar # 0464)
ROLF M. BAGHDADY, P.A.
118 Cobblestone Court
Chapin, S.C. 29036-9705
(803) 345-7653
rolf@rolfbaghdady.com
ATTORNEY FOR PLAINTIFFS

**STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG**

IN THE COURT OF COMMON PLEAS

CASE NO:

**Annie Gray, Sadie Jackson, M. Diane
Wright-Jackson, William Jackson Sr.,
Eric Caldwell, Renee Rose, and Bobby L.
Rookard,**

Plaintiffs,

v.

Lorine Jackson aka Lorene Jackson,

Defendant.

LIS PENDENS

NOTICE IS HEREBY GIVEN THAT an action has been or will be commenced in this Court upon petition of the above-named Plaintiffs against the above-named Defendant for the determination of the imposition of a Trust and ownership thereof in the parties upon the real estate lying and being in Spartanburg County, South Carolina, described as follows:

All that lot or parcel of land lying on the East side of Blackstock Road in the Town of Inman, County and State aforesaid being known and designated as Lot #15 on Plat "A" of the Simeon Gowan Lands, said plat being recorded in Plat Book 4, page 176, R.M.C. Office for Spartanburg County and being more fully described as follows: Beginning at the corner of Lots 15 & 16 on said plat and running along Blackstock Road N. 17.50 w. 101.8 feet; thence along the line of Lot 14 N. 85 E. 227.7 feet to an alley; thence along said alley S. 5.00 E. 100 feet; thence along the line of Lot 16, 205 feet to the beginning corner and being bounded by said Blackstock Road, Lot Nos. 14 & 16 and the said alley.

DERIVATION: This being the same property conveyed to Lorine Jackson, her heirs and assigns by deed of Marylyn Diane Jackson by deed recorded May 4, 1989 in Deed 55J pg. 459 RMC Office for Spartanburg County.

Date: August 24, 2022

By: /s/ Rolf M. Baghdady
Rolf M. Baghdady (SC Bar # 0464)
ROLF M. BAGHDADY, P.A.
118 Cobblestone Court
Chapin, S.C. 29036-9705

803 345-7653
rolf@rolfbaghdady.com
ATTORNEY FOR PLAINTIFFS

DEED 55 J PG 459

Address of Grantee: 1707 Benning Rd., NE #33
Washington, DC 20002
1-4406203.00

STATE OF SOUTH CAROLINA }
COUNTY OF SPARTANBURG }

KNOW ALL MEN BY THESE PRESENTS, that I, MARYLYN DIANE JACKSON

in consideration of Ten dollars (\$10.00), love and affection,

the receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto

Dollars,

Lorine Jackson, her heirs and assigns

RECORDED
1989 MAY -4 AM 8:53
R.M.C.
SPARTANBURG, S.C.

All that lot or parcel of land lying on the East side of Blackstock Road in the Town of Inman, County and State aforesaid being known and designated as Lot #15 on Plat "A" of the Simeon Gowan Lands, said plat being recorded in Plat Book 4, page 176, R.M.C. Office for Spartanburg County and being more fully described as follows: Beginning at the corner of Lots 15 & 16 on said plat and running along Blackstock Road N. 17.50 w. 101.8 feet; thence along the line of Lot 14 N. 85 E. 227.7 feet to an alley; thence along said alley S. 5.00 E. 100 feet; thence along the line of Lot 16, 205 feet to the beginning corner and being bounded by said Blackstock Road, Lot Nos. 14 & 16 and the said alley.

DERIVATION: This being the same property conveyed to Marylyn Diane Jackson by Irene Hardy Jackson and John C. Jackson by deed dated March 15, 1985 and recorded in Deed Book 51D, page 51, R.M.C. Office for Spartanburg County.

together with all and singular the rights, members, hereditaments and appurtenances to said premises belonging or in anywise incident or appertaining; to have and to hold all and singular the premises before mentioned unto the grantee(s), and the grantee's(s') heirs (or successors) and assigns forever. And the grantor(s) do(es) hereby bind the grantor(s) and the grantor's(s') heirs (or successors), executors and administrators to warrant and forever defend all and singular said premises unto the grantee(s) and the grantee's(s') heirs (or successors) and assigns against the grantor(s) and the grantor's(s') heirs (or successors) and against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to restrictions and easements of record, if any.

WITNESS the grantor's(s') hand(s) and seal(s) this 4th of May 19 89.

SIGNED, sealed and delivered in the presence of:

[Signature] (SEAL)

[Signature] (SEAL)

[Signature] (SEAL)

[Signature] (SEAL)

STATE OF SOUTH CAROLINA }
COUNTY OF SPARTANBURG }

PROBATE

Personally appeared the undersigned witness and made oath that (s)he saw the within named grantor(s) sign, seal and as the grantor's(s') act and deed deliver the within written deed and that (s)he with the other witness subscribed above witnessed the execution thereof.

SWORN to before me this May 4, 19 89.

[Signature] (SEAL)

Notary Public for South Carolina.

My commission expires 1/29/91.

[Signature]

STATE OF SOUTH CAROLINA }
COUNTY OF SPARTANBURG }

RENUNCIATION OF DOWER

I, the undersigned Notary Public, do hereby certify unto all whom it may concern, that the undersigned wife (wives) of the above named grantor(s) respectively, did this day appear before me, and each, upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever, renounce, release and forever relinquish unto the grantee(s) and the grantee's(s') heirs or successors and assigns, all her interest and estate, and all her right and claim of dower of, in and to all and singular the premises within mentioned and released.

GIVEN under my hand and seal this

19

(SEAL)

Notary Public for South Carolina.

My commission expires

5608-Delaware Drive
Forest Heights, Md.
October 25, 2022 20745

Rolf M. Baghdady PA
118 COBBLESTONE COURT
CHAPIN, S.C. 29036-9705

Ref: Spartanburg County, S.C.
Common Pleas
CASE # 2022 CP 4203465

Annie Gary, Sadie Jackson, Diane Jackson-Wright
William Jackson Sr., Eric Caldwell, Renee Rose and
Bobby L. Rookard.

DEAR SIR,
I, LORINE JACKSON deny the allegations
in the above reference complaint CASE #2022 CP 4203465.

RESPECTFULLY,
LORINE JACKSON
Lorine Jackson

2022 OCT 28 AM 10:30
CLERK OF COURT
SPARTANBURG COUNTY
ANY V. ORC

FILED

1 STATE OF SOUTH CAROLINA
2 COUNTY OF SPARTANBURG

IN COMMON PLEAS
7th JUDICIAL CIRCUIT

3 ANNIE GRAY, SADIE JACKSON, M. DIANE JACKSON, WILLIAM
4 JACKSON, SR., ERIC CALDWELL, RENEE ROSE, formerly and n/k/a
5 RENEE CALDWELL, and BOBBY L. ROOKARD,

6 Plaintiffs,

7 vs.

CASE NO. 2022-CP-42-03465

8 LORINE JACKSON, a/k/a LORENE JACKSON,

9 Defendant.

10
11 HEARING BEFORE: HONORABLE GRACE G. KNIE

12 DATE: September 5, 2024

13 TIME: 10:36 AM

14 LOCATION: Spartanburg County Judicial Center
15 180 Magnolia Street
16 Spartanburg, SC 29306

17 REPORTED BY: LORA L. McDANIEL,
18 Registered Professional Reporter

19
20 APPEARANCES:

21 ATTORNEYS FOR THE PLAINTIFFS
22 ROLF M. BAGHDADY, ESQ.

23 ATTORNEYS FOR THE DEFENDANT
24 JOHNNY E. WATSON, SR., ESQ.

1	I N D E X				
2	DIRECT CROSS REDIRECT RECROSS				
3	WITNESS/EXAMINATION				
4	<u>SADIE JACKSON</u>				
5	BY MR. BAGHDADY	16	--	46	--
6	BY MR. WATSON	--	32	--	--
7	GARY BURGESS				
8	BY MR. BAGHDADY	48	--	54	--
9	BY MR. WATSON	--	52	--	--
10	M. DIANE JACKSON				
11	BY MR. BAGHDADY	56	--	75	--
12	BY MR. WATSON	--	68	--	78
13	JOEY R. JACKSON				
14	BY MR. BAGHDADY	81	--	--	--
15	BY MR. WATSON	--	82	--	--
16	SONIA PULLIAM				
17	BY MR. BAGHDADY	85	--	92	--
18	BY MR. WATSON	--	86	--	--
19	BOBBY L. ROOKARD				
20	BY MR. BAGHDADY	93	--	--	--
21	BY MR. WATSON	--	96	--	--
22	WILLIAM O. JACKSON				
23	BY MR. BAGHDADY	100	--	--	--
24	BY MR. WATSON	--	101	--	--
25	JAMES CHEEK				

ANNIE GRAY, et al. v. Lorine Jackson

1	BY MR. WATSON	108	--	--	--
2	BY MR. BAGHDADY	--	111	--	--
3	M. DIANE JACKSON				
4	BY MR. BAGHDADY	122	--	--	--
5	BY MR. WATSON	--	--	--	--

6

7 CERTIFICATE OF REPORTER Page 138

8 E X H I B I T S

9			FOR I.D.	IN EVD.
10	PLF. EXH. 1, Deed dated 12-15-62	6		19
11	PLF. EXH. 2, Deed dated 3-15-85	6		20
12	PLF. EXH. 3, Deed dated 5-4-89	6		24
13	PLF. EXH. 4, Letter dated 7-23-22	7		28
14	PLF. EXH. 5, Complaint	7		31
15	PLF. EXH. 6, Deposition Transcript of			
16	Sadie Jackson	7		137
17	PLF. EXH. 7, Deposition Transcript of			
18	Marylyn Jackson	7		137
19	PLF. EXH. 8, Letter dated 10-25-22	7		32
20	PLF. EXH. 9, Response	7		137
21	PLF. EXH. 10, Deed dated 5-4-89	7		137
22	PLF. EXH. 11, Denying motion	7		137
23				
24	DFT. EXH. 1	7		--
25	DFT. EXH. 2	7		--

ANNIE GRAY, et al. v. Lorine Jackson

1	DFT. EXH. 3, E-mail dated 2-7-24	7	55
2	DFT. EXH. 4	7	--
3	DFT. EXH. 5, Rental contract	7	75
4	DFT. EXH. 6	7	--
5	DFT. EXH. 7	7	--
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1 THE COURT: Good morning, I'm Judge Knie. We're on
2 the record with regard to the matter of Gray v. Jackson. Gray,
3 et al., Plaintiffs, versus Jackson. This is civil action
4 number 22-CP-42-3465. This is a term of common pleas
5 jury/non-jury. This was the backup docket.

6 We have a court reporter, Lora McDaniel. This is
7 my law clerk English Moseley. This is my administrative
8 assistant, Ashley Searcy. This is our deputy clerk of court.

9 Counsel, if you will please identify yourselves for
10 the record, starting with Counsel for the Plaintiff.

11 MR. BAGHDADY: Good morning, this is Rolf Baghdady,
12 attorney for the Plaintiffs.

13 THE COURT: Good morning.

14 MR. WATSON: Johnnie Watson, attorney for the
15 Defendant.

16 THE COURT: Good morning.

17 A little bit of housekeeping. I want the parties
18 to understand that I have talked with the lawyers before today.
19 We tried to -- they tried to educate me about the action and to
20 prepare me about what would be coming forward in the
21 proceeding.

22 I have received some documents ahead of time. I
23 have a notebook of the pleadings, motions, exhibits -- not all
24 of the exhibits but some of the exhibits in the case that have
25 helped me prepare for today. But I look forward to hearing

1 from you-all.

2 There's not a jury. We will be less formal, all
3 right? But, to the lawyers, I really don't want talking
4 objections. If you know the Rule, you can state it. If you
5 don't and you just want to say hearsay, that's fine. If
6 something is real obvious, I'll rule on it. If not, y'all are
7 going to come up and talk to me. All right?

8 We do have microphones at the tables that are on,
9 if they're green. So don't try to have a private conversation
10 if the mike is green.

11 Counsel, if you-all want to use the podium, please
12 feel free to do so when you are examining witnesses. This is
13 the witness stand. There is a mike there as well.

14 Anyone that is going to testify will be sworn by
15 the clerk and come forward. You will be subject to direct and
16 cross-examination, and possibly examination by me, if I have
17 any follow-up questions.

18 So do y'all have any exhibits that you wish to have
19 premarked before we begin?

20 (PLF. EXH. 1, Deed dated 12-15-62, was marked for
21 identification.)

22 (PLF. EXH. 2, Deed dated 3-15-85, was marked for
23 identification.)

24 (PLF. EXH. 3, Deed dated 5-4-89, was marked for
25 identification.)

1 (PLF. EXH. 4, Letter dated 7-23-22, was marked for
2 identification.)

3 (PLF. EXH. 5, Complaint, was marked for
4 identification.)

5 (PLF. EXH. 6, Deposition Transcript of Sadie
6 Jackson, was marked for identification.)

7 (PLF. EXH. 7, Deposition Transcript of Marylyn
8 Jackson, was marked for identification.)

9 (PLF. EXH. 8, Letter dated 10-25-22, was marked for
10 identification.)

11 (PLF. EXH. 9, Response, was marked for
12 identification.)

13 (PLF. EXH. 10, Deed dated 5-4-89, was marked for
14 identification.)

15 (PLF. EXH. 11, Denying motion, was marked for
16 identification.)

17 (DFT. EXH. 1, was marked for identification.)

18 (DFT. EXH. 2, was marked for identification.)

19 (DFT. EXH. 3, E-mail dated 2-7-24, was marked for
20 identification.)

21 (DFT. EXH. 4, was marked for identification.)

22 (DFT. EXH. 5, Rental contract, was marked for
23 identification.)

24 (DFT. EXH. 6, was marked for identification.)

25 (DFT. EXH. 7, was marked for identification.)

1 THE COURT: Counsel, is there a motion to sequester
2 the witnesses?

3 Mr. Watson, what do you say?

4 MR. WATSON: I would like the witnesses
5 sequestered.

6 THE COURT: Mr. Baghdady, the Defendant has
7 requested it, and I will grant that.

8 Are all of the people seated that might be a
9 potential witness, are they also parties?

10 MR. BAGHDADY: Bobby is a party, he's here. Who's
11 not here in the caption?

12 THE COURT: Let's turn that mike off.

13 (Off-the-record discussion, after which the
14 following proceedings were had.)

15 THE COURT: Mr. Watson, do you agree any party can
16 stay in the courtroom?

17 MR. WATSON: I agree.

18 THE COURT: Anybody that is not a listed party, and
19 I have listed party Annie Gray, Sadie Jackson, Diane Jackson,
20 William Jackson, Sr., Eric Caldwell, Renee Rose, and Bobby
21 Rookard, as well as Lorine Jackson. If anyone in the courtroom
22 is not one of those people, I need for you to step outside and
23 you will be called in when it is your turn to testify.

24 MR. BAGHDADY: I think the only two not party, it's
25 Sonia and Joey on our side.

1 THE COURT: Thank you. The bailiff will call you
2 when it is your turn to testify. There are rest rooms out
3 there. There's water. And there's a conference room, I
4 believe right behind us.

5 Just to be clear, the two gentleman that are seated
6 here, they're parties?

7 MR. BAGHDADY: In the back?

8 THE COURT: They're observing. The other two
9 folks, they're parties. I just don't want us to get into a
10 problem.

11 Counsel, I'm happy for you to make an opening
12 statement, if you wish. It's not required. Again, it's just
13 me, no jury. I'm happy for you to gather your thoughts and
14 make an opening to tell me what you're going to tell me.

15 MR. BAGHDADY: We think, if it please The Court,
16 Rolf Baghdady for the Plaintiffs. We think this is a pretty
17 clear cut case in constructive trust. And in the alternative,
18 resulting trust. That the title deed that is a record in this
19 case was transferred without any consideration from the owners
20 of the property to their heirs in the name of one person, Diane
21 Jackson, seated here to my right in the orange and black.

22 The family understanding of when the deed was
23 transferred though, of course, it's not of record, family
24 understanding -- the deed is of record. The understanding is
25 not of record.

1 The understanding that nothing would be done that
2 would harm the property or put the property at risk. And Diane
3 allowed the property to be used for a bond, guarantee on a
4 bond. That upset the family. No harm or damages was done but
5 it was contrary to the terms of the trust.

6 They had a family meeting with a pastor relative.
7 In that family meeting they decided that she would transfer to
8 Lorine, who is the Defendant in this case; the sister, her
9 sister, also an heir. That she would hold it instead for the
10 benefit of the family. That was actually done.

11 And the testimony from our side is that Pastor Gary
12 Burgess notarized that document, and Diane signed it in a
13 family meeting with everyone present.

14 And then a deed was brought in blank for her to
15 sign with only a check mark for her signature, which ultimately
16 was discovered much later, not until Lorine, the Defendant,
17 wanted to evict Diane from being on the property did they
18 discover that it was not the deed that Gary Burgess prepared
19 but the deed prepared by another person, Mr. -- the listed
20 witness, Mr. Cheeks.

21 THE COURT: It's actually Cheek.

22 MR. BAGHDADY: It is Cheek not Cheeks?

23 THE COURT: Go ahead.

24 MR. BAGHDADY: So it was not notarized in his
25 presence. That deed was recorded. And it was not discovered

1 until the eviction action was brought. Once they brought the
2 eviction action, they filed an appeal with the court of common
3 pleas. It was denied on the eviction action. And then the
4 time to appeal had passed before they contacted me.

5 And so we knew the service date was more than 30
6 days before the date they thought they reserved. We dismissed
7 that appeal. This action was filed in constructive trust and
8 resulting trust.

9 We also had claims for accounting and expressed
10 trust. We're not proceeding on the expressed trust right now
11 because we do believe parole evidence is required under the
12 express trust. We do not believe that it is required under the
13 resulting trust or constructive trust, which are a function of
14 equity. They're equitable matters.

15 The accounting matter we didn't really proceed
16 because there's a court order that the only defense in this
17 case was a general denial by the Defendant and so there's no
18 counterclaim. No basis for any claim for damages so that any
19 of the receipts and expenses that they tried to put in should
20 not be considered as probative to any element in the case
21 because there is no counterclaim for any damages.

22 Also, to the extent that this was some time ago,
23 '85, couple things. Under the statute of limitations, it is an
24 affirmative defense as is laches, neither of them were pled in
25 the Answer. Even if they were pled in the Answer, the fraud

1 tolls it. So the position of the Plaintiffs is that the
2 fraudulent deed that was recorded that was not the one that was
3 done by Pastor Burgess tolls the statute.

4 Ultimately, at the end of the day today, the
5 Plaintiffs seek The Court to impose a constructive trust upon
6 the deed on this property in the interest, in the names of all
7 of the heirs, which include the Defendant, and her interest,
8 whatever that share is.

9 And then in conclusion, should The Court rule for
10 us, we believe that we could file a motion for attorney's fees
11 and costs within ten days after the entry of the order for The
12 Court to consider.

13 We do have a motion in limine pending. We don't
14 think that any of the documents on the exhibit list that
15 Defendant seek to introduce have not been introduced prior to
16 midnight last night; namely, the letter from the mother, the
17 sample taxes, the e-mail from Gary Burgess, the rental
18 contract. The total expenses since 1989 should be introduced.
19 We think it should be limited to what they actually produce
20 under court order. They were ordered to compel responses.

21 THE COURT: I'll take up your motion in limine in
22 just a minute. Is that it?

23 MR. BAGHDADY: Yes. I think that's basic summary.

24 THE COURT: A lady just come in. I just want to
25 make sure she's not a potential witness.

1 MR. WATSON: This is my assistant.

2 THE COURT: Thank you, ma'am. You're certainly
3 welcome. We'll make sure you have a chair to sit next to
4 Mr. Watson.

5 Mr. Watson, opening.

6 MR. WATSON: Basically, our position is the
7 complete opposite of theirs. We intend to show that the
8 property in question was first deeded to Diane Jackson with no
9 restrictions whatsoever; hence, she was able to put it up for
10 bond. When that happened, the property was taken back from
11 her, in essence, and given to my client. And my client paid
12 everything from 1989 on the property.

13 They acknowledge the fact that the property
14 belonged to my client by the fact that the rental agreement was
15 instituted between my client and Diane Jackson, person living
16 in the premises. She paid rent until she was ultimately
17 evicted.

18 Where my clients filed for the eviction, had they
19 simply said to the magistrate that I have an interest in the
20 property, the case would've been dismissed. No one claimed any
21 interest, any ownership interest in the property and, hence,
22 evicted because they had no ownership interest in the property.
23 Just ask you to listen and rule accordingly.

24 THE COURT: When I talked to y'all -- was it
25 Tuesday on the phone -- I was trying to head off this motion in

1 limine. Because I know the Defendant is out of state, from
2 Maryland or used to live in Maryland. I think the rest of the
3 family may be local. I know Counsel traveled a couple hours to
4 be here today.

5 I know that Judge Hayes did not rule on the motion
6 in limine. In his order that was issued on March 12th of this
7 year, he left that in the trial judge's discretion. When I
8 talked with y'all on Tuesday, I thought that I made it pretty
9 clear that, if there was an issue about discovery because
10 discovery is not normally filed in The Court's filings unless
11 there's a problem.

12 And I didn't know, based on the file, what
13 additional discovery had been conducted. I thought at that
14 time that the Plaintiffs' Counsel was withdrawing this motion
15 to limit the Defendant to evidence only presented in discovery
16 responses.

17 In talking with Counsel -- I just wanted to take it
18 a step further. If there were additional documents that
19 Plaintiffs' Counsel needed to consider, and there was going to
20 be a continuance request made to give Plaintiffs an opportunity
21 to respond to that, I would have granted that on Tuesday.
22 Okay.

23 I don't know if the Plaintiff -- the Plaintiff has
24 sent a number of documents via electronic mail yesterday and
25 then a brief this morning. I don't know if that is outside the

1 bounds of discovery as well. Because I don't have access to
2 what was produced by the Plaintiff in discovery.

3 If you think you need additional time to depose
4 somebody or you need to go over these documents with your
5 clients, I'm happy to hear from you about that. If you were
6 not aware that these documents existed -- we're talking about
7 a -- what did you say? Tax records, tax payments?

8 MR. BAGHDADY: Yes, the documents they're putting
9 in are a letter from a mother, sample taxes from land.

10 THE COURT: Let me see these documents.

11 MR. BAGHDADY: They're exhibits 1, 2, 3, 5 and 6.

12 THE COURT: Both of you come up.

13 (Off-the-record discussion, after which the
14 following proceedings were had.)

15 THE COURT: Based on my review of the proposed
16 documents, except for one, which is a letter from, I believe
17 her name is Irene.

18 MS. LORINE JACKSON: Yes, ma'am.

19 THE COURT: The mother. I'm not -- I'm denying the
20 motion in limine at this time.

21 If you-all haven't stipulated that your exhibits
22 are coming in, they've been premarked for identification only.
23 You will show them to your witness and offer them as your
24 witnesses testify.

25 Is there anything else?

1 Mr. Baghdady, if you will call your first witness.

2 MR. BAGHDADY: Dr. Sadie Jackson, please.

3 THE COURT: Please come forward. Take your time.

4 SADIE JACKSON

5 being first duly sworn, testified as follows:

6 THE COURT: Good morning, ma'am. If you would
7 please state your full name.

8 THE WITNESS: Sadie Jackson.

9 THE COURT: Please answer the questions of your
10 Counsel.

11 MR. BAGHDADY: Good morning, Dr. Jackson.

12 DIRECT EXAMINATION

13 BY MR. BAGHDADY:

14 Q. Would you be so kind as to tell me who all of your
15 siblings are, alive and deceased.

16 A. Okay. First born was Clarence Hardy, who is
17 deceased. Annie Gary, who is ill, second. I was third.
18 Fourth was Lorine. Lorine Jackson, my sister.

19 I have a brother Johnny Robert Jackson, who is
20 deceased. And my sister Diane Jackson. And my brother William
21 Jackson. We call Bill.

22 Q. And the Defendant Lorine?

23 A. Yes, I named her. I have two brothers deceased.

24 Q. Then you have -- we have one clerical
25 administrative correction to the caption Annie Gray is listed.

1 It's actually Annie Gary. The correct spelling is Gary; right?

2 A. G-A-R-Y.

3 Q. Thank you. Who are the heirs of your two deceased
4 siblings?

5 A. My older brother, Clarence Hardy, Renee Rose and
6 Eric Caldwell. And my brother again, John Robert, his heir is
7 Bobby Rookard.

8 Q. I'm going to hand you what's marked as Plaintiff's
9 Exhibit 1.

10 I'd like to hand you what's been marked as
11 Plaintiff's Exhibit 1 and ask if you can identify that
12 document.

13 A. Yes. I've seen this before. It's the original
14 deed to the property at 23 Blackstock Road from my mother and
15 her dad. And there are siblings listed here. Garrie King,
16 Julius Hardy, Rosa Hardy, and Gettys Murray. I'm familiar with
17 those.

18 MR. BAGHDADY: I'd like to move this into evidence
19 as a deed in the chain.

20 THE COURT: Okay. Any objection, Mr. Watson?

21 MR. WATSON: No objection.

22 THE COURT: Plaintiff's Exhibit Number 1 is in
23 without objection. What's the date on that?

24 MR. BAGHDADY: Your Honor, I believe it is December
25 15, 1962.

1 THE COURT: Thank you.

2 (PLF. EXH. 1, Deed dated 12-15-62, was entered into
3 evidence.)

4 BY MR. BAGHDADY:

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1 Q. I'm now going to hand you what's been marked as
2 Plaintiff's Exhibit 2 for identification. I'd like to ask you
3 if you can identify this document. Tell me what it is.

4 A. This is a document where my parents, John and Irene
5 Jackson, signed over the property to my baby sister, who was
6 there taking care of the property, safekeeping for all of us.

7 THE COURT: Is it a deed, ma'am?

8 THE WITNESS: Yes, it is a deed.

9 THE COURT: What is the date shown on that?

10 THE WITNESS: Recorded? The date recorded?

11 THE COURT: Yes, ma'am.

12 THE WITNESS: Looks like March 19th. Does it say
13 2023? That date?

14 MR. BAGHDADY: March 18th. It's probably hard to
15 read.

16 THE WITNESS: 2023? Does it say 2023?

17 BY MR. BAGHDADY:

18 Q. No, it's going to be 1985, if you can read that.

19 A. It's some fine print. Looks like 1985. I'm not
20 sure.

21 Q. I think that's correct.

22 THE COURT: Any objection, Mr. Watson?

23 MR. WATSON: No objection.

24 THE COURT: Plaintiff's Exhibit 2 is in without
25 objection.

1 (PLF. EXH. 2, Deed dated 1985, was entered into
2 evidence.)

3 BY MR. BAGHDADY:

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1 Q. I'd now like to ask you about what has been marked
2 as Plaintiff's Exhibit 3 for identification.

3 I now would like you -- ask if you can identify
4 what's been marked as Plaintiff's Exhibit 3.

5 A. Yes, this is the deed that I found when I went
6 searching for the deed that they give the house to Pastor
7 Burgess. This is the one I found in its place.

8 Q. Let's be a little more clear on that. Tell me a
9 little bit about when you went searching for a deed.

10 A. When Diane was being evicted, I had talked to the
11 magistrate. And he said -- asked me what was going on. I told
12 him. And he said: Have you researched the property?

13 So I looked at him, I said: Researched for what?

14 He said: You need to go research the property.

15 I said something to Pastor Burgess about the deed.
16 And he said: Well, I signed the deed. You know my chicken
17 scratch anywhere. Go around to the administrative office and
18 get a copy of the deed.

19 So I came down to get a copy of the deed. And the
20 lady -- I told the lady what I wanted. And she said, ma'am --
21 she finally said: Ma'am, there's no such document. I do not
22 see that.

23 And then I said: Well, it was signed by Diane
24 Jackson and Gary Burgess. And I said: My parents' name should
25 be on it.

1 And she said, I see something with Diane Jackson on
2 it.

3 And I said: May I see it?

4 She said: Yes. She brought it up to the counter.
5 And I saw the signature. And I said: That's Diane's
6 signature, and Diane was standing behind me.

7 She said: There's that mark where I signed that.

8 So I looked at her and I said: What? So that was
9 the first time I saw this.

10 Q. Give me the time when you went up to the register
11 of deeds.

12 When I say time, you can be approximate by terms of
13 the year. I think you testified that it was around the time of
14 the eviction.

15 A. This is 2022 when this happened, I believe it was
16 2022. That I started doing the research.

17 Q. What's remarkable about the document's signatures?

18 A. Well, when I was looking for a document that I
19 thought was there, that I was aware of, but that document
20 wasn't there. And this one was. And I'm going: I don't know
21 these people down here except for I heard of James Cheek. Seen
22 him before. And that was it. I didn't know anything else.

23 Two signatures, the people down here that I knew
24 were Diane and James Cheek. Other than that, I wasn't familiar
25 with the signatures down here.

1 Then I look up here at the top. It says Lorine
2 Jackson, her heirs and assigns. I'm going: What? What is
3 this about? And I'm going -- I don't know. I'm not sure what
4 this is about. This property belongs to all of us is what I
5 said. Why it says her name and her assigns? That wasn't what
6 we discussed.

7 I called Pastor Burgess and told him about it. He
8 was the notary that had signed off on the first one, the one
9 that I was looking for. Just called him and told him what I
10 found.

11 MR. BAGHDADY: I'd like to move Plaintiff's Exhibit
12 3 into evidence.

13 MR. WATSON: No objection.

14 THE COURT: No objection. Ma'am, before we do
15 that, I just want to make sure we're making a clear record.

16 Whose name is first on that deed? Who is deeding
17 their interest?

18 THE WITNESS: The person that signed the deed? I
19 think it's Diane signed the deed.

20 THE COURT: It says I? Up at the top. Is it I,
21 Marylyn Diane Jackson?

22 THE WITNESS: At the very top. Yes, it says, I,
23 Marylyn Jackson.

24 THE COURT: For ten dollars, love and affection,
25 deed to Lorine Jackson.

1 THE WITNESS: Her heirs and assigns.

2 THE COURT: What is the date it was signed? Is
3 that May 4, 1989?

4 THE WITNESS: Right, 1989, May 4th.

5 THE COURT: Plaintiff's Exhibit 3 is in without
6 objection.

7 (PLF. EXH. 3, Deed dated 5-4-1989, was entered
8 into evidence.)

9 BY MR. BAGHDADY:

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1 Q. I would like to bring your attention to what has
2 been marked for identification as Plaintiff's Exhibit 4. I'm
3 going to hand you what's been marked for identification as
4 Plaintiff's Exhibit 4. Can you identify that document.

5 A. Yes, it's a document Dr. Gary Burgess sent to The
6 Court. It was addressed to whom it may concern. I've seen
7 this document before.

8 THE COURT: Excuse me, Mr. Baghdady. I'm sorry to
9 interrupt. A gentleman did just walk in. I think he's a
10 potential witness.

11 MR. WATSON: That was Dr. Burgess.

12 THE COURT: The bailiff came from the other
13 courtroom and didn't know. Please continue.

14 THE WITNESS: This is the letter that he did.
15 BY MR. BAGHDADY:

16 Q. Can you tell me if that letter is consistent with
17 your understanding of the transaction between Diane and Lorine?

18 A. The first one? The one that I was aware of?

19 Q. Yes.

20 A. The one that Pastor Burgess notarized?

21 Q. Yes.

22 A. I know that he spoke to my mother and father,
23 explained to them what they were -- you know, the transaction,
24 transfer it from out of Diane's care into Lorine's care.
25 Because I had said that, you know, it was okay with me. 'Cause

1 I was asked if it was okay with me for that to take place. I
2 said it was okay with me.

3 We went over some information. I would say pretty
4 much, yes, it's what we, except for, from his point of view,
5 what he was doing with them.

6 Q. Tell me exactly -- now that you refreshed your
7 recollection of what he said, tell me exactly what you
8 understood what's going on.

9 A. The story goes, my sister Diane, who the
10 property -- my parents had transferred the properties into her
11 name for safekeeping for us, for her siblings. And Diane used
12 the property for -- to go on someone's bond, which was a no-no.
13 There was some uproar in the family about, you know, her using
14 the property to do that.

15 And my sister Lorine came down here and she said
16 that we could lose the property if he decides to jump bail or
17 something like that. And we need to do something about it;
18 like put it in somebody else's name.

19 So she asked me, my sister Lorine asked me if it
20 was okay if it was in her name. And I said, you know: What
21 are you going to do with it? And I said: Wait a minute. I
22 said: The taxes will be high. You're out of state. The taxes
23 would be high for you.

24 And she said: I work two jobs, I can take care of
25 it.

1 Q. Just to clarify the she you're talking about is
2 Lorine?

3 A. Yeah, Lorine. I work two jobs. I can take care of
4 it. She can do it if she wanted to do it.

5 I asked: Just to be doing it?

6 She said: Well, I can use it for deduction on my
7 income tax. That's what she said. I could use it for
8 deduction on my income tax.

9 And I said -- if it was in her name.

10 I said, well.

11 She said: I know it belongs to all of us. She
12 said: Anything needs doing, we'll get together as a family,
13 have a family meeting, and we will decide what needed to be
14 done, how it was going to be paid for.

15 So I said: Okay, that sounds okay to me. Does
16 everybody have to agree? Everybody didn't agree. So I agreed.
17 My older sister said it was okay with her. The others pretty
18 much said they were against it, especially my brother Jim
19 Roberts. He said: Nope, I don't agree.

20 But, you know, she told me it was okay. She was
21 just putting her name on there for, you know, tax purposes. I
22 didn't see really anything wrong with it.

23 Q. When you say the words for safekeeping within the
24 family, what does that mean to you?

25 A. The heirs of Irene and John Jackson.

1 Q. Why do you say heirs?

2 A. Because that was the understanding with Diane.
3 Their children. Their children. There were seven of us. And
4 to me it meant, you know, those seven is the family. The
5 immediate heirs of Irene and John Jackson. That was our
6 family.

7 Can I say something else?

8 THE COURT: No, ma'am, not unless you're asked a
9 direct question.

10 BY MR. BAGHDADY:

11 Q. What would you like The Court to do in this case?

12 MR. BAGHDADY: Can I move this into evidence?

13 THE COURT: You have not yet. Plaintiff's Exhibit
14 Number 4, the letter from Mr. Burgess of July 23, 2022.

15 MR. WATSON: No objection.

16 THE COURT: That is in. Without objection.

17 (PLF. EXH. 4, Letter dated 7-23-2022, was entered
18 into evidence.)

19 THE WITNESS: You said what would I like The Court
20 to do?

21 BY MR. BAGHDADY:

22 Q. Let me go ahead and look at these. Plaintiff's
23 Exhibit 5. I'd like to ask you to identify what's been marked
24 as Plaintiff's Exhibit 5.

25 A. This is a copy of the Complaint that we needed to

1 file because I believe my sister had done wrong. Done us
2 wrong.

3 Q. What would you like The Court to do today? What
4 relief would you like?

5 A. My sister and I used to talk two to three times a
6 week. And I never even suspected, you know, that she thought
7 the property was hers because that is not what, you know, we
8 had talked about.

9 I mean, I would not have given her -- anything I
10 had an interest in, I wouldn't have given it up like that. But
11 she said we would get together as a family and discuss anything
12 that needed to be done, and I was going to be paid for and what
13 to do. I didn't see anything wrong with that. Because she
14 told me she was looking out for all of us. And I believed that
15 she was looking out for all of us.

16 Q. What would you like The Court to do today?

17 A. You know, I think the best thing since this is for
18 all of us, it would be like to either put the property in some
19 type of trust and appoint somebody over it or sell the
20 property. And I really hate that because that's one of the
21 things my mom said when she died she did not want to happen.

22 Q. I don't think, if you look at the Complaint, I
23 don't think there's a prayer for the sale of the property?

24 A. Because she always told us that the property should
25 stay among us, the siblings, and somebody should be smart

1 enough to realize that, if something happened, emergencies or
2 something bad happened, somebody fell on their luck, down on
3 their luck or something, there would be a place for us to go,
4 that we could come back to.

5 Q. Would it be safe to say you would like The Court to
6 enter an order putting the title of the property in the names
7 of all the Plaintiffs?

8 A. I think that would be best. And --

9 Q. All the heirs?

10 A. All of their heirs. All of Irene and John heirs
11 because --

12 Q. And for the kids, talking about their parent --
13 your siblings kids?

14 A. My siblings, their immediate heirs. It was seven
15 of us. Two of us are deceased.

16 Q. Say again, who are the two that are deceased?

17 A. My brother Edward is deceased. And he has Renee
18 and Eric. And my brother John Robert, he's deceased, and he
19 has Pastor Bobby.

20 Q. Renee and Eric would take one half of what was
21 their parent's share?

22 A. Yes.

23 Q. And your other nephew would take the shares of his
24 parent. And Lorine would also get an interest as a sibling?

25 A. Yes, 'cause she's my sibling.

1 THE COURT: Do you want number five in?

2 MR. BAGHDADY: Yes, please.

3 THE COURT: That's the Complaint filed on September
4 13, 2020.

5 MR. BAGHDADY: Yes, I have the lis pendens and a
6 copy of the deed. I think that's how it was filed.

7 THE COURT: Any objection?

8 MR. WATSON: No objection.

9 (PLF. EXH. 5, Complaint, was entered into
10 evidence.)

11 BY MR. BAGHDADY:

12 Q. I'm now going to hand you what's been marked as
13 Plaintiff's Exhibit 8. Can you identify that document.

14 A. Yes.

15 Q. What is it?

16 A. This is a denial from my sister Lorine where she,
17 you know, referenced the allegations. She denied.

18 MR. BAGHDADY: I'd like to move it into evidence as
19 the pro se Answer of Lorine Jackson.

20 THE COURT: Mr. Watson, any objection to what was
21 in The Court's file on October 28, 2022?

22 MR. WATSON: No objection.

23 THE COURT: That's coming in as number 8; is that
24 correct, Mr. Baghdady?

25 MR. BAGHDADY: Yes, ma'am.

1 THE COURT: Without objection.

2 (PLF. EXH. 8, Letter dated 10-25-22, was entered
3 into evidence.)

4 MR. BAGHDADY: I have no further questions for
5 this witness. Please answer any questions that Mr. Watson has.

6 THE COURT: Mr. Watson, cross-examination.

7 Ma'am, this is now cross-examination.

8 MR. WATSON: May it please The Court.

9 THE COURT: Yes, sir.

10 CROSS-EXAMINATION

11 BY MR. WATSON:

12 Q. Exhibit number one.

13 MR. WATSON: May I approach?

14 THE COURT: Yes.

15 BY MR. WATSON:

16 Q. I want you to take a look at Plaintiff's Exhibit
17 Number 1 again. That's the original deed to your parents?

18 A. Yes, this is the deed. Robert Hardy and Irene
19 Hardy Jackson.

20 Q. What is the amount of money listed for them
21 acquiring this property?

22 A. Where did I see that? Her siblings signed it over
23 to her, the sum of \$1, with love and affection.

24 Q. Okay. The property was signed over to your parents
25 for \$1 and love and affection?

1 A. My mother. Her siblings signed it over to her.

2 Q. And your mother considered the property to be hers;
3 right?

4 A. Her and my grandfather, the ones that died, this
5 came about after my grandfather died.

6 Q. The siblings signed it over to her for \$1 and love
7 and affection. She considered the property hers. Just as my
8 client did in this case, sign it over for \$10, love and
9 affection. Your parents acquired the property in the same
10 manner; is that right?

11 A. She gave them more than a dollar. She gave them a
12 share out of it. She was told she didn't have to give them
13 anything. She gave them a share out of it because she said
14 they were her siblings.

15 Q. Do you have any proof of that?

16 A. Gave them a share. She personally told me that.
17 That's in the family. The whole family know that she gave them
18 a share when she was told that she didn't have to give them
19 anything.

20 Q. Do you have any evidence they paid anything other
21 than \$1, love and affection as recited in the deed?

22 A. She gave them money or they gave her?

23 Q. She gave them for acquiring the land, your parents?
24 From acquiring the land for her siblings.

25 THE COURT: Please allow her to answer.

1 THE WITNESS: The only thing I know is what my
2 mother told me. That she was told that she did not have to
3 give them anything. But since they were her siblings, she was
4 going to give them a fair share.

5 BY MR. WATSON:

6 Q. That seems to be the way land is transferred in
7 this family just by making a token amount. That doesn't
8 invalidate the transfer in your mind in any way, does it?

9 A. The dollar part?

10 Q. Yes.

11 A. Well, you know, it's more than a dollar or worth
12 more than a dollar. And money changed hands between them. I
13 guess it must be okay.

14 Q. Do you have any proof of any other money changing
15 hands that you can present to This Court?

16 A. Other than what I was told by these -- Pastor
17 Burgess', grandmother and my mother. Other than that I don't
18 have any money -- no way of knowing how much money was changed
19 hands, anything. Just what they told me.

20 Q. If you look at Plaintiff's Exhibit Two where the
21 property was passed to Diane Jackson, I believe it was passed
22 in that exact same manner. Take a look at that.

23 A. You're talking about the \$10 with love and
24 affection.

25 Q. Right, exactly.

1 A. You want to know if I am aware that Diane was given
2 \$10 or anything?

3 Q. They give the property to Diane for \$10 and love
4 and affection. Just like your parents got the property in the
5 same manner to transfer the property to Diane?

6 A. It's my knowing, instead of giving Diane money,
7 they gave her a set of instructions. That's all I know about
8 that.

9 Q. You would acknowledge that's what's shown on the
10 deed?

11 A. On the deed it says \$10, love and affection.
12 That's what I said. I'm not aware of the \$10. I know they
13 gave her a set of instructions instead of the \$10.

14 Q. If you look at Exhibit Number 3, the transfer to my
15 client Lorine Jackson, it was also transferred to her in that
16 same manner, was it not?

17 A. It says \$10. Yes, it says \$10. Now are you asking
18 me if I'm aware that there was an exchange of \$10?

19 Q. No. I'm asking you to acknowledge it's a habit in
20 your family for transferring this piece of property by
21 specifying token amounts on a deed.

22 A. Along with instructions, yes. Along with
23 instructions.

24 Q. Your parents wanted the property to be kept in the
25 family; is that correct?

1 A. Yeah, they wanted it kept along their heirs. Their
2 sons and daughters.

3 Q. The document in the file said kept in the family.
4 It doesn't say divided among siblings. Just says property to
5 be kept in the family; is that correct?

6 A. That's what it says in the document. We always
7 discussed the heirs. We said heirs. I didn't say family.

8 Q. Diane is in the family. Lorine is in the family,
9 is she not?

10 A. Yes, she is in the family. She is one of the
11 heirs.

12 Q. I don't understand the nature of the allegation
13 about the two deeds; a deed that was generated by Pastor
14 Burgess that seemed never to have been filed, and a deed that
15 was filed that was generated by Attorney Cheek. Are you saying
16 the deed that's on record that Diane admits to signing is a
17 fraudulent deed?

18 A. That's not the deed that I knew existed. I knew
19 about the other deed. I definitely did not know about that
20 deed.

21 Q. You didn't know about it. That doesn't mean
22 something is wrong with it, is there?

23 A. Yeah, I believe it's fraudulent. Because if it was
24 on the up and up, I think the family would've known about it.
25 Her siblings would've known about it.

1 Q. Simply know that Diane signed it. Diane admitted
2 she signed it, did she not?

3 A. She said she signed a piece of paper where it had a
4 mark on it. There was no other writing on that paper other
5 than what she saw and put her name on it. Her name was the
6 only thing there. Nobody's signature, and there was nothing at
7 the top up there.

8 Q. That was the one with Pastor Burgess or the one
9 with Attorney Cheek?

10 A. The one with Attorney Cheek. She said when she was
11 handed that paper, no signature was on it at all. And there
12 was a mark on it where she was told to sign.

13 Q. She signed it?

14 A. And she signed it. She said she signed it thinking
15 it came from Pastor Burgess.

16 Q. Exhibit Number 4 is the letter from Pastor Burgess.
17 Look at this again, please. In that letter it asks that the
18 property be kept in the family; is that correct?

19 A. Right. He used the term within the family. That's
20 what he used.

21 Q. Would you admit that Lorine is in the family?

22 A. Lorine is an heir. When we say family, I'm talking
23 about immediate family. That's my definition of family.

24 Q. She's your sister; right?

25 A. Yeah, she's my sister. Family can also mean

1 extended, other members of the family. In this case, I think
2 family -- when we discussed family, we're talking about the
3 heirs of John and Irene Jackson. She is a heir of John and
4 Irene Jackson.

5 Q. You're concerned about the land not be lost to the
6 family; right?

7 A. I'm concerned about, if I give my word to somebody,
8 then I expect, you know, to carry through with that.

9 Q. Are you concerned that the land not be lost to the
10 family?

11 A. Lost to the family?

12 Q. Yes.

13 A. I don't think the land would be lost to the family
14 because somebody in the family would be responsible enough, you
15 know, to carry out my mother's wishes.

16 Q. Your mother's wishes being that the land stay in
17 the family?

18 A. And that it be used as a refuge for all family
19 members.

20 Q. Do you have any writing that says that anywhere?

21 A. That's what we discussed. There were people there
22 that heard my mother say that; a number of people, family
23 members, people outside the family. That's a known fact that
24 my mother said that.

25 Q. You requested that the property be sold as part of

1 this resolution here, did you not?

2 A. There is a reason why I said that. Going back to
3 my mother, when that property that, you know, was sold, my
4 mother bought it back. So, you know, it could be sold and
5 everybody want their interest out of it. Then just comes down
6 to one owner then, you know, that's okay. That's okay with me.

7 Q. What's your motivation here? The land be in the
8 family or you get compensated for what you think you deserve?

9 A. My motive is to carry out my mother's wishes. That
10 land stay within the siblings and the money has nothing to do
11 with it because, if the money had something to do with it, I
12 would've told her she could have had my interest a long time
13 ago.

14 Q. Nowhere in any of the documentation does it say
15 anything, that property be kept among the siblings; it just
16 says in the family; is that correct?

17 A. It was our saying that it was among the siblings,
18 their immediate heirs. That would mean the seven of us. If
19 anything happened to one of us, it would go to that person's
20 heirs. That's the way we always discussed it.

21 Q. Y'all took the property back from Diane because you
22 say that she used the property to post bond for someone?

23 A. For her husband.

24 Q. And that puts the property in jeopardy; right?

25 A. Well, I thought it did. But when I found out later

1 that it had passed, I was surprised. It was no longer -- that
2 subject was moot. It was no longer applied to that.

3 And I said: Well, I didn't know that. It was
4 after the fact. I would like for the property to stay among
5 the siblings.

6 Q. In light of the problem y'all had experienced, if
7 you put the property in one person's name, that person is free
8 to do anything they want and do to the property like Diane did;
9 correct?

10 A. You see, I said the same thing.

11 Q. Let me finish.

12 A. Sorry.

13 Q. Y'all had already had that experience with Diane.
14 Why didn't you use more than one name or use all of the family
15 members' name if that was the intent?

16 A. You know why? Because I said I can trust my
17 sister. I said I could trust my sister. She told me in my
18 face that she would take care, lookout for all of us. I had no
19 reason to think she was lying to me.

20 Q. Who paid for the taxes on the property since Diane
21 got it -- Lorine got it? Since the property was turned over to
22 Lorine in 1989, who paid the taxes?

23 A. She was supposed to.

24 Q. She paid all the taxes from 1989?

25 A. She wanted the deduction. She was supposed to pay

1 the taxes. Even though I told her you're out of state, you're
2 going to be paying more.

3 She said she could get a higher deduction. She
4 said: I'll kind of spruce up the place a little, make my
5 deduction on my income tax higher.

6 I said: You're going to do that?

7 She said to me: Yes. She said: If anything needs
8 to be done, we'll call a family meeting. We'll decide what
9 need to be done, how much it's going to cost. And we'll see
10 who's going to pay for it.

11 Q. Were you aware that Diane was being evicted from
12 the property?

13 A. When she told me about it. When Lorine called and
14 told me about it, but then I said to her: How can you do that?
15 The property belongs to all of us.

16 Q. Did you say that to the magistrate during the
17 eviction: She can't do this, that property belongs to all of
18 us?

19 A. I went to the magistrate. I most certainly did
20 over in Boiling Springs, South Carolina. He told me that I
21 needed to talk to a professional. And he asked about Diane.

22 I said: Well, Diane has been paying. This is what
23 we did with Diane paying.

24 Before my mother died, it did come up. After my
25 mother died, this came up. Diane started paying money to

1 Lorine. We said: Okay, Diane, taxes are high, you should give
2 Lorine some money on the taxes.

3 Diane started giving Lorine money toward the taxes.
4 First, they said it was going into an account, a bank account.
5 But then that fell through. She was giving money to Lorine
6 through her daughter for whatever Lorine was doing with it. It
7 was supposed to be for taxes. We thought she was using it for
8 taxes.

9 However, every year the taxes went to delinquency.
10 And we found out that she really wasn't paying them off. She
11 let them get delinquent and then she paid them.

12 Q. She ultimately paid all the taxes from 1989 all the
13 way through by herself; is that correct?

14 A. Yeah, she said she would do that. The family
15 meeting. She never called a family meeting. And I asked her
16 about it. She said she had it.

17 Q. Was anything preventing anybody else from calling a
18 family meeting?

19 A. She was supposed to do it. Now, I did ask her why
20 not. She said she had this. So I didn't know what really was
21 going on until after I had somebody to do a deed search and
22 find out. And then I found out it had been mortgaged and the
23 place had -- I said: Wait a minute, nobody was supposed to
24 mortgage it.

25 She did after she got her name on it. When I said

1 something to her about it, she said: Well, I thought I'd
2 spruce up the place a little.

3 I said: But you said you was going to call a
4 meeting. She never called a meeting.

5 Q. She did maintenance on the place, spruced it up,
6 paid the taxes?

7 A. No, she didn't. She didn't. My brother-in-law and
8 my nephew worked on the places down there, in the house where
9 Diane was staying. They did work around there also. And my
10 neighbor next door, she got him to do a little work for
11 different people.

12 Q. All of this at the request of Lorine as she was
13 managing the property; correct?

14 A. Yeah, she didn't ask us. She didn't even seek our
15 advice.

16 Q. Are you familiar with the rental contract between
17 Diane and Lorine?

18 A. At first no. Then when I saw it, I said: This
19 doesn't make any sense. Why would you do a rental contract
20 when this belongs to all of us?

21 So I guess that's when it really sunk in that
22 something was afoot. Because, to me, you would not do that.
23 You know, your sister was told she could stay there for the
24 rest of her life, she had taken care of your parents.

25 Q. Let me tell you what's been marked Defense Exhibit

1 Number 5. Is that the contract that Diane signed renting the
2 property from Lorine?

3 A. The thing I saw was a couple of pages. The thing I
4 saw was a couple pages. It was more than one.

5 Q. It was a contract for the rental of the property
6 between Diane Jackson and Lorine Jackson; correct?

7 A. Yeah, because I questioned it. What I saw was a
8 couple pages. I do remember reading this. Remove all
9 belongings and the automobiles that were out there. I have
10 seen this before.

11 Q. Diane was staying in the property under that
12 contract. When she failed to pay, that's when Lorine had her
13 ejected by the magistrate; is that correct?

14 A. As far as I know she was paying it. I did ask
15 Diane about it.

16 Q. She signed a rental contract --

17 A. Yeah, I asked Diane.

18 Q. Even though she was claiming to be an owner of the
19 property?

20 A. I asked Diane: Why did you sign a rental contract?
21 She looked at me.

22 I said: You're one of the heirs. Why did you sign
23 that?

24 She said: I don't know.

25 Q. She was paying it. She was paying it until she

1 couldn't pay it anymore. Then she was evicted; is that right?

2 A. Not to my knowledge. We told her -- we agreed she
3 should give her some money to go toward the taxes. That's what
4 she was paying Lorine every month. Because, to me, paying her
5 to stay there, that don't work. Because the property belonged
6 to all of us.

7 Q. Why would Lorine who's staying there sign a rental
8 contract to pay for taxes when nobody else was contributing to
9 taxes?

10 A. You mean Diane? She really didn't know what she
11 signed.

12 Q. She was paying the rent. She must have known what
13 she signed?

14 A. We told her to do the money to help go toward the
15 paying of the taxes. She asked me about it.

16 I said: Well, you can give her a few bucks towards
17 the taxes, they are high. She knew that Lorine knew it was
18 high before she started.

19 I told her: Out of state, you're going to pay
20 more.

21 Q. One final question. Is it still your wish that the
22 property be put up for sale?

23 A. Only as a last resort. I hope that the property
24 will stay among the siblings. Only as a last resort.

25 MR. WATSON: I have nothing further at this time.

1 THE COURT: The document that she has, what do you
2 want her to do with that?

3 MR. WATSON: It's already been marked, moved in as
4 Defense Exhibit 5.

5 MR. BAGHDADY: I'm not sure that she actually -- I
6 object. That's not her signature. She can't actually identify
7 the document. The witness who signed it is here. I think that
8 you should defer.

9 MR. WATSON: I'll defer it.

10 THE COURT: We'll wait for another witness. That
11 is the rental contract; right?

12 Redirect.

13 REDIRECT EXAMINATION

14 BY MR. BAGHDADY:

15 Q. When did you discover that there was actually a
16 written lease?

17 A. With Diane?

18 Q. Yes. He showed you a lease. You didn't know what
19 it was.

20 A. Yes.

21 Q. You did know -- you did ask Diane about the
22 existence of the lease. When did you discover there was such a
23 thing?

24 A. She told me about that. Magistrate, I think his
25 last name was Skinner. I can't exactly say his last name was

1 Skinner or not. For some reason, I want to say he said his
2 name was Skinner.

3 She told me about that existing. This was before
4 the eviction. Last time I spoke with Lorine on the phone was
5 near Valentine's Day 2022. So she told me this before the
6 eviction, which happened about August, I think it was, about
7 there being a document. The document that I saw, maybe it was
8 a court document. It was a couple pages. It wasn't just one
9 page.

10 Q. In terms of the time, generally, it was related to
11 or close to the time of eviction?

12 A. Yeah, it was before the eviction.

13 Q. Within how much time? Months, years?

14 A. Talking about 2022. Between February and July.

15 Q. It was in the window of February and July 2022?

16 A. Yes, right in there.

17 MR. BAGHDADY: No further redirect.

18 THE COURT: Ma'am, we're being extremely informal
19 because we don't have a jury. Is there anything else that you
20 want to tell me?

21 THE WITNESS: I trusted my sister Lorine. I
22 trusted her when, you know, she said let her put her name on
23 the property. We'll get together as a family, talk about it,
24 anything can be done. She would look out for all our interest.
25 I trusted her to do that. We used to talk two to three times a

1 week.

2 THE COURT: Thank you, ma'am. Any follow-up
3 questions?

4 MR. BAGHDADY: No follow-up.

5 MR. WATSON: Nothing further.

6 THE COURT: Ma'am, take your time.

7 (The witness exited the stand.)

8 THE COURT: Next witness for the Plaintiff. Come
9 forward and be sworn by the deputy clerk of court.

10 GARY LEE BURGESS

11 being first duly sworn, testified as follows:

12 THE COURT: Sir, make yourself comfortable. If you
13 would, state your full name for the record.

14 THE WITNESS: Gary Lee Burgess, Sr.

15 THE COURT: Direct examination.

16 MR. BAGHDADY: Thank you. Good morning, Dr.
17 Burgess. Thank you for being here today.

18 DIRECT EXAMINATION

19 BY MR. BAGHDADY:

20 Q. Would you tell us a little bit about your
21 educational background.

22 A. Yes. I am a graduate of Chapman High School,
23 District One, Spartanburg County. I'm a graduate from Chapman
24 High School.

25 I attended Wofford College, BA degree in political

1 science and education.

2 Left Wofford College and matriculated to Converse
3 University now, with a master's in education and also a
4 specialist in education.

5 And then went to University of South Carolina,
6 Columbia and obtained my doctorate.

7 I also have training at Clemson University,
8 Columbia University, and New York City as well as Furman
9 University and post-graduate work in training as a school
10 superintendent, principal, and secondary teacher.

11 Q. Have you actually served in the role as
12 superintendent?

13 A. I have.

14 Q. What was that time period, if you're aware?

15 A. You asked me. I'm getting old now. I was in
16 Anderson County School District 2007, 2010, approximately.

17 Q. And you also served as a teacher?

18 A. I did.

19 Q. Have you also trained as a pastor?

20 A. I am.

21 Q. Have you served in the role of pastor? Are you
22 still serving in the role of pastor?

23 A. I am for the past 42 years.

24 Q. Where have you served as the pastor?

25 A. University Body of Christ Church Redeemer, 8800

1 Asheville Highway, Boiling Springs, South Carolina.

2 Q. Are you related to parties in this case?

3 A. I am. The parties in this case, they are my second
4 cousins.

5 Q. Who is your common ancestor?

6 A. I'm told that my common ancestor is Robert Hardy
7 and Francis Hardy.

8 Q. Robert and Francis are the grandparents?

9 A. They would be my great-grandparents.

10 Q. For the siblings?

11 A. Grandparents.

12 Q. I would like to now hand you what's been introduced
13 into evidence as Plaintiff's Exhibit 4 and ask you to take a
14 moment to read over that.

15 A. Okay.

16 Q. Is that your signature on that document?

17 A. It appears to be, yes.

18 Q. Can you tell me about it. What were the
19 circumstances in which you wrote this letter?

20 A. If I recall correctly, I was asked by my cousin,
21 Dr. Jackson, to write a statement concerning the notarization
22 of a document that appeared to be a deed document back in 1987,
23 '88, '89. And that the reason I wrote it was to clarify.

24 And also it was my understanding from my aunt, who
25 has passed away, my Great Aunt Irene, that land had been signed

1 over or put up for bail, I guess that's the technical term for
2 one of the family members' husband. And they found out later
3 and were concerned that the land would be lost outside of the
4 family. And as a result of, there was -- and asked of me since
5 I was a notary at the time, to notarize a document with Diane
6 signing the land over to Lorine.

7 Q. What were the circumstances that you understood
8 were happening around the signing of that deed?

9 A. Circumstances was that my Aunt Irene did not want
10 to lose the land outside of the family.

11 Q. When it says out of the family, what does that
12 mean?

13 A. Someone who's not a family member.

14 Q. I'm now going to hand you what's been introduced as
15 Plaintiff's Exhibit 3 and ask you if that is a copy of the deed
16 that you notarized?

17 A. No, it's not. And for clarity, I'm not a lawyer or
18 a real estate agent. I made the assumption that the document I
19 notarized was, in fact, a deed. This is not.

20 Q. Do you remember anything about the contents of the
21 deed that you actually notarized?

22 A. No. That was -- my job from what I understood as a
23 notary was to make sure the parties that were present were, in
24 fact, indeed the parties that were present.

25 Q. Who was there at that gathering?

1 A. My recollection was Diane, of course, was there.
2 Lorine was there. My Uncle John. And Aunt Lorine and myself.
3 So five people were present.

4 Q. Thank you.

5 MR. BAGHDADY: One moment of The Court's
6 indulgence.

7 No further questions for this witness.

8 THE COURT: Cross-examination, Mr. Watson.

9 MR. WATSON: May it please The Court.

10 CROSS-EXAMINATION

11 BY MR. WATSON:

12 Q. Dr. Burgess, you indicated that you notarized a
13 document you thought was a deed; is that correct?

14 A. That's correct.

15 Q. Do you know what happened to that document?

16 A. I do not.

17 Q. Do you know why -- you don't know whether it was
18 filed or not, do you?

19 A. Again, I'm here against my will, to be perfectly
20 honest. I was serving as a notary. My understanding, my job
21 was to verify the identity of the people that were there. It's
22 not my job to file it. It's not my job to do anything other
23 than to notarize it.

24 Q. I want to show you what's been marked as
25 Defendant's Exhibit Number 3 and ask you to take a look at

1 that. And if you recognize it.

2 A. I do.

3 Q. That's a document that you created? Top part of it
4 is a document that you created?

5 A. That's correct.

6 Q. Would you publish it for The Court for me, please.
7 Read it out.

8 A. It is unfortunate that this situation is at the
9 point that it is. The document I notarized was signing the
10 land over to Lorine Jackson. It's my understanding -- it was
11 my understanding rather at the time, years ago, that it was
12 important to my Uncle John Jackson and my Aunt Irene Jackson
13 that the land not be lost outside the family.

14 Lorine Jackson, child of John R. Jackson, her
15 ownership of the land satisfies my aunt and uncle's aim to keep
16 the land in the family. I was not privy to any discussions
17 about land being held for the family.

18 My signature is on there, seventh of February 2024.

19 Q. It's your opinion then that property passed into
20 Lorine met the wishes of Irene and her husband? That the
21 property stay in the family?

22 A. Yes.

23 MR. WATSON: Nothing further.

24 THE COURT: Any redirect?

25 MR. BAGHDADY: Just one.

1 REDIRECT EXAMINATION

2 BY MR. BAGHDADY:

3 Q. You were not privy to the conversation, exactly,
4 who within the family meant?

5 A. I was not privy to the conversations to clarify
6 about land being held for family. That was a conversation I
7 was not part of.

8 MR. BAGHDADY: Nothing further.

9 THE COURT: Thank you, sir. You may be excused.

10 THE WITNESS: Am I excused for the day?

11 MR. WATSON: Yes.

12 MR. BAGHDADY: Yes.

13 THE COURT: Any objection to Dr. Burgess being
14 excused? Thank you.

15 MR. WATSON: No objection.

16 MR. BAGHDADY: No objection. Thank you,
17 Dr. Burgess.

18 (The witness exited the stand at 12:15 p.m.)

19 THE COURT: Mr. Watson, are you proposing to enter
20 that into evidence that was published by Dr. Burgess?

21 MR. WATSON: Yes, I plan to.

22 THE COURT: Any objection? It's already been
23 published.

24 MR. BAGHDADY: No objection.

25 THE COURT: That would be Defendant's Exhibit

1 Number --

2 MR. WATSON: Three.

3 THE COURT: It's marked as 3. It would be the
4 first one in for the day.

5 (DFT. EXH. 3, E-mail, was entered into evidence.)

6 THE COURT: Next witness.

7 MR. BAGHDADY: The next witness is Diane. Legally
8 Marylyn Diane. She goes by Diane. Doesn't like Marylyn.

9 THE COURT: Y'all, just for planning purposes,
10 because normally we break for lunch at 12:30 and come back at
11 2:00, we started late, at 10:30. Are y'all okay with breaking
12 like from 1:00 to 2:00? Will that give y'all enough time to
13 grab something to eat and get back in here? I just wanted
14 y'all, for planning purposes, to understand.

15 MR. WATSON: (Moves head up and down.)

16 MR. BAGHDADY: (Moves head up and down.)

17 MARYLYN DIANE JACKSON

18 being first duly sworn, testified as follows:

19 THE COURT: Ma'am, if you would state your full
20 name.

21 THE WITNESS: Marylyn Diane Jackson.

22 THE COURT: You spell it M-A-R-Y-L-Y-N?

23 THE WITNESS: Yes, ma'am.

24 THE COURT: Diane with one N and E?

25 THE WITNESS: (The witness moves head up and down.)

1 THE COURT: Direct examination.

2 DIRECT EXAMINATION

3 BY MR. BAGHDADY:

4 Q. Good afternoon, Diane. Thank you for being here
5 today. First, I'd like to ask you a little bit about your role
6 in the family and your life at that property. How long did you
7 live at the property that's in dispute in this case?

8 A. I've been there all my life. I've never left.

9 Q. All your life from birth?

10 A. From birth that's where I was.

11 Q. From birth until when?

12 A. Until 2022.

13 Q. What happened in 2022?

14 A. She got -- I got evicted.

15 Q. Who evicted you?

16 A. Lorine.

17 Q. Do you think she had the right to evict you?

18 A. No.

19 Q. Why not?

20 A. 'Cause I'm part of the family, and I have been
21 there all my life, taking care of everybody. And Momma said
22 for me to stay there. So it's her wishes helping everybody.

23 Q. I want you to explain a little bit more. When you
24 say helping the family, walk me through the kind of things that
25 you have done for the family.

1 A. I took everybody to the doctor over there. School.
2 Get shots. And Mom and them, I help with the house. The
3 house, I moved into, I put in sheet rock and everything else in
4 that house on my own to get it so I can live in it. Making
5 sure everybody had the right food and stuff they needed.
6 Because Mom later on had Alzheimer's, too. It was a job.

7 Q. You were taking care -- tell me who you've taken
8 care of in the family in that home.

9 A. In the home, my great-Aunt Diane Kelly.

10 Q. How is she related?

11 A. Great-great-Aunt. I think on Momma's side.

12 Q. When you say you took care of the property, she
13 lived at the property and cared for her?

14 A. Yeah.

15 Q. Why did she need care?

16 A. She was elderly. She always walked on one crutch.

17 Q. What sort of things did you do for her?

18 A. We -- later on, we had changed diapers, do blood
19 pressure, all the vital signs and stuff. Sometime we had to
20 feed her.

21 Q. When you say feeding, beside cooking meals and
22 shopping for her, you would also actually physically feed her?

23 A. We had to. She couldn't.

24 Q. Who else in the family did you take care of there?

25 A. My Daddy was a bad diabetic. We had to keep an eye

1 on him closely. We couldn't tell when his blood sugar was high
2 or low.

3 Q. What was your daddy's name?

4 A. John C. Jackson.

5 Q. Did he also live at that property?

6 A. He lived there also.

7 Q. You did blood pressure. Did you do other things
8 for him other than check his blood pressure? Diabetic issues?

9 A. Make sure we had his supplies ready. Insulin.

10 Q. Did you get those supplies?

11 A. At times I had to get them.

12 Q. For food, did you prepare meals for him?

13 A. At times. Most of the time they could. They was
14 there. They could do some of their stuff themselves. Never
15 let nobody -- let them do what they can for themselves.

16 Q. Who else did you take care of at that property?

17 A. My Mom when she got worse.

18 Q. Your mom's name?

19 A. Irene Jackson.

20 Q. Tell me what things you did for your mom Irene.

21 A. I cooked meals. Take her blood pressure. She was
22 diabetic, too. Get them to the doctor. Once she had to go to
23 the Wound Center 'cause she had sores. Cooking mostly. She
24 liked to eat. Mom got her share of food.

25 Q. Who else did you take care of at the property?

1 A. I had a brother that had seizures. That was my
2 brother John. He's deceased. Keep an eye on him.

3 Q. Did he stay at the property?

4 A. Yes, he did at the time.

5 Q. When did he pass?

6 A. I think that was '93, '96.

7 Q. What did you do for him? What sort of things did
8 you do for him?

9 A. They told us to watch him. You could be talking to
10 him, he's down. No telling when a seizure would come on. They
11 also told us to put something in his mouth so his tongue
12 wouldn't go back. He went to seizures. He liked to eat, too.

13 Q. Did you prepare meals for him?

14 A. Sometime we did. He ate what he wanted.

15 Q. Who else did you take care of for the family on the
16 property?

17 A. Just about everybody's kids come through. Always
18 had kids in the yard. Everybody's kids.

19 Q. While the parents were working, they came home from
20 school, you were the one keeping the kids?

21 A. Yes, I had a yard full.

22 Q. Across how broad an expanse of the family was that
23 you were taking care of the kids? Whose kids did you take care
24 of?

25 A. My sister and kids. Keith was there. Lorine's

1 kids were down for a while. Scott's. All of them. And there
2 is great kids I took care of. Just in the neighborhood. They
3 just came so I just took care of them. They thanked me.

4 Q. Is there anyone else that you took care of in the
5 family at the property?

6 A. Not on the property. Right now I'm looking after
7 my sister Annie. She's bad.

8 Q. Do you think that anyone in the family was hurt
9 when you were evicted?

10 A. Yes.

11 Q. Who was hurt when you were evicted?

12 A. A lot of them didn't think I should've been
13 evicted, much as I had done for the family. I've always seen
14 after everybody since I was the only one left there. Sadie was
15 a teacher. She was gone. Lorine's up north. Annie couldn't
16 do anything good. Her arthritis bad.

17 Q. Was anyone hurt after you were evicted that you
18 were taking care of that you couldn't take care of anymore?

19 A. Not really. They was gone by then.

20 Q. By the time of the eviction?

21 A. Yeah, they gone.

22 Q. Did you have any jobs outside of the home in taking
23 care of the family?

24 A. I had asthma real bad. I did have jobs at times.

25 Q. What sort of jobs did you have during your

1 lifetime?

2 A. I was a nurse's aide. I worked at Spartanburg
3 Regional Heart Center. Golden Age Nursing Home. M&L
4 Cafeteria. Everybody -- I had a daycare, but I never had
5 anyone in daycare.

6 Q. It didn't work out too well? You just took care of
7 your own family's kids?

8 A. Yeah, some outside, too. It wasn't a daycare.
9 They just enjoyed being there, so I let them be there. I feed
10 everybody and that was fine.

11 Q. I'm going to hand you what's been introduced into
12 evidence as Plaintiff's Exhibit Number 2. Can you read it?
13 Are your eyes okay to read it?

14 Will it be all right if I can point it to her?

15 THE COURT: That's fine.

16 BY MR. BAGHDADY:

17 Q. Can you read this? Can you say who that is?

18 A. Irene Mary Jackson and John C. Jackson.

19 Q. To whom it went?

20 A. Diane Jackson.

21 Q. Can you read the years?

22 A. August 18th. March.

23 Q. I think it's March.

24 A. March 18, 2023. I don't know what that is.

25 Q. That's the time.

1 A. I can't see it.

2 Q. That's hard to read.

3 Do you remember when Irene Hardy Jackson and John
4 C. Jackson deeded the property to you?

5 A. Yes.

6 Q. What do you remember about what you were doing with
7 that property then?

8 A. Keeping it in safekeeping. Safekeeping for the
9 family.

10 Q. Who is the family? Who is in the family?

11 A. Seven of us. My sisters and brothers, immediate
12 family.

13 Q. Would that include --

14 A. Lorine.

15 Q. The children of those who passed?

16 A. Yes.

17 Q. I'm going to hand you what's been marked as
18 Plaintiff's Exhibit 3. And tell me, if you can, if you see
19 your signature on there.

20 A. Right here where this check was.

21 Q. What can you tell me about that document?

22 A. This is a document she came in and asked me to sign
23 'cause something happened to the other document, but nothing
24 was on this page but that check for me to sign my name on. I
25 was told they was going to take it up to Momma's and Daddy's

1 house behind me and get them to sign it. That's it.

2 Q. Is that the deed that you signed with Dr. Burgess?

3 A. No. This is not.

4 Q. Do you think Dr. Burgess had anything to do with
5 that deed?

6 A. No.

7 Q. When did you discover that this deed was recorded?

8 A. When I was being evicted.

9 Q. I'm going to show you what's been marked as
10 Plaintiff's Exhibit 4, introduced into evidence. Ask you to
11 review that letter.

12 A. Yes, I've seen it.

13 Q. Do you remember that meeting?

14 A. Yes.

15 Q. Tell me what was happening at that meeting.

16 A. They found out -- I went to bond my man, which is
17 now my husband. They said I wasn't supposed to. They thought
18 he was going to run, but he did not run.

19 It was also understanding that I am the one that
20 supposedly had the deed. I'm supposed to let them know what I
21 was doing with everything, but I didn't. I know he wasn't
22 going anywhere.

23 Q. There was an understanding that you were going to
24 transfer it to someone?

25 A. Yes.

1 Q. Instead of you?

2 A. Yes.

3 Q. Who was that?

4 A. That was to Lorine Jackson, my sister.

5 Q. What was Lorine's rights or what was Lorine -- what
6 was the intent of the transfer to Lorine?

7 A. I broke the rule.

8 Q. What was Lorine -- about giving the property to
9 Lorine?

10 A. It was under the same impression as me. It was for
11 everybody when I signed it over. It was the whole siblings.
12 We suppose to gotten together and discussed. I didn't. It was
13 passed to her.

14 Q. If you were going to use the word to describe who
15 the property was for, despite whose name it was in, what would
16 you say?

17 A. All of us. All the siblings.

18 Q. All of the siblings means -- tell me their names.

19 A. Edward. Annie. Sadie. Lorine. John Roberts.
20 William or Bill and myself, Marylyn.

21 Q. Two have passed?

22 A. Right.

23 Q. They have kids?

24 A. Yes.

25 Q. Who are their kids?

1 A. Edward's kids, Renee, and Eric. John Roberts'
2 kids, Bobby.

3 Q. That property is actually held for all of those
4 people?

5 A. Yes.

6 Q. With the kids taking their parents' share? The
7 siblings' share?

8 A. Yes.

9 Q. Did Lorine give you any money for the property?

10 A. No.

11 Q. Not even \$10?

12 A. No.

13 Q. Did she give her parents any money?

14 A. No.

15 Q. Was there any notary present on the deed that was
16 recorded with James Cheek as the witness?

17 A. No.

18 Q. There's been some testimony about rents. What was
19 your understanding about why you were paying money to Lorine
20 while you were in the property?

21 A. It was to help pay for the taxes. I don't know why
22 they called it rent or taxes. All I know, it's supposed to
23 have been for the taxes.

24 Q. Did you also do maintenance and repairs on the
25 property?

1 A. Yes.

2 Q. What sort of maintenance or repair did you do
3 during your lifetime?

4 A. I done sheet rock. Baseboard. Cut grass, all of
5 the yards. And then I had to have a floor put in the kitchen
6 twice. And the bathroom.

7 Q. Anything else that you remember doing to improve
8 the property?

9 A. No.

10 Q. Did those things happen after the 1980, into the
11 years '90, 2000, 2010 and last 30 years?

12 A. Yes.

13 Q. What about a roof? Any roofs needed?

14 A. There was a roof put on. I had a tin roof put on.

15 Q. Replaced appliances?

16 A. Oh, yeah. Refrigerator. Stove. Twice.

17 Q. Painting?

18 A. Painting was included in the rooms. Electric; had
19 to rewire the house.

20 Q. Think as hard as you can about whatever it is that
21 you did to maintain and improve the property besides helping
22 pay the taxes with your rents?

23 A. I had some of the trees cut in the front. I wasn't
24 on a sewer. We had to have the septic tank emptied.

25 Q. You also had to have the septic tank drained

1 because you weren't on the sewer line?

2 A. Right.

3 Q. Anything else you can remember about improvements
4 you made in the last 30 years?

5 A. That's it.

6 Q. That's all you can remember.

7 What would you like The Court to do in this case?

8 A. I would like all our names be put back on the deed.
9 Keep it in the family.

10 Q. And all the names being?

11 A. The siblings and the other siblings; my sisters and
12 brothers and my brothers' kids.

13 Q. Do you know when Clarence Hardy died?

14 A. I can't remember the year, but yeah. My brother.

15 Q. Did he die after you were evicted from the house?

16 A. No, he died before then.

17 Q. You think it was before?

18 A. It was before.

19 Q. Clarence Hardy, the nephew?

20 A. Oh, Lord. Yes.

21 Q. Do you remember when Clarence Hardy, the nephew,
22 died?

23 A. Yes. We found him in the house dead.

24 Q. What were you doing before he died?

25 A. He was staying in the house with me at the house.

1 He died before Thanksgiving. I hadn't seen him. I went down
2 there, and he was dead.

3 Q. What things were you doing for him before you were
4 evicted from the house?

5 A. He was real sick. He's bad diabetic. His body
6 rejected the dialysis thing. He was with me. He was on
7 insulin and medicine.

8 MR. BAGHDADY: No further questions.

9 THE COURT: Cross-examination.

10 MR. WATSON: May it please The Court.

11 THE COURT: Ma'am, do you need a moment? There's
12 some water there if you want that. Cross-examination.

13 CROSS-EXAMINATION

14 BY MR. WATSON:

15 Q. Are you okay to proceed, ma'am?

16 A. Go ahead.

17 Q. You're familiar with the deed to your parents of
18 the property; right?

19 A. Yes.

20 Q. And you know that deed was done to them for \$1,
21 love and affection; is that correct?

22 A. Yes.

23 Q. That's the same way they deed the property to you
24 with five or \$1, love and affection; correct?

25 A. Yes.

1 Q. No restrictions on your use on the property on the
2 deed; right?

3 A. Stay in the family, immediate family.

4 Q. They didn't put any writing --

5 A. They didn't write it; they just discussed it.

6 Q. To a stranger, you owned that property free and
7 clear. That's why you were able to put it up for bond for your
8 husband; correct?

9 A. I didn't say I owned it. I never said I owned it.
10 It's written in there, but I didn't think it was mine, no.

11 Q. To a total stranger or the clerk of court said that
12 deed had your name on it alone, no other family members, so you
13 were free, to the general public, to do anything you wanted
14 with it; is that correct?

15 A. They might think it, but I didn't.

16 Q. Just looking at the deed, no one would know what's
17 in your family's mind. The deed simply showed that the
18 property belonged to you; correct?

19 A. It was shown.

20 Q. That's the same way you passed along to your sister
21 Diane; is that correct?

22 A. No.

23 Q. I mean, your sister Lorine. That's the same way
24 you passed it on to your sister Lorine with some token amount
25 of love and affection; is that correct?

1 A. They said a token. I never got a token.

2 Q. That's what the deed recited. That it was some
3 nominal amount and love and affection; is that correct?

4 A. Like I said, that page has one place for me to
5 check that was blank. They filled that in.

6 Q. There were two deeds done transferring the property
7 to Lorine as you indicated; right?

8 A. Yes.

9 Q. The first one was done, notarized by Pastor
10 Burgess? Who drew up that deed?

11 A. They draw it up.

12 Q. Who?

13 A. Mom and Dad.

14 Q. Your parents drew it up?

15 A. Yes.

16 Q. The one they did to you. I'm talking about when
17 you did the deed to Lorine, you first did one through Pastor
18 Burgess notarized?

19 A. Right.

20 Q. What happened to that deed?

21 A. I have no idea. All I could tell you, she was
22 going to take it to the courthouse.

23 Q. You signed it freely and voluntarily with no
24 restrictions on it; is that correct?

25 A. Yeah. Talked about it. Nothing written.

1 Q. Nothing written on there. Nothing notifying the
2 public if anybody else had an interest in this property; is
3 that right?

4 A. If we know we had to write it, we would've wrote
5 it. That's right.

6 Q. The second one was done by Attorney Cheek; is that
7 correct?

8 A. I don't know why his name is on it.

9 Q. You didn't sign the deed that Attorney Cheek
10 notarized?

11 A. When I signed that piece of paper, it was a check
12 for me to sign, and I signed my name. All that rest of the
13 stuff was not there.

14 Q. There were two witnesses there?

15 A. No.

16 Q. Attorney Cheek was there?

17 A. No.

18 Q. Attorney Cheek was not there when you signed it?

19 A. Nobody was there.

20 Q. Tell me how that went, how it occurred. How did
21 you sign a check and deed? You admit that's your signature?

22 A. That's my signature. She brought that paper in.
23 She said somebody was waiting on her. Okay. It was a man out
24 there. She said we're going up to the house to get Mom and
25 Daddy's name on it, too. And that was it. We was already on

1 the outs. We was already not speaking to each other.

2 Q. Take a look at this deed which is Plaintiff's
3 Number 3. Is that your signature on that deed?

4 A. Yeah, that's my signature right there.

5 Q. It's written, underlined perfectly. No mistakes?

6 A. You see where the check is, that's what I signed.
7 She told me where to sign.

8 Q. When you put the property up for the bond and the
9 family decided to take the property from you, why did y'all not
10 do anything to prevent another person from being able to do the
11 same thing? If you put it in Lorine's name, she was free to do
12 anything she wanted with it as well?

13 A. On the deed it might say. We discussed it when we
14 put it into her name, too. I know I did wrong.

15 Q. You discussed. Never would put anything in writing
16 to notify the public that this property did not belong to
17 Lorine?

18 A. Most of the time your word was your bond.

19 Q. You talked about some contributions you made to the
20 property as far as repairs and stuff. That's all while you
21 were there living in the property before the eviction; right?

22 A. Yes.

23 Q. You made no contribution since the eviction?

24 A. I was told not to go to the property. They was
25 going to put me in jail.

1 Q. You could've made contribution to taxes, couldn't
2 you? You could've send her money for taxes; right? You
3 haven't done that or anything, have you?

4 A. No, 'cause she ain't asked.

5 Q. Nobody in the family helped her to pay the taxes?

6 A. I have no idea. I didn't ask everybody that
7 question.

8 Q. Are you familiar with what a trust is?

9 A. Yes.

10 Q. Could not somebody have transferred, say we put the
11 property -- deed this property to Lorine in trust? That simple
12 word would've secured everything. Did you ever use the word
13 trust, did you?

14 A. We never did. Mom and Dad never used that word,
15 trust. Your word was your bond.

16 Q. When you went to the magistrate for the eviction,
17 did you tell the magistrate you had an ownership interest in
18 that property?

19 A. I told him I was one of the siblings, yes.

20 Q. He still evicted you?

21 A. Yep.

22 Q. Yes?

23 A. Yes.

24 Q. He evicted you based on that rental agreement that
25 you signed?

1 You signed a rental agreement; correct?

2 A. Yes.

3 Q. He evicted you based on that rental agreement?

4 A. What was the agreement? I paid her.

5 Q. Let me show you what's marked as Defendant's
6 Exhibit Number 5. Is this the rental agreement between you and
7 Lorine?

8 A. Yes, this is it.

9 MR. WATSON: I'd like to have this moved into
10 evidence as Defendant's Number 2.

11 THE COURT: Number 2 or 5?

12 MR. BAGHDADY: What was her answer to the question?
13 I couldn't hear it.

14 THE WITNESS: I said I've seen the paper. That's
15 my signature on it.

16 BY MR. WATSON:

17 Q. You're saying this is your signature. You signed
18 this paper?

19 A. Yeah, that's the paper. That's one she didn't know
20 about.

21 THE COURT: She said she signed it.

22 It's marked for identification as number 5 or
23 number 2?

24 MR. WATSON: Defendant's Number 5.

25 THE COURT: Second exhibit in is marked as number

1 5.

2 Any objection to that?

3 MR. BAGHDADY: No, she's identified it.

4 THE COURT: Thank you. In without objection.

5 (DFT. EXH. 5, Rental contract, was entered into
6 evidence.)

7 BY MR. WATSON:

8 Q. Under agreement, it calls for you to remove all
9 belongings from the property by 11-1-2016. You did that?

10 A. I didn't do a lot of that on there 'cause I was
11 sick with asthma. I couldn't move anything. I asked somebody
12 to get this stuff. It wasn't just me that had stuff on the
13 property.

14 Q. You attempted to move?

15 A. I tried to get everything moved, yes.

16 Q. You complied with what the agreement was; correct?

17 A. Okay.

18 MR. WATSON: I have nothing further.

19 THE COURT: Any redirect?

20 MR. BAGHDADY: Just a couple.

21 REDIRECT EXAMINATION

22 BY MR. BAGHDADY:

23 Q. Defendant's Exhibit 5 that's been introduced
24 because it has your signature on it. Tell me, what do you
25 understand about that document?

1 A. Actually since I was sick and not in the mood for
2 her.

3 Q. I didn't understand what you said.

4 A. I was sick, wasn't in the mood for her really; she
5 and her mouth. I did what I could. I did sign the agreement,
6 paying the money for the taxes. That's about it.

7 Q. Do you remember anything else on that agreement?
8 Can you read the words on the agreement?

9 A. I agree to the rent of the property, 23 Blackstock
10 Road from November 1st, 2016 through 4-30-2017 for the sum of
11 \$300 per month. This give her time to adequately find proper
12 living quarters and also due to the approaching cold weather.
13 Remove all belongings. Remove all the rest of the automobiles
14 from the property, all yard waste. Cafe building cleared out
15 of your belongings also before 1-2017.

16 Q. Did you read that document before you signed it?

17 A. Not really. Not really. All I know, she said it
18 was to help pay the taxes.

19 Q. Why did you sign it?

20 A. Because I trusted her. She needed the money for
21 her taxes. I did sign it. Like I say, when somebody is in
22 your face all the time, ask you to do something, you already
23 upset with them, you're going to do whatever.

24 Q. Did you think you were signing any of your rights
25 to the property away with that?

1 A. No.

2 Q. Does the document say you're giving up your rights
3 to the property?

4 A. No.

5 Q. You said that was one of them. Was there another
6 document that she had you sign?

7 A. The first started off, it was for rent or taxes on
8 that little paper. It was a small piece of paper.

9 Q. There was some document before this or after that?

10 A. Before this.

11 Q. What do you remember about that other one?

12 A. Rent and taxes. It had something like that on it.

13 Q. Can you describe a little bit more about what you
14 mean up in your face until you signed it?

15 A. We had been on the outs for a long time. Instead,
16 when she had been upset, she kicked the door in. So if you
17 want to know all about it, it's a lot.

18 Q. Say it again.

19 A. If you want to know the history, it's a lot. We
20 was on the outs. She had kicked my back door in for some
21 reason, 'cause I wouldn't let her in the house. She just have
22 her way. She was just hard at times. She wanted things her
23 way.

24 Q. Were you a little bit afraid of her physically?

25 A. Yes.

1 Q. Tell me why.

2 A. She bigger than I am. When you have asthma, it
3 flares up every time, yeah. She knew I was the weak one of the
4 family.

5 Q. She knew you were what?

6 A. The weakling of the family when it come to
7 fighting. I would take it and go on.

8 Q. If you were going to say who is the strongest in
9 the family, who would you say it is?

10 A. As far as doing stuff, I would say it would be me.
11 It was me at the time.

12 Q. Not in terms of doing stuff. You said you were the
13 weakling of the family. I want to get an understanding. Who
14 do you think was the strongest?

15 A. I would've said Sadie.

16 Q. Dr. Jackson.

17 MR. BAGHDADY: No further questions.

18 MR. WATSON: One question.

19 RECROSS-EXAMINATION

20 BY MR. WATSON:

21 Q. You did the things -- you indicated that Lorine was
22 stronger than you and you did things because you didn't want to
23 get into any altercation with her.

24 A. True.

25 Q. Couldn't you have just called on your other

1 siblings to help assist you?

2 A. Ain't nobody else around.

3 Q. You signed the deed over to -- both of those deeds
4 you intended to sign them over to Lorine?

5 A. No.

6 Q. But you physically did sign them because you were
7 afraid of her; is that what you're saying?

8 A. The second one, yes.

9 Q. Did you ever report her to any law enforcement or
10 anything like that?

11 A. No law enforcement.

12 Q. Did you report her to law enforcement?

13 A. No. What I said, she's my sister, even though she
14 could be a bully at times.

15 Q. This is normal sibling things, nothing
16 extraordinary? She didn't pull a knife or gun or anything like
17 that?

18 A. No, she didn't draw a knife, nothing like that.
19 She just attitude like that.

20 MR. WATSON: Nothing further.

21 MR. BAGHDADY: Nothing further.

22 THE COURT: Any objection to this witness, Diane
23 Jackson, stepping down?

24 MR. WATSON: None from the defense.

25 THE COURT: Ma'am, if they left a document with

1 you, I'll have them get it. Don't take anything with you.

2 THE WITNESS: I won't.

3 THE COURT: Thank you. You may step down.

4 Take your time.

5 (The witness exited the stand.)

6 MR. BAGHDADY: Do you want me to get the exhibit?

7 THE COURT: Sure. I was just waiting for y'all to
8 finish up. We'll break for lunch now and come back at 2:00.

9 I have a question to ask the witnesses over here
10 that have just testified. Y'all indicated that the chair is
11 low. I'll get our deputy to look at the chair while we're
12 breaking. Maybe we can raise it up.

13 Thank you all. I'll see you back at 2:00.

14 MR. BAGHDADY: I assume the courtroom will be
15 locked so we can leave our stuff here?

16 THE COURT: Yes, it will be.

17 (A luncheon recess transpired from 12:57 p.m. until
18 2:08 p.m.)

19 THE COURT: We are back on the record on the matter
20 of Annie Gary, et al., civil action 2022-CP-42-3465. Are the
21 Plaintiffs ready to continue?

22 MR. BAGHDADY: Yes.

23 THE COURT: Please do so.

24 MR. BAGHDADY: I would like to call Joey Jackson.

25 THE COURT: The potential witnesses have been

1 sequestered. If anyone is a potential witness, if you would
2 please leave. You'll be called to come back in.

3 THE CLERK: Raise your right hand.

4 JOEY RAINIER JACKSON
5 being first duly sworn, testified as follows:

6 THE COURT: Sir, if you would, state your full
7 name.

8 THE WITNESS: Joey Rainier Jackson.

9 THE COURT: This is direct examination.

10 DIRECT EXAMINATION

11 BY MR. BAGHDADY:

12 Q. Good afternoon, Mr. Jackson. Would you please tell
13 us your relationship to the parties in this case.

14 A. Nephew and son. Of the Plaintiffs or the whole
15 parties?

16 Q. You're the nephew of the siblings.

17 A. Of the siblings, correct.

18 Q. Cousin to the two that were named because their
19 parents died?

20 A. Yes.

21 Q. Son of Diane?

22 A. Diane.

23 Q. Tell me what your understanding of the way the
24 family held this property.

25 A. The term comes to me like it is to remain family

1 property. So that no one, you know, come on hard times,
2 something like that, there's always a place left for you to go
3 to if you need it. It was to remain in the family and not to
4 be sold off.

5 Q. If we were to say who owns the property, who should
6 The Court put this property in the name of, what would you say
7 the answer is?

8 A. The entire family.

9 Q. Which is?

10 A. My mother, my aunts, my uncle, and my deceased
11 uncles' children.

12 MR. BAGHDADY: Thank you. No further questions.

13 THE COURT: Cross-examination Mr. Watson.

14 CROSS-EXAMINATION

15 BY MR. WATSON:

16 Q. Were you there pending the execution of any of the
17 deeds in this case?

18 A. Could you clarify.

19 Q. Were you present for the execution of any of the
20 deeds in this case?

21 A. For the deeds?

22 Q. Yes.

23 A. Yes.

24 Q. What deed would that be?

25 A. From my mother to my aunt.

1 Q. Which aunt?

2 A. Lorine.

3 Q. Lorine?

4 A. Jackson.

5 Q. Tell me about that. Who was there and what
6 happened?

7 A. You mean like --

8 Q. At the execution.

9 A. I think for the execution, meaning that I knew it
10 was being changed place or that it was changing hands? Can you
11 be more specific.

12 Q. You were there when the parties signed the deed?

13 A. Not when they signed the deed.

14 Q. You don't have any knowledge of the execution of
15 the deed?

16 A. Not of the deed. I know that what was supposed to
17 be going on, but I did not see the deed being signed, if that's
18 what you're asking.

19 MR. WATSON: I have no questions.

20 THE COURT: Any redirect?

21 MR. BAGHDADY: No follow-up. Can we excuse the
22 witness? He has kids to pickup.

23 THE COURT: Sure. I do have one question.

24 Mr. Jackson, you live in this area?

25 THE WITNESS: Correct.

1 THE COURT: You've lived in the Inman or
2 Spartanburg County all your life?

3 THE WITNESS: Correct.

4 THE COURT: Thank you. Anything with regard to my
5 questions?

6 MR. BAGHDADY: No, ma'am.

7 THE COURT: Mr. Watson?

8 MR. WATSON: No, ma'am.

9 THE COURT: Any objection to Mr. Jackson being
10 excused?

11 MR. BAGHDADY: No.

12 MR. WATSON: No.

13 THE COURT: Thank you, sir. You may be excused.
14 Next witness.

15 MR. BAGHDADY: Sonia Pulliam, S-O-N-I-A.

16 THE CLERK: Raise your right hand.

17 SONIA PULLIAM

18 being first duly sworn, testified as follows:

19 THE COURT: Ma'am, good afternoon.

20 THE WITNESS: Good afternoon.

21 THE COURT: Make yourself comfortable. Please
22 state your full name.

23 THE WITNESS: Sonia Pulliam.

24 THE COURT: How do you spell your last name?

25 THE WITNESS: P-U-L-L-I-A-M.

1 THE COURT: Thank you. Direct examination.

2 DIRECT EXAMINATION

3 BY MR. BAGHDADY:

4 Q. Good afternoon, Ms. Pulliam. Can you tell us what
5 your relationship is to the members of the family.

6 A. I am their niece.

7 Q. When you say their niece, who is your momma?

8 A. Their sister, Annie Gary.

9 Q. What is your understanding by which the property
10 was being held?

11 A. It was for safekeeping.

12 Q. What does that mean, safekeeping?

13 A. It was because of the situation that happened. My
14 Aunt Diane had -- it was in my Aunt Diane's name first because
15 of my Grandmomma thinking she was going to be sued, so she put
16 it in Aunt Diane's name for safekeeping.

17 And Aunt Diane used it for bail or bond for her
18 husband to get out of jail. And so after he got out of jail,
19 then it was found out about by my Grandmother. That's when my
20 Aunt Lorine convinced my Grandmother that Ken might run, to
21 take it out of Diane's name so it won't be -- she wouldn't lose
22 her property.

23 My Grandmomma did that. Also felt it would be safe
24 for it to be in Aunt Lorine's name, that she would, you know,
25 keep it for the family. That was how that came about of the

1 changing of the names.

2 Q. Tell me about for the family. What does for the
3 family mean? Who are the people?

4 A. My Grandmomma said she didn't have a lot of money
5 'cause she didn't. She only had that property. And she said
6 that's one thing that she could leave her kids. And she wanted
7 it to stay in the family, to never be sold. And it is to
8 become a family home, house for any members of the family that
9 need a place to stay.

10 Q. If The Court was going to enter an order in this
11 case putting the property in the name of the family, who would
12 be the people that would be? Whose name?

13 A. It would be my aunt, the siblings of my
14 Grandmother's children.

15 Q. What about for the children that have passed?

16 A. Their children.

17 MR. BAGHDADY: No further questions.

18 THE COURT: Cross-examination, Mr. Watson.

19 CROSS-EXAMINATION

20 BY MR. WATSON:

21 Q. Do you know of any reason why the members of the
22 family were not listed on the deed?

23 A. That was -- when it was done, it was done like that
24 because Aunt Lorine -- my Grandmomma trusted my Aunt Lorine to
25 have it in her name. She told her specifically what she want

1 done and it was put in the deed, the one that was not filed in
2 court, filed at the deed's office. It was specified what she
3 wanted. My Aunt Lorine plainly said she understood what my
4 Grandmomma was asking her to do. She -- and so that was the
5 reason why it was only put in her name.

6 Q. The family had a bad experience with the property
7 being put in Diane's name; right?

8 A. It wasn't a bad experience. If you're going to
9 call it a bad experience, you can look at it that way. It was
10 just like any other family when somebody go to jail, they put
11 up bond for them to get them out or help them or something like
12 that.

13 Q. Did all of the members of the family sign for the
14 property to be put up for bond?

15 A. No, 'cause it was in Aunt Diane's name.

16 Q. She was free to do whatever she wanted?

17 A. My Grandmomma trusted for it to be safe kept, yes.

18 Q. Did y'all learn anything from that? Take
19 precaution on the property or let anyone have unfettered use?

20 A. After Grandmomma put it in Aunt Lorine's name, she
21 said it could not be put up for bond. Could not be used for
22 collateral. After all of that, for no more.

23 Q. I'm talking about the family already had a bad
24 experience when Diane was told the same thing?

25 A. Diane was really trustworthy. We really didn't

1 think about her being untrustworthy or anything like that. We
2 felt she was the right -- she took care of our Grandmother, my
3 Grandmother.

4 Q. The family learned a lesson that no matter how much
5 you trust a person --

6 A. We're learning that now. We see it now. We're
7 learning that you can't trust everybody.

8 Q. Did you not learn it when you put it in Diane's
9 name?

10 A. No. I didn't have anything to do with that.

11 Q. I'm talking about the family. Did the family not
12 learn?

13 A. They all understood what was going on.

14 Q. Did the family --

15 A. Didn't have no beef about it or nothing. No, sir,
16 it was not.

17 Q. Let me ask. Again, listen to me. What I'm asking
18 you, the family had a bad experience by Diane putting the
19 property up for bond?

20 A. The family didn't have a bad experience. It was
21 Aunt Lorine that had the bad experience with it being in Aunt
22 Diane's name. It wasn't nobody else.

23 Q. When I say bad experience, I mean the property
24 became at risk when it was put up for bond; is that correct?

25 A. If you want to put it like that, anytime you put

1 anything up for bond it becomes a risk.

2 Q. Right. Diane was free to put the property up for
3 the bond. Only her name was on the deed; right?

4 A. Right.

5 Q. So y'all didn't learn anything. Why did you not
6 take precaution then when you changed the name of the party
7 who's going to be responsible?

8 A. Because, number one, my Grandmomma trusted Aunt
9 Lorine. My Grandmomma sat there and she had it specifically
10 wrote -- stated out what she wanted and what Aunt Lorine was
11 supposed to do. When you want to say if we learned from it,
12 that's what my Grandmomma did. She changed specifically in how
13 the deed and stuff is supposed to be done.

14 Q. You said specifically written it out. Show me that
15 writing.

16 A. Ask your client.

17 Q. You said it was specifically in writing.

18 A. Yes, I was there when it was done.

19 Q. You saw a document?

20 A. I sure did.

21 Q. Does a family member have that document?

22 A. It was not filed.

23 Q. I'm just talking about the document that statement
24 was supposed to be --

25 A. It was part of that deed that she had done. It was

1 part of it. My Grandmomma specify what she want. Aunt Lorine
2 was asked, do you understand this, before it was even signed by
3 the notary.

4 Q. Again, she specified that in writing?

5 A. If I had the deed in front of me, yes, I could.

6 Q. I'll show you a copy of a deed.

7 THE COURT: What exhibit is that, Mr. Watson?

8 MR. WATSON: That's exhibit, Plaintiff's Exhibit 3.

9 THE COURT: Thank you.

10 BY MR. WATSON:

11 Q. Where does it specify that Lorine had restrictions?

12 A. Well, sir, this is not even the deed that was done
13 'cause it is not even notarized by Gary Burgess. It has
14 Mr. James Cheek. That is not even the one, sir.

15 Q. You told me that there was a deed --

16 A. Yeah, it was.

17 THE COURT: Excuse me. Pardon me. One person
18 needs to talk at a time. This very nice lady is making a
19 record. She's trying as hard as she can. Y'all are talking
20 very fast. One at a time. Question.

21 BY MR. WATSON:

22 Q. You say no restriction was put on that deed right
23 there in front of you?

24 A. Yeah, that's not even the deed that they signed.

25 Q. This is the deed that deeded the property to Lorine

1 Jackson; correct?

2 A. That's the deed she had done. That's not the deed
3 my Grandmomma had done; my Grandma and my Grandpa. No, that's
4 not.

5 Q. Who has a copy of what the restrictions were in the
6 deed in writing?

7 A. Your client has it. She's supposed to have it
8 because whenever it was signed and notarized, it was given to
9 her to go take to the deed office to file.

10 Q. You put restrictions on her and then gave
11 everything to her?

12 A. It was the way my Grandmomma worded the deed. It
13 wasn't supposed to be put up for bond, not to be used for no
14 collateral or anything like that.

15 Q. All of that was written on the deed?

16 A. Yes, it was written on the paper before he
17 notarized all of that stuff.

18 Q. Do any of you have a copy of that?

19 A. Your client got rid of it.

20 Q. My client is the Plaintiff. You would agree with
21 me --

22 MR. BAGHDADY: Objection. She's not a Plaintiff.

23 THE COURT: That would be sustained. Next
24 question.

25 BY MR. WATSON:

1 Q. So you have nothing in writing --

2 A. No.

3 Q. -- that you can produce to This Court --

4 A. No.

5 Q. -- showing what was agreed to by the family?

6 A. No.

7 MR. WATSON: I have nothing further.

8 THE COURT: Redirect.

9 REDIRECT EXAMINATION

10 BY MR. BAGHDADY:

11 Q. You testified knowledge about what was said to be
12 put on the deed with Pastor Burgess. How could you do that?
13 How do you know?

14 A. Because I was there when it was done.

15 Q. Were you in the room?

16 A. Yes, I was.

17 MR. BAGHDADY: No further questions.

18 THE COURT: Thank you. Any objection to
19 Ms. Pulliam being excused?

20 MR. WATSON: No objection.

21 MR. BAGHDADY: No objection.

22 THE COURT: Thank you. Thank you, Ms. Pulliam.
23 Watch your step.

24 (The witness exited the stand.)

25 THE COURT: Next witness, Counsel.

1 MR. BAGHDADY: I did not put them on the witness
2 list, they are here today. Bill Roberts and Bobby Rookard.

3 THE COURT: They're parties?

4 MR. BAGHDADY:

5 THE COURT: Can y'all come up.

6 (Off-the-record discussion, after which the
7 following proceedings were had.)

8 THE COURT: Apparently, the objection has been
9 withdrawn as to the parties testifying. The next witness,
10 please.

11 MR. BAGHDADY: I would like to call Bobby Rookard.

12 THE COURT: Y'all make sure, don't take the
13 precious exhibits in your briefcase. Y'all just make sure.
14 Y'all check your desk.

15 THE CLERK: Raise your right hand.

16 BOBBY LEE ROOKARD
17 being first duly sworn, testified as follows:

18 THE COURT: Sir, make yourself comfortable. If you
19 will state your full name.

20 THE WITNESS: Bobby Lee Rookard.

21 THE COURT: How do you spell Rookard?

22 THE WITNESS: R-O-O-K-A-R-D.

23 THE COURT: Thank you. Direct examination.

24 MR. BAGHDADY: Good afternoon, Mr. Rookard.

25 DIRECT EXAMINATION

1 BY MR. BAGHDADY:

2 Q. Could you tell me a little bit about your
3 relationship to the family.

4 A. John Robert Jackson is my father. He's deceased.
5 My Aunt Lorine, my Aunt Diane and my Aunt Sadie, my Uncle Bill
6 in the back.

7 Q. Which of the siblings passed that was your parent?

8 A. John Robert.

9 Q. What was your understanding how the property was to
10 be held?

11 A. From what I witnessed, nobody has said this. There
12 were actually three houses on this property at one time. There
13 was the family house, which was my grandparents'.

14 Then Diane stayed in the house on the right.

15 And there was another house on the left that was
16 like a house made out of concrete, right. So my Uncle Edward
17 came home one time, didn't have a place to stay. He stayed in
18 that house.

19 My mom and my father fell on hard times, we had to
20 end up moving in that same house. Eventually that house was
21 knocked down.

22 So I was always under the understanding that, since
23 they owned the property, it was the family's place.

24 Grandmother always told me I never had to worry about a place
25 to live. As long as she had breath in her body, I would have a

1 place to stay. That's my understanding.

2 Q. What was your understanding of who is entitled now
3 that your grandmother has passed? Who's entitled to own the
4 property?

5 A. I think it should be the heirs and the people
6 that's left in the family.

7 Q. Who would that be?

8 A. That would be her kids and her grand kids and, of
9 course, my father's not here. It would be me and Edward's kids
10 who are not present today. It would be those folks. That
11 would be my understanding.

12 Q. Can you name them all?

13 A. As far as I know, yeah.

14 Q. All right. If you want to see The Court do what
15 you believe was your grandmother's intention, who would hold
16 the title to the property?

17 A. I think it should go to the family. I also like to
18 add there are no winners here today regardless of what the
19 verdict may say. Because whoever loses this case, the other
20 one is going to die of a broken heart. That hurts me because I
21 have to see them and deal with them for the rest of their
22 lives, feeling one way or the other.

23 At the end of the day we're grandmother's kids. At
24 the end of the day, we're all Jacksons. And that part is what
25 hurt the most, to see them divided.

1 Because if I could ask any one of them a question,
2 it would be the same thing. Grandmother and Grandpa John would
3 not be happy at what's going on. Because family is all about
4 unity. That's what she always taught us, how to stick
5 together. Every meal we ate, we ate together. Every prayer,
6 we prayed together. None of that is going on now. There are
7 no winners today.

8 Q. What is your profession?

9 A. I'm a pastor.

10 Q. Where do you preach?

11 A. Prayer House of God.

12 MR. BAGHDADY: Thank you, sir. No further
13 questions.

14 THE COURT: Cross-examination.

15 MR. WATSON: May it please The Court.

16 CROSS-EXAMINATION

17 BY MR. WATSON:

18 Q. Pastor?

19 A. Yes, sir.

20 Q. The family had a bad experience by putting the
21 property in Diane's name when she put it up for bond; is that
22 correct?

23 A. That's correct.

24 Q. Did the bad experience -- when they put it in
25 Diane's name alone, which left her free to do anything with it

1 until she put her up for a bond?

2 A. From what I understand.

3 Q. Why did the family not -- when they decided to take
4 it out of Diane's name, if they intended it to belong to the
5 whole family, put everybody's name on it or say in trust for
6 the family? Something as simple as that. Why was that not
7 done?

8 A. The only thing I can say about it, apparently they
9 did it on a trust level. Because there was no family gathering
10 from my understanding to even consider Aunt Diane using it for
11 a bail bond. In all likelihood, if there had been a family
12 gathering, like we come together as a family and talk about
13 that, then we know that decision would not have been made. It
14 wouldn't have been left up to one person because more people
15 would be able to give their input. Particularly myself.
16 There's no way I would've went for that.

17 However, there was no meeting with the family to
18 know that even happened. So when you just trust one person to
19 do it, that's what happened. The same thing here now; we trust
20 one person to do it, everybody else is left out. That's not
21 family.

22 Q. You didn't have to have trust in anybody if you
23 simply put everybody's name on it, would you? On the deed?

24 A. If we put everybody's name?

25 Q. Everybody. All the siblings' names were put on the

1 deed instead of just Lorine or just Diane, there wouldn't be a
2 problem with ownership with it?

3 A. Right. It would have to go through everybody.

4 Q. When the family put the property in Diane's name
5 and had almost lost the property or faced the possibility of
6 losing the property, why didn't they say, being that doesn't
7 happen again by giving it to one person in trust, using those
8 simple words, or listing everybody's name? None of those
9 things were done.

10 By it being put in Lorine's name alone and she'll
11 give all the reasons why she thinks she's entitled to it, the
12 family open themselves up to the property being lost to the
13 family again; isn't that right?

14 A. Mr. Watson, I think they learned from their
15 mistake. I think people make mistakes in life. I think the
16 family kind of learned from the mistake. I think that's why
17 we're here today because things wasn't done properly.

18 Do we go in -- going forward, do we learn from
19 mistakes that we've done? Do we repeat that cycle and do the
20 same thing again or do we do something different? We don't
21 want to do the same thing that we did last time, just trust one
22 person. That's why we're here.

23 Q. You didn't trust one person just once. You're
24 telling me you trust one person twice. Even after the mistake,
25 you did it again?

1 A. No, we did not.

2 Q. The property was deeded Lorine alone. No in trust
3 or no other family members on the deed.

4 A. I didn't know anything about that. I'm sure that
5 half the family that testified didn't know anything about that.

6 Q. This thing about the family getting together and
7 the family said this, were there ever any family meetings that
8 happened?

9 A. I've never been to one. I've never been to one on
10 that level.

11 MR. WATSON: Thank you. Nothing further.

12 THE COURT: Any redirect, Counsel?

13 MR. BAGHDADY: No, ma'am.

14 THE COURT: Any objection? This gentleman is a
15 party. He's welcome to stay or leave. Thank you, sir. Watch
16 your step.

17 (The witness exited the stand.)

18 MR. BAGHDADY: Ready to call the next witness.

19 THE COURT: Yes.

20 MR. BAGHDADY: Mr. Bill Jackson.

21 THE COURT: Sir, please come forward.

22 THE CLERK: Raise your right hand.

23 WILLIAM ODELL JACKSON

24 being first duly sworn, testified as follows:

25 THE COURT: Sir, make yourself comfortable. State

1 your full name for the record.

2 THE WITNESS: William Odell Jackson, Sr.

3 THE COURT: Direct examination.

4 MR. BAGHDADY: Good afternoon, Mr. Jackson.

5 DIRECT EXAMINATION

6 BY MR. BAGHDADY:

7 Q. Would you tell us what your relationship is to the
8 members of the family.

9 A. Sister Lorine, sister Diane, sister Sadie.

10 Q. And?

11 A. Sister Gary. Brother John Robert, and brother
12 Elwood.

13 Q. Who are the kids of your two deceased siblings?

14 A. Bobby, Renee, and I can't remember my nephew's
15 name.

16 Q. Eric?

17 A. Eric.

18 Q. Can you tell us what's your understanding of how
19 the property was held.

20 A. Well, to my understanding from Momma, the property
21 stayed in the family between her siblings. And then whatever
22 happened from there goes down to the other siblings and stuff.

23 But since you brought that up, I get off from work,
24 go by my Momma sometime. She's sitting there crying. I asked
25 her what was wrong. She said: Lorine won't sign my property

1 back over to me. It come out of her mouth. She said: God
2 will take care of it. She sit there crying. That really did
3 hurt.

4 Couple times I went by there she said that.
5 Straight out of her mouth. I wish y'all would've been there to
6 hear her.

7 Q. What's your understanding of how the property
8 should be held? Who should hold it today?

9 A. All of us. It should be Annie Gary. Sadie.
10 Lorine. Diane. Me, which is Bill. The ones that's living
11 right now. If you want me to announce the ones that's done
12 passed, it would be Elwood, John Roberts.

13 Q. Who should take their share since they passed?

14 A. They siblings. Bobby, Renee, and Eric.

15 Q. You mean their children?

16 A. Yes, sir, their children.

17 Q. You said siblings. You meant their children.

18 MR. BAGHDADY: No further questions.

19 THE COURT: Mr. Watson, cross-examination, sir.

20 CROSS-EXAMINATION

21 BY MR. WATSON:

22 Q. You made a statement that your mom said that she
23 was sad because Lorine won't sign the property back over to
24 her?

25 A. Yes, sir.

1 Q. That acknowledges the property went to Lorine;
2 correct?

3 A. No, sir.

4 Q. Lorine had miracle possession of the property with
5 no constraints? Your mother wanted it signed back over to her,
6 according to your testimony. She wouldn't do that; correct?

7 A. Correct, sir. But the property was put in her name
8 to hold it, keep from being sued. She asked her to sign it
9 back over. She said no.

10 Q. It went to Diane before it went to Lorine. Did she
11 ask Diane to sign it back over to her?

12 A. I didn't know that much about that until that
13 happened. And why it was took out of Diane's name, she came
14 from up north 'cause she found out my sister Diane was married
15 to a white man, put the house up for bail. She done all that
16 stuff, if you want to get really nasty about stuff. And want
17 to know the facts. That's why that happened.

18 I'll put my hand on the Bible again and I followed,
19 sit right here and sit with me. That's the truth.

20 Q. You realize that Diane put the property up?

21 A. To get her husband out.

22 Q. And she wanted the property out of Diane's name, so
23 the decision was made to put it in Lorine's name?

24 A. That's what I was told when it came down to it. I
25 was told about that part when they put it in Lorine's name. I

1 didn't know nothing about it. I was told about it.

2 Q. I'm going to ask you what I just asked the other
3 witness. You had a bad experience with the property being put
4 in Diane's name, not in trust, not with all the names listed
5 and Diane abused it; correct?

6 A. No.

7 Q. By putting up for the bond?

8 A. They had a problem with it. I didn't.

9 Q. You didn't have a problem putting it up for bond?

10 A. No, sir.

11 Q. She had a right to do it since the property was in
12 her name alone; right?

13 A. No, sir. She still didn't have a right to do it.

14 Q. She did it?

15 A. Yeah.

16 Q. Whoever had the property in their name has the
17 right to do what they want with the property legally; right?

18 A. No, sir. Not necessarily. It all depends on how
19 you look at it. If anybody got common sense and knows a family
20 thing, they will use common sense on that.

21 Q. Does the family have common sense to do certain
22 legal protections, have to be put in place and things done a
23 certain way? Deed it to one person. That property belongs to
24 that one person. You didn't put any restrictions on it?

25 A. I never figured she would do anything.

1 Q. It always come back to that. I have no further
2 questions.

3 THE COURT: Any redirect, Counsel?

4 MR. BAGHDADY: No redirect. Thank you.

5 THE COURT: Mr. Jackson, sir, you may step down.
6 Thank you very much.

7 (The witness exited the stand).

8 THE COURT: Anyone else?

9 MR. BAGHDADY: That's all the Plaintiff's
10 witnesses.

11 THE COURT: Have you put in all of your exhibits?

12 MR. BAGHDADY: I'm pretty sure I did.

13 I don't want you to rest and mess up. And I will
14 say the same to Mr. Watson when he ends his case.

15 MR. BAGHDADY: I marked the depositions. I don't
16 think they'll actually go in as evidence. They're only there
17 for reference for the motion in limine.

18 THE COURT: Mr. Watson, do you object? What are
19 the other ones?

20 MR. BAGHDADY: The other one is the discovery
21 produced in the case by the Defendant. I'd like to introduce
22 this.

23 THE COURT: That was part of your motion for
24 summary judgment?

25 MR. BAGHDADY: Yes.

1 MR. WATSON: No objection.

2 THE COURT: What is that?

3 MR. BAGHDADY: Exhibit Number 9.

4 THE COURT: That is the deposition.

5 MR. BAGHDADY: No, that was the discovery produced
6 by the Defendant.

7 I also marked Plaintiff's Exhibit 11, which is a
8 filed copy of the order, which I think is a matter of the
9 record. I think both depositions, 6 and 7, already filed in
10 The Court file.

11 THE COURT: Mr. Watson, any objection to those
12 coming in?

13 MR. WATSON: No objection.

14 THE COURT: Copy of which order, Mr. Baghdady?

15 MR. BAGHDADY: Copy of the order dated March 12,
16 4:32 p.m.

17 THE COURT: 2024.

18 MR. BAGHDADY: 2024, right. Order granting
19 Plaintiff's motion for sanctions for failure to appear at
20 deposition; denying Plaintiff's motion for summary judgement,
21 for deferring Plaintiff's in limine to the trial judge. I
22 think that then puts everything in that I prepared.

23 THE COURT: Plaintiff's Exhibit 1, original deed.

24 Two, deed between John and Irene to Diane.

25 Three, deed from Diane to Lorine.

1 Four, statement of Gary Burgess.

2 Five, Complaint and lis pendens.

3 Eight, pro se Answer.

4 Nine, discovery of the Defendant. What is 6 and 7?

5 MR. BAGHDADY: Six is the deposition of Sadie
6 Jackson. Seven is the deposition of Marylyn Diane Jackson. I
7 took those for the preservation of testimony because of their
8 age. Eight is the Defendant's Answer.

9 THE COURT: Pro se Answer.

10 Nine is discovery of Defendant.

11 MR. BAGHDADY: Nine is the Answer to
12 interrogatories.

13 Ten is Request to Produce. Broke it into two
14 parts.

15 11 is the order. I think 1 through 11 should all
16 be shown as in.

17 THE COURT: Mr. Watson, to be clear, Plaintiff's
18 exhibits 1 one through 11 are in.

19 MR. WATSON: Yes.

20 THE COURT: Thank you. Any motions made by the
21 Defendant now that the Plaintiffs have rested?

22 MR. BAGHDADY: I move for directed verdict -- no,
23 you can't do motion for nonsuit. Not really.

24 THE COURT: Respectfully denied, sir. Thank you.
25 Any motions, Mr. Watson?

1 MR. WATSON: I move for directed verdict based on
2 the fact that nothing they have put up showed anything that the
3 deed was conveyed to my client with no restrictions. All this
4 business about what the family wanted is fine. That's not
5 legally binding. I move for a directed verdict based on the
6 fact they failed to show there is anything other than a clear
7 deed to my client.

8 THE COURT: Yes, sir. I'm well familiar with Rule
9 50. I'm going to proceed, okay. You can renew your motion at
10 the close of your evidence as well. I'm ready to hear from
11 you.

12 MR. WATSON: I need a quick bathroom run.

13 MR. BAGHDADY: I join in the request.

14 THE COURT: We'll be at ease for ten minutes.
15 Who's going to be your first witness upon return?

16 MR. WATSON: Attorney Cheek.

17 (A recess transpired from 2:45 p.m. until 2:58
18 p.m.)

19 THE CLERK: Raise your right hand.

20 JAMES ARTHUR CHEEK
21 being first duly sworn, testified as follows:

22 THE COURT: Sir, if you would state your full name
23 for the record.

24 THE WITNESS: James Arthur Cheek.

25 THE COURT: Sir, direct examination by Mr. Watson.

1 MR. WATSON: May it please The Court.

2 DIRECT EXAMINATION

3 BY MR. WATSON:

4 Q. Mr. Cheek, I passed up to you an exhibit. I think
5 it is Plaintiff's Exhibit 3, which is a copy of a deed from --
6 a deed of the property in question to Lorine Jackson. I
7 noticed that you were a witness on that deed. Do you recall
8 the execution, the circumstances surrounding the execution of
9 that deed?

10 A. I do.

11 Q. Please tell me everything you done properly. Tell
12 me what exactly transpired.

13 MR. BAGHDADY: Objection.

14 THE COURT: What is that, sir?

15 MR. BAGHDADY: The discovery in the case does not
16 describe anything beyond the fact that he is familiar that the
17 deed was drafted and executed. It says the words are drafted
18 and executed deed of transfer. That's the only thing this
19 witness is identified to speak to.

20 THE COURT: The witness has been identified in the
21 discovery responses, correct?

22 MR. BAGHDADY: Yes.

23 THE COURT: He is not a surprise witness to you
24 today.

25 MR. BAGHDADY: He is not a surprise today.

1 THE COURT: I think his name has been mentioned on
2 numerous occasions already this morning by a number of
3 witnesses. I'm going to overrule that. Thank you. Please
4 continue, Mr. Watson.

5 BY MR. WATSON:

6 Q. First of all --

7 A. In 1980 --

8 Q. I'm sorry. Let me back up a little bit. Please
9 tell me about your relationship with this family. How long
10 have you been working with this family?

11 A. Lifetime. My mother was Myrtle Jackson Cheek. My
12 grandfather was Lemon Jackson. Anyone who knows the Jacksons
13 knows that back in the 1930s, the family originated out of
14 Laurens County, Newberry County, and other counties in that
15 area. And there's a period of time when a lot of the family
16 went to live up in Little Africa area, expanded in the northern
17 part of Spartanburg County. I've known this family all my
18 life. I've worked with them as a child. As a legal capacity
19 sometime, I guess, around 1980.

20 I became admitted to practice in 1977. Went into
21 private practice in 1981. I've had contact with this family
22 ever since I went into private practice of law.

23 Q. You've done deeds during the course of your
24 practice?

25 A. I did initially in the first part of my practice, I

1 did deeds, and it was a general practice of law. I had to
2 learn how to do a bit of everything, including deeds and other
3 documents.

4 Q. Tell me the circumstances surrounding the execution
5 of that deed that you're holding.

6 A. Circumstances would've been that between myself and
7 my typist and the young man, who's also listed here,
8 Mr. Williams, who was then working in the capacity as a
9 paralegal. He had graduated law school, but had not taken the
10 bar here in South Carolina. I knew him. He also worked with
11 me, appeared at the office, came in, needed work done, research
12 or review their document and then prepare the document in this
13 particular case.

14 I recognize all the names involved. But I probably
15 would've been approached more by Lorine Jackson to actually
16 prepare the document in this particular case.

17 Q. So your office typed up and prepared that document?

18 A. Yes. It appears that it was done by my office. I
19 know it's my signature and Mr. Williams' signature on here. I
20 have no reason to doubt one of my typists -- I used two typists
21 back then.

22 Q. You see that Diane Jackson is the transferor in
23 that deed. Was she present in your office and properly
24 executed the deed in front of two witnesses?

25 A. Yes.

1 MR. WATSON: I have nothing further.

2 THE COURT: Cross-examination.

3 CROSS-EXAMINATION

4 BY MR. BAGHDADY:

5 Q. How long have you known Lorine Jackson?

6 A. Lorine, I'm saying I'm 73 years old. I guess I've
7 known her 60 years or 55 years maybe.

8 Q. How many things have you had -- has she retained
9 your firm to do?

10 A. Lorine Jackson?

11 Q. Yes, Lorine Jackson.

12 A. I don't know. Most of the time Lorine lived out of
13 state. When you say things to do, you mean talk with other
14 people?

15 Q. Anything.

16 A. Paid to do anything?

17 Q. What I really focused on, what has she retained you
18 to do?

19 A. She only retained me to be hired to do something.

20 Q. Correct.

21 A. Asked to do something. I have a difficult time
22 telling what all I've done for that family.

23 Q. I didn't ask about the family, I asked about
24 Lorine.

25 A. Maybe once or twice, I guess.

1 Q. What else besides this deed has Lorine asked you to
2 do?

3 A. I mean, at one time we did intend to do something
4 or contract to do something one time, I guess. Not like I
5 recall. Maybe one other document.

6 Q. Where was this deed, that you're holding in your
7 hand that you put your signature on, done?

8 A. It may have been done in Maryland or Washington,
9 I'm not sure. I can't remember all of that, to be honest with
10 you. So much.

11 Q. You don't actually remember the execution of that
12 deed?

13 A. I remember signing this deed. I see my signature.
14 I see Mr. Williams' signature on there.

15 Q. You might recognize your signature. You don't have
16 any recollection of the circumstances that surrounded the
17 execution of that deed now, do you?

18 A. Could you rephrase the question.

19 Q. You don't have any recollection of the
20 circumstances that surrounded your placing your name on that
21 document, do you?

22 A. That's a double negative. Could you rephrase the
23 question.

24 Q. What do you remember about the execution of that
25 document with respect, specifically, to your signature? What

1 else do you know other than that's your signature on that
2 document?

3 A. Could you be more specific.

4 Q. Is there anything else you can remember or know
5 other than the fact that's your signature on that document?

6 A. You mean, who drafted the document? Who typed it?

7 Q. I'm not asking anything else other than your
8 signature that you remember, that you have a present
9 recollection of or that your memory has been refreshed by
10 looking at that document. Is there anything other than your
11 signature that you can remember about the execution of that
12 document?

13 A. I don't really understand your question.

14 Q. What don't you understand about it?

15 A. You said do I recall anything. Are you talking did
16 I go to the bathroom that period of time?

17 Q. Anything.

18 A. We were all in the same room at the same time?

19 Q. Anything. It's a broad question. Anything that
20 you remember about the circumstances of the execution other
21 than the fact that you can identify that's your signature on
22 that document.

23 A. I don't recall that it rained that day or anything
24 like that.

25 Q. Do you recall anything other than whether or not it

1 rained that day?

2 A. I don't recall. There was no rain or anyone else
3 in the office that day or with Marylyn Diane Jackson. Probably
4 three or four people there, if I recall, in the conference
5 room. I remember having to ask Lorine if she would step
6 outside 'cause I didn't want there to be any kind of pressure
7 or anything like that on anybody signing the document. Is that
8 what you're getting at?

9 Q. I want to know specifically what you remember about
10 the execution. Do you remember where that document was
11 executed?

12 A. My understanding, my recollection, executed in my
13 conference room. That's all I can tell you. It's kind of hard
14 for me to be specific. It was so many people. We're talking
15 about thousands of people since then.

16 Q. What year was this deed done?

17 A. Are you referring to this document here?

18 Just make sure.

19 Q. Is that your signature?

20 A. Is that the one you're questioning me about?

21 Q. Yes, absolutely.

22 A. I'll look at it to refresh my memory. It says here
23 4th of May 1989. And it was recorded that same day.

24 Q. We know that from the face of the deed. I'm asking
25 you what your recollection of where that document was executed.

1 A. I would think in Spartanburg. As far as
2 independent recollection, I don't know anything other than it
3 was done in Spartanburg.

4 Q. Then you don't know where the document was
5 executed?

6 A. When you say executed --

7 Q. Where you notarized it. That's your signature;
8 right?

9 A. I would've notarized it here in Spartanburg. I
10 don't remember going to Maryland or Washington that day.

11 Q. You don't actually remember. You're just deducting
12 that you didn't go to Maryland, you didn't go to Washington.
13 It was in Spartanburg County. More than that, you can't
14 testify to under oath, under penalties of perjury, as a member
15 of the bar and an officer of The Court.

16 A. That's how I truly live my life in all things. I
17 already answered the question once.

18 Q. What do --

19 A. I've already answered the question once.

20 Q. Spartanburg County?

21 A. My recollection. I don't remember meeting her in
22 Charlotte or the airport or anything like that, I don't recall
23 that. Although I did sometimes meet her at the airport in
24 Charlotte for things in the past, shopping and things like
25 that.

1 Q. Who is Diane Jackson?

2 A. I thought Diane was the mother or aunt of Lorine.

3 Q. Is Diane in the courtroom today or in the graveyard
4 today?

5 A. Is she in the courtroom today or in the grave
6 today?

7 Q. Yes.

8 A. If you're interested in me going to the grave to
9 look, I'll be glad to do that. Other than --

10 Q. I'm not asking you to go to the grave. Is she in
11 the courtroom today?

12 A. I don't know.

13 Q. You don't know what Diane Jackson looks like?

14 A. I knew what she looked like then. Talking about 30
15 years ago.

16 Q. Yes.

17 A. Very few people look like they looked 30 years ago.
18 I know I don't.

19 Q. You could not pick her out in this courtroom?

20 A. I could try, if I were not vision impaired. You
21 are aware that I had issues with my eye, surgeries. The reason
22 I had to ease my way in here, take my seat is because I have
23 vision issues. You can give me a moment to walk around.

24 Q. Please do walk around.

25 A. Do you mind helping me?

1 THE DEPUTY: Absolutely.

2 MR. BAGHDADY: Is it all right to have him look for
3 the witness?

4 THE COURT: Sure, if he agrees to do it.

5 THE WITNESS: I'll look at each of the people in
6 the courtroom.

7 MR. BAGHDADY: If anyone is wearing a mask in here,
8 please remove it.

9 THE WITNESS: Well, I'm assuming one of these two
10 women. They look so much alike. The older looking woman,
11 perhaps with the glasses. I'm not sure. I'm not confident.

12 MR. BAGHDADY: Thank you.

13 Let the record reflect that's Sadie Jackson he
14 pointed out, not Diane Jackson.

15 THE WITNESS: I said perhaps.

16 THE COURT: I think he said it was either of them.
17 I'm not sure. I could barely hear. Maybe Mr. Watson can
18 clarify that.

19 MR. BAGHDADY: What did he say?

20 THE COURT: Just let him say what he said.

21 MR. BAGHDADY: Say what you said.

22 THE WITNESS: I said perhaps the lady in the
23 glasses. I wasn't sure. Talking about 30 years ago.

24 MR. BAGHDADY: Let the record reflect he's pointing
25 to Sadie Jackson.

1 THE WITNESS: Perhaps this lady here. I wasn't
2 sure. I've seen her before a thousand times.

3 BY MR. BAGHDADY:

4 Q. What conversation did you have with Diane Jackson
5 as a notary when you notarized her signature?

6 A. Is this your signature? You just sign there.

7 Q. Anything else?

8 A. I would not ask them -- maybe sense there might be
9 use of drugs or alcohol or coercion. I wouldn't have asked
10 them anything other than that.

11 Q. Do you remember that as a specific memory, or is
12 that something you do as a matter of course?

13 A. As a matter of course. I think I'm required to ask
14 if you're going to be a notary, to witness to something.

15 Q. What else can you tell me about the execution? Who
16 else was in the room when it was executed?

17 A. I recall Rudy Williams being there.

18 Q. Who?

19 A. I recall one other person, for some reason, other
20 than Lorine who drove there that day.

21 Q. Who is the person you identified, the witness?

22 A. Rudy Williams.

23 Q. That's the witness?

24 A. Yes, sir.

25 Q. The two signatures other than Diane's that appear

1 on that deed are yours and Rudy Williams?

2 A. Yes.

3 Q. Rudy Williams was the law clerk that you had
4 employed or working on a contract basis?

5 A. On a contract basis.

6 Q. Where was your office in 1989?

7 A. Counselor, let me see.

8 I'm thinking near Wofford College campus. I'm not
9 certain.

10 Q. Do you have any recollection in 1989 where it was,
11 its address, what building it was in, what it was near?

12 A. I know I moved around that period of time. My
13 first office was, for a few years, was off of Kennedy Street.
14 I moved to Wofford College campus sometime after that. I moved
15 to Church Street. I'm assuming it would've been most probably
16 also -- in that period of time, I think it was Harris Place.
17 I'm not sure. I think it was Harris Place, I think then.

18 Q. Can you walk me through where your offices have
19 been since 1985. I know this is an '89 deed. Starting from
20 '85 forward, walk me where your offices have been.

21 A. On which particular date are you interested in?

22 Q. The succession.

23 A. I'm thinking I may have been at Harris Place in
24 '89, which is an old house down behind city hall.

25 Then I went over to Wofford College campus. I may

1 have been Wofford before then.

2 You have to forgive me. I try not to let people
3 know this but I am aging. I think it was probably on Harris
4 Place where this happened.

5 Q. Walk me forward from Harris Place. Where was your
6 next office?

7 A. When I left Harris Place, I'm almost certain 20
8 years ago it would've been in the Public Defender's Office. I
9 kept the house at Harris Place. I kept a lease there for a
10 couple years. Some of my relatives were staying there. I
11 could keep my things there until I moved out completely.

12 Q. Once you moved to the Public Defender's Office, did
13 you stay at the Public Defender's Office?

14 A. You mean live there?

15 Q. No. Continued to work there. Did you leave the
16 private practice and go to work for the Public Defender's
17 Office?

18 A. No, I did some private work while at the Public
19 Defender's Office.

20 Q. Did you still have an office while you were
21 continuing to do work at the Public Defender's Office for
22 private practice?

23 A. I did private work. I was off of 06 and Evans
24 also. I just don't remember. I apologize.

25 THE COURT: Counsel, what's the relevance after

1 1989?

2 MR. BAGHDADY: The relevance is to show that the
3 witness doesn't have a recollection even where his office is.
4 That casts into doubt the credibility of his testimony that he
5 remembers where this deed was executed in accordance with the
6 testimony.

7 THE COURT: That's the big problem in the case.
8 The deed was transferred in 1989, same year that I graduated
9 from law school. And somehow it is being contested now.
10 Correct?

11 MR. BAGHDADY: Of course it's being contested now.

12 THE COURT: Again, what's the relevance of this?

13 MR. BAGHDADY: The relevance is he cannot remember
14 to testify --

15 THE COURT: Yes, sir. And you've asked the same
16 question about five times. Can you move on.

17 MR. BAGHDADY: Sure.

18 No further questions.

19 THE COURT: Any redirect?

20 MR. WATSON: Nothing further, Your Honor.

21 THE COURT: Any objection to this witness being
22 excused?

23 MR. BAGHDADY: No objection.

24 THE COURT: Sir, you may be excused.

25 THE WITNESS: Thank you, Your Honor.

1 (The witness exited the stand.)

2 MR. WATSON: The defense rests, Your Honor.

3 THE COURT: Anything in reply?

4 MR. BAGHDADY: That's the only witness.

5 THE COURT: Sir, you said you rested?

6 MR. WATSON: Yes.

7 THE COURT: Anything in reply?

8 MR. BAGHDADY: I'll call Diane in reply.

9 THE COURT: Yes, ma'am. Please come back up. Take
10 your time.

11 Yes, ma'am. You are still under oath. And you are
12 Marylyn Diane Jackson; correct?

13 THE WITNESS: Yes.

14 THE COURT: Redirect. Or reply direct exam.

15 DIRECT EXAMINATION

16 BY MR. BAGHDADY:

17 Q. I'm handing you what's been marked in evidence as
18 Plaintiff's Exhibit 3. Do you remember that document?

19 A. I remember it, yes.

20 Q. Where was that document signed?

21 A. In my house. 23 Blackstock Road.

22 Q. Was there anyone present?

23 A. Just her, Lorine, and the guy outside. And Joe, my
24 son.

25 Q. Was the notary there?

1 A. No.

2 Q. The notary being Mr. Cheek. Was he there?

3 A. No.

4 Q. Were you ever in Mr. Cheek's office anywhere?

5 A. No.

6 MR. BAGHDADY: No further questions.

7 THE COURT: Any cross?

8 MR. WATSON: I have nothing further.

9 THE COURT: Thank you, ma'am. Watch your step,
10 please.

11 (The witness exited the stand.)

12 THE COURT: Anything else in reply?

13 MR. BAGHDADY: Nothing further.

14 THE COURT: Mr. Watson, I meant to ask you, are all
15 of your proposed exhibits in?

16 MR. WATSON: I believe they are. The only thing
17 that's not in is the tax payments, the two years that were
18 represented at the time of the tax she was paying.

19 THE COURT: Any objection to the tax records coming
20 in? Everybody has talked about the tax records. It's just
21 obvious that, if the taxes had not been paid, the property
22 would no longer be in the name of any of the heirs.

23 MR. BAGHDADY: I'm not sure what the probative
24 value of putting the taxes in, the amount of taxes, so I would
25 object.

1 THE COURT: I will not allow the tax records, the
2 tax records in. But the testimony is uncontradicted that the
3 taxes were paid by the Defendant. Possibly with funds from
4 rent. But paid by the Defendant since 1989. Do y'all agree to
5 that?

6 MR. WATSON: (Moves head up and down.)

7 MR. BAGHDADY: (Moves head up and down.)

8 THE COURT: They're saying yes.

9 Is there anything else before I allow y'all to make
10 your closings?

11 THE COURT REPORTER: There are other exhibits. I
12 only have three and five here.

13 MR. WATSON: Some of my exhibits were the same as
14 his.

15 THE COURT: Closing arguments.

16 MR. BAGHDADY: Sure.

17 THE COURT: Y'all come up here for just one minute
18 before y'all start that. If y'all need to take a break to make
19 a note, I have some questions that have not been answered in
20 the testimony.

21 (Off-the-record discussion, after which the
22 following proceedings were had.)

23 THE COURT: Counsel, do y'all need a minute to get
24 your thoughts together, talk to your folks?

25 MR. BAGHDADY: I'm ready.

1 THE COURT: I'm happy to -- closing will be just
2 like closing. Since both of you have presented evidence in the
3 case, Plaintiffs will close first. Defendant second.
4 Plaintiffs would be allowed to reply to anything new only, if
5 you want to. You're not required to. Yes, sir.

6 MR. BAGHDADY: I think what the evidence shows in
7 this case is very clear. As you can tell by my passionate
8 arguments on behalf of my clients, I think it's very clear this
9 property was transferred for the family and for the benefit of
10 the family.

11 And that the person who was taking care of everyone
12 in the family and who was staying at the property for the
13 family was Diane. This was consistent with the mother's
14 testimony. It is consistent that the property was transferred
15 in trust for the benefit of others. That's what equitable
16 title is. For the benefit of. This is a case of equitable
17 title, not legal title.

18 What's particularly interesting in this case is how
19 long it is. We're dealing with a 1989 deed. The problem with
20 this deed is multiple; first of all, there is testimony that
21 the notary was not present when the deed was executed by the
22 Plaintiff's side. There is a contest in the testimony.

23 It's unequivocal. Especially what's unequivocal
24 and very credible is Dr. Burgess' testimony that a deed was
25 executed by everyone with the terms of the trust. That's

1 disappeared.

2 Then another deed showed up to be signed with a
3 single check mark is the Plaintiff's testimony. To oppose
4 that, the only testimony is from Mr. Cheek.

5 I would point out in the Defendant's discovery
6 response they put Cheeks with an S. Mr. Cheek has no
7 recollection of what actually happened, how this deed was
8 executed. All he can really testify to and frankly did testify
9 to was the course and procedure that deeds are executed.

10 You have the very clear and convincing testimony of
11 all the Defendants, including the one, the nonparty witness who
12 was present, testified she was in the room; very clearly
13 placing this property in trust.

14 There was no payment by Lorine to anyone for the
15 fair market value of the property. That's a classic case for
16 which resulting trusts exist when there's no money transferred.
17 That's a very good indicator that what you're dealing with is
18 equitable title, not real legal title here.

19 You have a recorded deed, which should be stricken.
20 It should be stricken because it was not notarized in the
21 presence of the witness by the notary. So, therefore, that
22 deed doesn't belong in the record title.

23 You say, well, 1989 is a long time ago. Two
24 things. First of all, the affirmative defenses for time
25 should've been pled. There are affirmative defenses both as to

1 statute of limitations and as to latches. In this case since
2 it's a case arising equitable, latches applies. Latches looks
3 to what the limitations period does.

4 In this case, there's fraudulent tolling. Fraud
5 tolls any time, any statutory time. Therefore, we argue
6 strenuously that The Court should not look at the 1989 date.

7 How come you're not, until 2023, bringing a claim?

8 Well, the reason for that, it wasn't discovered
9 that this fraudulent deed, that wasn't executed. The real deed
10 was Dr. Burgess' deed. Uncontroverted. Lorine was present at
11 that deed. She didn't testify against it.

12 When does it get discovered? I think The Court
13 probably can look to the record below in the magistrate's
14 court. What happened in magistrate's court, Lorine brought an
15 action to evict Diane. That's when the whole family found out
16 something is amiss. Something is wrong. That's when they
17 discovered there was a deed.

18 That shortly thereafter, once that process went
19 through and they lost, they said, hey, this is family property,
20 the magistrate has no jurisdiction on matters of interest of
21 real property. It's a question of subject matter jurisdiction.
22 The magistrate does not have subject matter jurisdiction. The
23 law is clear. Subject matter jurisdiction can be raised at any
24 time, even for the first time on appeal.

25 They discovered the fraud in 2023. They promptly

1 brought an action to set aside the fraudulent deed and to have
2 This Court rule in favor of a trust, a constructive trust,
3 which is by equity and justice and right to the members of the
4 family. Not for the exclusive use of Lorine.

5 There's some discussion in this case about rents.
6 What does rents mean? Rent doesn't really mean too much.
7 Doesn't change. There's no reason a person can't pay rent and
8 own property. If a property is owned by several people as
9 tenants-in-common, the group can agree one person will have
10 possession, pay the others shares -- the other party for
11 possession. That's not outcome determinative. That's not
12 dispositive. It's simply interesting.

13 They're calling it rent. What the rents were for
14 is to pay the taxes. Everyone knew the taxes had not been paid
15 on the property. The person who was paying the taxes by
16 agreement was Diane. She was there staying and using it. It's
17 only fair, just and right.

18 If, in reality, this really was a rental
19 agreement -- and it is most definitely not. It's simply
20 captioned rental agreement. It's really just a way of paying
21 taxes by the person in possession. Reason that we know that
22 it's not a rental agreement, nothing has been introduced into
23 evidence or even sought to be introduced into evidence showing
24 Schedule E tax returns filed in South Carolina. As a matter of
25 law, if you have a rental property in South Carolina, you must

1 file a resident -- nonresident tax return showing the rents.
2 None has been produced.

3 It would be extraordinary to ask, to conclude that
4 this deal was actually rental of a property she owned when
5 there's no supporting evidence in connection with the South
6 Carolina law that requires nonresidents -- she testified. We
7 know she's a Maryland resident.

8 No indication, even if she was not a resident, she
9 hasn't produced a single tax return showing she filed Schedule
10 E rental income in South Carolina or under federal law.

11 The whole position that she's trying to conclude
12 and say, well, there is rent and that she's just a mere tenant,
13 that somehow estops or creates a problem for my client, that
14 should not be considered and should not be held to apply.

15 Ultimately, what should we do? We believe, the
16 Plaintiffs are praying what The Court will do is to put the
17 property in accordance with everyone's understanding, including
18 Pastor Burgess, keep it in the family.

19 Well, so here we got an ambiguous term. What does
20 keep it in the family mean? Well, it is undisputed by everyone
21 who's testified today that keeping it in the family means it is
22 in the ownership of each of the siblings and their children by
23 representation for the deceased siblings. That's what The
24 Court should do.

25 The Court should not allow this fraud to stand.

1 This deed that Diane Jackson testifies was not executed with a
2 witness or notary.

3 And that what should stand is the deed that was
4 executed by everyone that Dr. Burgess notarized that was
5 according to uncontradicted testimony today was put in the
6 hands of Lorine. She's the one that had that deed. That deed
7 didn't get recorded. Strange. We should not be supporting
8 this fraud. Anyway, that is the Plaintiffs' position.

9 THE COURT: Mr. Watson.

10 MR. WATSON: May it please The Court.

11 THE COURT: Yes, sir.

12 MR. WATSON: What we have here is a clear case of
13 property being transferred in a family for various reasons.
14 The fact they're making -- upon the fact that the property was
15 transferred for \$1 or \$10 or \$5, ironically, that's the way the
16 progenesis of Irene Jackson -- that's the way they got the
17 property. In fact, there were rumors in the family maybe the
18 property wasn't theirs at all.

19 The property has been transferred in this family
20 just like that \$1 and love and affection. That's how my
21 client's parents got the property. That's how they thought to
22 keep the property in the family.

23 We're talking about in the family. Dr. Burgess
24 specifically stated that any member of the family having the
25 property would keep the property in the family.

1 That's why, when they put it in the name of Lorine
2 Jackson, it was in the family.

3 What's most telling is that the mom said: She
4 won't give it back. She won't give it back. The mom knew it
5 was hers. She said: She won't give it back.

6 What's a clearer indication that the mom knew that
7 the property was hers? Why didn't they take some action to get
8 the property back if they thought the property was fraudulently
9 taken? There's no fraud proven in this case.

10 Again, the magistrate -- I've done many magistrate
11 court cases. Anytime you go to magistrate, you say to the
12 magistrate, I have an interest in this property, the magistrate
13 says: Go to another court. I don't have any jurisdiction over
14 this, I can't evict you.

15 That was never told to the magistrate. The
16 magistrate would not have proceeded with the eviction. There's
17 no proven fraud.

18 We had a member of the bar who recall Diane coming
19 to his office. He recalled he executed the deed. He can't
20 remember all the details. I'm his age. I can tell you I
21 wouldn't be able to remember anything that long ago myself.
22 All I know is what I do in the course of business. And he
23 explained that's what he did. He had the proper witnesses, him
24 and another member not of the bar, certainly graduated from law
25 school.

1 Again, I think the property was transferred to my
2 client, who then maybe have transferor's remorse. It was a
3 legal transfer and transfer should stay.

4 THE COURT: Thank you. Anything else?

5 MR. BAGHDADY: Just one. The surprise comment by
6 one of the witnesses recalling in the courtroom that mother
7 regretted giving it to Lorine is merely an example and
8 suggestion of regret. She felt sorry what she's done. Nowhere
9 is there evidence outlined there was actually such a violation
10 of the terms of the agreement that litigation would've been
11 necessary. I don't think that in and of itself should be given
12 any weight to the time in which this litigation commenced.

13 THE COURT: You're referring to the testimony of
14 the Plaintiff William Bill Odell Jackson that commenced at 2:34
15 p.m.

16 Anything else?

17 MR. WATSON: Nothing further.

18 THE COURT: I do appreciate the testimony of
19 Mr. Reverend Rookard when he said that there was more than one
20 structure on this property because, in the Complaint, in one of
21 the first paragraphs of the Complaint, paragraph 3, it says the
22 property described as 23, 25A and 25B Blackstock Road in Inman.
23 And deeds unfortunately don't normally give you a street
24 address; they give you a property description and so on and so
25 forth.

1 I asked Counsel this at sidebar. What is still
2 there? Because I'm sure the witnesses said it clearly, but I
3 don't think I heard it. What is still on the property right
4 now and is it taxed as one piece of property with three
5 addresses?

6 I want you to ask your clients. I'm not making
7 you-all witnesses. I just want you to be the conduit that they
8 supply that information to me.

9 Are there photographs of the property somewhere?
10 Y'all don't want me to go view it, do you?

11 MS. SADIE JACKSON: You can.

12 THE COURT: I've been asked to do that several
13 times in the past in other cases.

14 MR. BAGHDADY: If you want to do a site view, one
15 of the Plaintiffs said it's not the kind of property you go to
16 unless you know people there.

17 (A pause transpired).

18 MR. WATSON: My client says three buildings still
19 on the property.

20 MS. LORINE JACKSON: One has been torn down.

21 THE COURT: Three structures are on the property.
22 Are all three habitable?

23 MS. LORINE JACKSON: No, none of them.

24 MS. SADIE JACKSON: They don't live in anything.

25 THE COURT: Just through your lawyers, please.

1 (A pause transpired.)

2 MR. BAGHDADY: My client says none of the three are
3 habitable at this point.

4 MR. WATSON: My client agrees they're not habitable
5 at this moment.

6 THE COURT: No one is residing there currently?

7 MR. WATSON: No one is residing there now.

8 THE COURT: In any of the three?

9 MR. WATSON: In any of the three.

10 MR. BAGHDADY: Except homeless people.

11 THE COURT: Is this considered to be Little Africa?

12 MS. SADIE JACKSON: No, this is Inman. In the city
13 limit.

14 THE COURT: Has the property been condemned?

15 MR. BAGHDADY: We have some pictures. I don't know
16 if Counsel wants to show The Court.

17 THE COURT: I don't object to photographs being
18 e-mailed to my law clerk. And she can give you her e-mail
19 address. I'll print those, if y'all don't object to me having
20 a photograph or two of the family home place.

21 MR. BAGHDADY: I'm not sure my clients have the
22 technological tenacity.

23 (A pause transpired.)

24 THE COURT: Ms. Shopshire, the deputy clerk of
25 court, will bring you English's e-mail address.

1 MR. BAGHDADY: What we'll try to do is take
2 pictures from my phone, which is an Apple, from hers.

3 UNIDENTIFIED VOICE: I don't know how to send from
4 this one.

5 MR. BAGHDADY: We'll work on that. When would you
6 like it?

7 THE COURT: As soon as possible, please.

8 While the paralegal is working on that or the
9 assistant, I want everyone's attention otherwise, because I
10 think it's very important that you-all hear now what I intend
11 to do.

12 This is very difficult and emotional situation. I
13 grew up in a little town in South Carolina. And the house that
14 I grew up in had been owned by family members on both sides.
15 Built by my mother's great uncle, lived in by my father's
16 family. My grandfather died on the property putting out a fire
17 for the property next door.

18 And then during the depression, my father's family
19 continued to live there. And then my parents were very proud
20 when they were able to buy it, and I grew up in it.

21 I understand that y'all are concerned about the
22 future of the property for everyone. And I do appreciate the
23 difficulty of the situation. And I certainly further
24 appreciate your professionalism today and your courtesy to each
25 other, understanding that this is a very, very difficult

1 situation. You're not dealing with strangers. You're dealing
2 with family members, and it is just a prime opportunity for all
3 kinds of other emotions to come into the situation.

4 I'm going to ask your lawyers to draft for me a
5 proposed order. Each is going to draft their proposed outcome.
6 It doesn't have to be from Genesis, okay. I have a lot of
7 familiarity. I do appreciate the testimony. I do appreciate
8 the information y'all gave me before the hearing.

9 I think each of you have done an excellent job of
10 putting this all together, the pertinent parts and getting the
11 witnesses here. I would like for you-all to do that within ten
12 days. Is that enough time? No vacations scheduled?

13 Ten days. Those proposed orders need to be
14 e-mailed to my law clerk as Word documents. You can e-mail as
15 a PDF and a Word. If you e-mail it as a PDF, you're going to
16 get a call asking you to convert it to Word for us.

17 I will make copies of the exhibits for me. And
18 then the court reporter will retain those and put those in our
19 exhibit room here at the courthouse. They're not normally --
20 although I think most of those exhibits are already part of the
21 case file. They're not normally filed with the case file.
22 Anything else before we adjourn today?

23 MR. WATSON: Nothing further.

24 THE COURT: Thank you all very much. I do wish you
25 the very best.

1 MR. WATSON: Thank you, Your Honor.

2 (PLF. EXH. 6, Deposition Transcript of Sadie
3 Jackson, was entered into evidence.)

4 (PLF. EXH. 7, Deposition Transcript of Marylyn
5 Jackson, was entered into evidence

6 (PLF. EXH. 9, Response, was entered into evidence.)

7 (PLF. EXH. 10, Deed dated 5-4-89, was entered into
8 evidence.)

9 (PLF. EXH. 11, Denying motion, was entered into
10 evidence.)

11 (The hearing was concluded at 3:51 p.m.)

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CERTIFICATE OF REPORTER

I, Lora McDaniel, Registered Professional Reporter
and Notary Public for the State of South Carolina at Large, do
hereby certify that the foregoing transcript is a true,
accurate, and complete record.

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 this 29th day of November, 2024 at Spartanburg,
Spartanburg County, South Carolina.



Lora L. McDaniel,
Registered Professional Reporter
My Commission expires:
August 9, 2026

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285-403

Plaintiff's Exhibit 1, Deed dated December 15, 1962

Page 1.

THE STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

RECORDED
R.M.C.
1962 DEC 15 AM 10:26
SPARTANBURG CO.

Whereas, Robert Hardy, deceased, left an undivided One-half interest in and to the property described herein, and

Whereas, the four children named herein after constituting the Heirs at Law of the Deceased do now wish to convey thier interest, same being an undivided One-tenth interest, NOW

KNOW ALL MEN BY THESE PRESENTS That WE, GARRIE H. KING, JULIUS HARDY, ROSA HARDY AND GETTYS MURRAY

in the State aforesaid, in consideration of the sum of ONE DOLLAR (\$1.00)

with love and affection Dollars

to US in hand paid at and before the sealing of these presents

by IRENE HARDY JACKSON

(the receipt whereof is hereby acknowledged), have granted, bargained, sold and released, and by these presents do grant bargain, sell and release unto the said IRENE HARDY JACKSON, her
and Assigns,

All my interest in and to

all that piece, parcel or lot of land in Beech Springs Township, Spartanburg County, State of South Carolina, lying on the East side of Blackstock Road in the Town of Inman, being known and designated as Lot #15 on Plat "A" of the Simeon Cowan Lands, said plat being recorded in Plat Book 4, Page 176, R.M.C. Office for Spartanburg County, and being more fully described as follows:

BEGINNING at the corner of Lots 15 & 16 on said plat, and running along Blackstock Road N. 17-50 W. 101.8 feet; thence along the line of Lot 14 N. 85 E. 227.7 feet to an alley; thence along said alley S. 5-00 E. 100 feet; thence along the line of Lot 16 205 feet to the beginning corner, and being bounded by said Blackstock Road, Lots Nos. 14 & 16, and the said alley. This being one of the lots deeded to the Stationed Officers of Double Springs Lodge #177 by James R. Gibson on February 9, 1917, said deed being recorded in Deed Book 5 R, Page 689, said R.M.C. Office.

DULY ENTERED IN THIS OFFICE

Dec 15 1962

Helen M. Veie
COUNTY CLERK

PLAINTIFF'S
EXHIBIT 1

LLm 9-524

PLAINTIFF'S
EXHIBIT 1

Sadie Jackson
Diane Jackson
10/6/23 DP

See Deed Book 30. & page 522.

page 3.

And we do hereby bind ourselves and our Heirs, Executors and Administrators to warrant and forever defend all and singular the said Premises unto the said

Irene Hardy Jackson, her

Heirs and Assigns, against us and our

Heirs and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS our hand and seal, this 11th day of May
in the year of our Lord one thousand nine hundred and Sixty-two
in the one hundred and Eighty-sixth year of the Independence of the
United States of America.

Signed, sealed and delivered in the presence of

Thelma Collins

Agnes J. Higgins

Henry Higgins

Beatrice Hassell

Witnesses as to Gettys Murray

Sarah H. King (L. S.)

Julius Bonds (L. S.)

Irene Hardy (L. S.)

Gettys Murray (L. S.)

Gettys Murray

THE STATE OF SOUTH CAROLINA
NEW YORK

Brook County

PROBATE

PERSONALLY appeared before me Beatrice Hassell and made oath that she saw the within named Gettys Murray

sign, seal and as her act and deed deliver the within written deed, and that she witnessed the execution thereof.

SWORN TO before me this 3rd day

of August A. D. 1962

Beatrice Hassell (L. S.)

Notary Public for South Carolina
New York

Beatrice Hassell

Witness as to Gettys Murray

AL CELS
NOTARY PUBLIC, State of New York
No. 036481950
Qualified in Bronx County
Term Expires March 30, 64

THE STATE OF SOUTH CAROLINA

County

Renunciation of Dower

Julius Not Married

I do hereby certify unto all whom it may concern that Mrs the wife of the
within named did this day appear before me,
and upon being privately and separately examined by me, did declare that she does freely voluntarily and without any compulsion, dread or fear of any person, or persons whomsoever, renounce, release and forever relinquish unto the within named _____

Heirs and Assigns, all her interest and estate, and also all her right and claim of Dower of, in or to all and singular the Premises within mentioned and released.

Given under my hand and seal, this _____
day of _____ A. D. 19 _____
(L. S.)

Notary Public for South Carolina

Plaintiff's Exhibit 2, Deed dated March 15, 1985

DPO
TAX MAP 1-44-06 PARCEL 203
STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

GRANTEE'S ADDRESS: 25 Blackstock Rd.
Spartanburg, S.C.
29319

DEED 51-D PAGE 51

KNOW ALL MEN BY THESE PRESENTS, that IRENE HARDY JACKSON AND JOHN C. JACKSON

in consideration of (\$10.00) Ten and No/100----- Dollars,

LOVE AND AFFECTION
the receipt of which is hereby acknowledged, have granted, bargained, sold, and released, and by these presents do grant, bargain, sell and release unto

MARYLYN DIANE JACKSON, her heirs and assigns forever:

All that lot or parcel of land lying on the East side of Blackstock Road in the Town of Inman, County and State aforesaid being known and designated as Lot #15 on Plat "A" of the Simeon Gowan Lands, said plat being recorded in Plat Book 4, page 176, R.M.C. Office for Spartanburg County and being more fully described as follows: Beginning at the corner of Lots 15 & 16 on said plat and running along Blackstock Road N. 17.50 W. 101.8 feet; thence along the line of Lot 14 N. 85 E. 227.7 feet to an alley; thence along said alley S. 5.00 E. 100 feet; thence along the line of Lot 16, 205 feet to the beginning corner and being bounded by said Blackstock Road, Lot nos. 14 & 16 and the said alley.

DERIVATION: This being the same property conveyed to Robert Hardy and Irene Hardy by stationed officers of Double Spring Lodge #177, dated November 30, 1943 and recorded in Deed Book 11-C, page 64. See also Deed Book 30-P, page 175; Deed Book 30-X, page 522 and Deed Book 28-S, page 403, R.M.C. Office for Spartanburg County.

RECORDED
ISS MAR 18 PM 2:23
R.M.C.
SPARTANBURG, S.C.

together with all and singular the rights, members, hereditaments and appurtenances to said premises belonging or in any wise incident or appertaining; to have and to hold all and singular the premises before mentioned unto the grantee(s), and the grantee(s)' heirs or successors and assigns, forever. And, the grantee(s) do(es) hereby bind the grantee(s) and the grantee(s)' heirs or successors, executors and administrators to warrant and forever defend all and singular said premises unto the grantee(s) and the grantee(s)' heirs or successors and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS the grantee(s)' hand(s) and seal(s) this 15th day of March 1985

SIGNED, sealed and delivered in the presence of:

Irene Hardy Jackson (SEAL)
John C. Jackson (SEAL)
Donna R. Shields (SEAL)

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

PROBATE

Personally appeared the undersigned witness and made oath that (s/he saw the within named grantee(s) sign, seal and as the grantee(s)' act and deed deliver the within written deed and that (s/he, with the other witness subscribed above witnessed the execution thereof.

SWORN to before me this 15th day of March 1985.

Donna R. Shields (SEAL)
Notary Public for South Carolina. 3/20/85

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

RENUNCIATION OF DOWER

I, the undersigned Notary Public, do hereby certify unto all whom it may concern, that the undersigned wife (wifely) of the above named grantee(s) respectively, did this day appear before me, and each, upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, duress or fear of any person whatsoever, renounce, release and forever relinquish unto the grantee(s) and the grantee(s)' heirs or successors and assigns, all her late and estate, and all her right and claim of dower of, in and to all and singular the premises within mentioned and released.

GIVEN under my hand and seal this
day of March 1985.

(SEAL)
Notary Public for South Carolina.

PD 103

46000 01960

PLAINTIFF'S
EXHIBIT 2

LLM 9-524

PLAINTIFF'S
EXHIBIT 2

Sadie Jackson
Diane Jackson
10/0/85 00

DEED 55J P6459

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

Address of Grantor: 1707 Benning Rd., NE #33
Washington, DC 20002

1-47062 03.00

RECORDED

1989 MAY -4 AM 8:53

KNOW ALL MEN BY THESE PRESENTS, that I, MARYLYN DIANE JACKSON

in consideration of Ten dollars (\$10.00), love and affection,

the receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by their parents do grant, bargain, sell and release unto

Lorine Jackson, her heirs and assigns

All that lot or parcel of land lying on the East side of Blackstock Road in the Town of Inman, County and State aforesaid being known and designated as Lot #15 on Plat "A" of the Simeon Cowan Lands, said plat being recorded in Plat Book 4, page 176, S.N.C. Office for Spartanburg County and being more fully described as follows: Beginning at the corner of Lots 15 & 16 on said plat and running along Blackstock Road N. 17.50 W. 101.8 feet; thence along the line of Lot 14 N. 85 E. 227.7 feet to an alley; thence along said alley S. 5.00 E. 100 feet; thence along the line of Lot 16, 205 feet to the beginning corner and being bounded by said Blackstock Road, Lot Nos. 14 & 16 and the said alley.

DERIVATION: This being the same property conveyed to Marylyn Diane Jackson by Irene Hardy Jackson and John C. Jackson by deed dated March 15, 1985 and recorded in Deed Book 51B, page 51, S.N.C. Office for Spartanburg County.

together with all and singular the rights, members, incidents and appurtenances, to and previous belonging or in anywise incident or appurtenant; to have and to hold all and singular the premises before mentioned unto the grantee(s) and the grantee(s)' heirs (or successors) and assigns forever. And the grantor(s) do(es) hereby bind the grantor(s) and the grantor(s)' heirs (or successors), executors and administrators to warrant and forever defend all and singular said premises unto the grantee(s) and the grantee(s)' heirs (or successors) and assigns against the grantor(s) and the grantor(s)' heirs (or successors) and against every person whatsoever lawfully claiming or in claim the same or any part thereof, except as to restrictions and encumbrances of record, if any.

WITNESS the grantor(s)' hand(s) and seal(s) this 4th of May 1989.

SIGNED, sealed and delivered in the presence of:

[Signature]
[Signature]

Marylyn Diane Jackson (REAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

PROBATE

Personally appeared the undersigned witness and made oath that (s)he saw the within named grantor(s) sign, seal and in the grantor(s)' act and deed deliver the within written deed and that (s)he with the other witness subscribed above witnessed the execution thereof.

Subscribed to before me this 1st day of May 1989.

[Signature]
Notary Public for South Carolina

(SEAL)

My commission expires 1/29/91.

[Signature]

STATE OF SOUTH CAROLINA
COUNTY OF

RENUNCIATION OF DOWER

I, the undersigned Notary Public, do hereby certify unto all whom it may concern, that the undersigned wife (wives) of the above named grantor(s) respectively, did this day appear before me, and each, upon being personally and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, duress or fear of any person or persons whatsoever, renounce, release and forever relinquish unto the grantor(s) and the grantor(s)' heirs or successors and assigns, all her interest and estate, and all her right and claim of dower of, in and to all and singular the premises within mentioned and released.

GIVEN under my hand and seal this

10

(SEAL)

Notary Public for South Carolina.

My commission expires

PD 001

400Ca 80482

PLAINTIFF'S
EXHIBIT 3
LLM 9-5-24

PLAINTIFF'S
EXHIBIT 3
Diane Jackson
10/6/23 000162

4

Gary L. Burgess, Sr.

202 Sweetheart Nook
Pendleton, SC 29670

July 23, 2022

To Whom It May Concern:

Around about the late 1980's I was asked to notarize a document conveying ownership of property on Blackstock Road, the primary address 23 Blackstock Road, Inman, South Carolina 29349, that has three structures on the plot of land at that address.

It was my understanding, speaking with John and Irene Jackson, they had signed the land over to one of their daughters, Diane Jackson, so that the land would not be lost to creditors. Subsequently, Diane Jackson used the land for bail for Ken Wright. The use of the land for bail caused John and Irene Jackson to ask Diane Jackson to sign the land over to Lorine Jackson, another daughter, so that the land would not be lost. Diane Jackson agreed to sign the land over to her sister, Lorine Jackson, for safe keeping within the family. I notarized the deed document in the presence of all, verifying that they were who they said they were.

The following persons were present for the signing of the document when the document was notarized: John Jackson, Irene Jackson, Diane Jackson, Lorine Jackson, and me, Gary Burgess.

Respectfully submitted,



Gary L. Burgess, Sr.
864-760-3656



**STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG**

IN THE COURT OF COMMON PLEAS

CASE NO:

**Annie Gray, Sadie Jackson, M. Diane
Jackson, William Jackson Sr.,
Eric Caldwell, Renee Rose, formerly and
nka Renee Caldwell, and Bobby L. Rookard,**

COMPLAINT

Plaintiffs,

v.

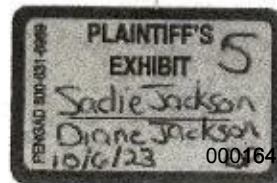
Lorine Jackson aka Lorene Jackson,

Defendant.

Plaintiffs, by and through undersigned counsel, allege on information and belief the following:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiffs are the heirs of Grandfather Robert Hardy and Mother Irene Hardy Jackson.
2. The Defendant is also an heir of Grandfather Robert Hardy and Mother Irene Hardy Jackson
3. The Plaintiffs and Defendant are entitled to ownership as heirs in their respective shares to the real property formerly belonging to Grandfather Robert Hardy and Mother Irene Hardy Jackson described as 23, 25A, and 25B Blackstock Rd., Inman SC 29349 and as more particularly described on the Lis Pendens attached as Exhibit A. (Note M. Diane-Wright Jackson on the lis pendens is known as M. Diane Jackson, a Plaintiff herein)
4. Mother Irene Hardy Jackson obtained the land in Inman in 1962. In 1985, the property was deeded over to Plaintiff Jackson and was to be held in trust for all of the heirs.
5. The parents met with the notary, who was Pastor Gary Burgess, and had a document prepared for Plaintiff Jackson to sign that would have kept the property in trust for the benefit of the children, with the Defendant as Trustee.



6. Deed 55J at page 459 is a false document because Plaintiff Jackson did not sign that particular document before a notary. The Cheek notarized document was a document created a few days after whereby Plaintiff Jackson's signature was obtained by having her sign on a blank piece of paper. Plaintiff Jackson's signature was then transferred over to the rest of the document, thus creating a false deed. Copy attached as Exhibit B.
7. As Trustee, Defendant collected rents from Plaintiff Jackson, which rents were for taxes, insurance, and maintenance on the property.
8. Subject matter jurisdiction is proper in the circuit court
9. Venue is proper in Spartanburg County as this is the site of the real estate at issue in Spartanburg County.

FIRST CAUSE OF ACTION — EXPRESS TRUST

10. Each and every allegation contained in paragraphs 1-9 above is repeated and re-alleged as though fully set forth herein.
11. Plaintiffs are entitled to judgement declaring the property is held as an express trust for the benefit of all of the Plaintiffs and the Defendant in their respective interests.

SECOND CAUSE OF ACTION — RESULTING TRUST

12. Each and every allegation contained in paragraphs 1-11 above is repeated and re-alleged as though fully set forth herein.
13. Defendant paid nothing for the property and, by the nature of the transaction and circumstances of the transaction, Defendant was only vested with title to hold it in trust for herself and the Plaintiffs.

THIRD CAUSE OF ACTION — CONSTRUCTIVE TRUST

14. Each and every allegation contained in paragraphs 1-13 above is repeated and re-alleged as though fully set forth herein.

15. Plaintiffs are entitled to the equitable remedy by which the heirs are entitled to be restored to their interest in the property by means of Defendant's fraud on Plaintiff Jackson in the execution of her signature which was then used to facilitate a false document.

FOURTH CAUSE OF ACTION — ACCOUNTING

16. Each and every allegation contained in paragraphs 1-15 above is repeated and re-alleged as though fully set forth herein.
17. Plaintiffs are entitled to an accounting of Defendant's receipts and application of the rents to expenses and for judgement of the excess for the benefit of the heirs in their respective interests.

WHEREFORE, Plaintiffs pray that the Court will enter an Order as follows:

1. Find express trust declaring the property is held as an express trust for the benefit of all of the Plaintiffs and the Defendant in their respective interests;
2. Find resulting trust declaring the property is held as a resulting trust for the benefit of all of the Plaintiffs and the Defendant in their respective interests;
3. Find constructive trust declaring the property is held as a constructive trust for the benefit of all of the Plaintiffs and the Defendant in their respective interests;
4. Enter judgement for an accounting and for money damages;
5. The costs and expenses of this action; and,
6. Such other and further relief as may be just and proper.

Date: September 13, 2022

By: /s/ Rolf M. Baghdady
Rolf M. Baghdady (SC Bar # 0464)
ROLF M. BAGHDADY, P.A.
118 Cobblestone Court
Chapin, S.C. 29036-9705
(803) 345-7653
rolf@rolfbaghdady.com
ATTORNEY FOR PLAINTIFFS

**STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG**

IN THE COURT OF COMMON PLEAS

CASE NO:

**Annie Gray, Sadie Jackson, M. Diane
Wright-Jackson, William Jackson Sr.,
Eric Caldwell, Renee Rose, and Bobby L.
Rookard,**

Plaintiffs,

v.

Lorine Jackson aka Lorene Jackson,

Defendant.

LIS PENDENS

NOTICE IS HEREBY GIVEN THAT an action has been or will be commenced in this Court upon petition of the above-named Plaintiffs against the above-named Defendant for the determination of the imposition of a Trust and ownership thereof in the parties upon the real estate lying and being in Spartanburg County, South Carolina, described as follows:

All that lot or parcel of land lying on the East side of Blackstock Road in the Town of Inman, County and State aforesaid being known and designated as Lot #15 on Plat "A" of the Simeon Gowan Lands, said plat being recorded in Plat Book 4, page 176, R.M.C. Office for Spartanburg County and being more fully described as follows: Beginning at the corner of Lots 15 & 16 on said plat and running along Blackstock Road N. 17.50 w. 101.8 feet; thence along the line of Lot 14 N. 85 E. 227.7 feet to an alley; thence along said alley S. 5.00 E. 100 feet; thence along the line of Lot 16, 205 feet to the beginning corner and being bounded by said Blackstock Road, Lot Nos. 14 & 16 and the said alley.

DERIVATION: This being the same property conveyed to Lorine Jackson, her heirs and assigns by deed of Marylyn Diane Jackson by deed recorded May 4, 1989 in Deed 55J pg. 459 RMC Office for Spartanburg County.

Date: August 24, 2022

By: /s/ Rolf M. Baghdady
Rolf M. Baghdady (SC Bar # 0464)
ROLF M. BAGHDADY, P.A.
118 Cobblestone Court
Chapin, S.C. 29036-9705

803 345-7653
rolf@rolfbaghdady.com
ATTORNEY FOR PLAINTIFFS

RECEIVED FROM COUNCIL OF THE BAR - 2002/09/24 12:43 PM - SEPARATE/INDEPENDENT - COMMON PLEAS - CASE#2002094200505

DEED 5 J PG 4 5 9

STATE OF SOUTH CAROLINA }
COUNTY OF SPARTANBURG }

Address of Grantee: 1707 Benning Rd., NE #33
Washington, DC 20002

1-4406203.00

RECORDED

1989 MAY -4 AM 8:53

R.M.C.
SPARTANBURG, S.C.

KNOW ALL MEN BY THESE PRESENTS, that I, MARYLYN DIANE JACKSON

in consideration of Ten dollars (\$10.00), love and affection,

the receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto

Lozine Jackson, her heirs and assigns

All that lot or parcel of land lying on the East side of Blackstock Road in the Town of Inman, County and State aforesaid being known and designated as Lot #15 on Plat "A" of the Simeon Gowan Lands, said plat being recorded in Plat Book 4, page 176, R.M.C. Office for Spartanburg County and being more fully described as follows: Beginning at the corner of Lots 15 & 16 on said plat and running along Blackstock Road N. 17.50 W. 101.8 feet; thence along the line of Lot 14 N. 85 E. 227.7 feet to an alley; thence along said alley S. 5.00 E. 100 feet; thence along the line of Lot 16, 205 feet to the beginning corner and being bounded by said Blackstock Road, Lot Nos. 14 & 16 and the said alley.

DERIVATION: This being the same property conveyed to Marylyn Diane Jackson by Irene Hardy Jackson and John C. Jackson by deed dated March 15, 1985 and recorded in Deed Book 51D, page 51, R.M.C. Office for Spartanburg County.

together with all and singular the rights, members, hereditaments and appurtenances to said premises belonging or in anywise incident or appertaining; to have and to hold all and singular the premises before mentioned unto the grantee(s), and the grantee's(s') heirs (or successors) and assigns forever. And the grantor(s) do(es) hereby bind the grantor(s) and the grantor's(s') heirs (or successors), executors and administrators to warrant and forever defend all and singular said premises unto the grantee(s) and the grantee's(s') heirs (or successors) and assigns against the grantor(s) and the grantor's(s') heirs (or successors) and against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to restrictions and easements of record, if any.

WITNESS the grantor's(s') hand(s) and seal(s) this 4th of May 19 89.

SIGNED, sealed and delivered in the presence of:

[Signature]
[Signature]

[Signature: Marylyn Diane Jackson] (SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

PROBATE

Personally appeared the undersigned witness and made oath that (s)he saw the within named grantor(s) sign, seal and as the grantor's(s') act and deed deliver the within written deed and that (s)he with the other witness subscribed the execution thereof.

Subscribed to before me this May 4, 1989.

19 89.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG	)	SEVENTH JUDICIAL CIRCUIT
	)	
Annie Gray, Sadie Jackson,	)	Case No: 2022-CP-42-03465
M. Diane Jackson, William	)	
Jackson Sr., Eric	)	
Caldwell, Renee Rose,	)	
formerly and nka Renee	)	
Caldwell, and Bobby L.	)	
Rookard,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
Lorine Jackson aka	)	DEPOSITION OF
Lorene Jackson,	)	
	)	
Defendant.	)	Sadie M. Jackson

Date: Friday, October 6, 2023

Time: 10:02 a.m.

Location: Regus
220 North Main Street, Suite 500
Greenville, South Carolina

Reported by:
Darlene Pastel, CVR-CM



APPEARANCES

For the Plaintiffs:

Rolf M. Baghdady, Esq.
Rolf M. Baghdady, P.A.
Chapin, South Carolina

Also Present:

M. Diane Jackson
William Jackson, Sr.
Joey Jackson

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Plaintiffs' Exhibit No. 5, Complaint	13



STIPULATIONS

It is stipulated by and between counsel for the respective parties that all objections are reserved until the time of trial, except as to the form of the questions.

- - - -

The reading and signing of this deposition is waived by the deponent and counsel for the respective parties.

Whereupon,

Sadie M. Jackson, being duly sworn and cautioned to speak the truth, the whole truth, and nothing but the truth, testified as follows:

EXAMINATION

BY MR. BAGHDADY:

Q Good morning.

A Good morning.

Q As you know, I'm Rolf Baghdady and your attorney in this case.

A Yes.

Q And what we're doing today is taking a deposition, sworn testimony under oath to preserve your testimony. In case anything happens to you between now and the resolution of this case, we want to preserve the record.



1 I will be asking you questions. The court
2 reporter will be transcribing them. And we're
3 going to be able to submit this to the court. So
4 please listen carefully to my questions and answer
5 each one truthfully. If you have any questions and
6 you don't understand what I'm asking you, please be
7 sure to ask me to clarify.

8 A All right.

9 Q Thank you, Dr. Jackson. Would you please give us
10 your full name.

11 A Sadie Jackson.

12 Q All right. Can you tell me the names of your
13 parents?

14 A John and Irene Hardy Jackson.

15 Q Okay. Can you name your siblings?

16 A My oldest brother was Clarence Hardy, a sister
17 Annie Gary, and I was the third. Then my sisters
18 Lorine, Diane, my brother John R., and my brother
19 William. I don't think I left anybody out.

20 Q All right. And of any of your siblings, one has
21 passed?

22 A Two have passed.

23 Q Two have passed. One of them left children?

24 A Both. My oldest brother, Clarence Hardy -- he was
25 the oldest -- he has passed. He left two. And I



1 have my next brother, John R. Jackson, left one.

2 Q Okay. And what are their names?

3 A Clarence Hardy has two: Renee Caldwell and Eric

4 Caldwell. And then my brother John Robert has one:

5 Bobby -- Pastor Bobby Rookard.

6 Q Okay. And so that is -- the plaintiffs and the
7 defendant in this case are all of the heirs of your
8 mother?

9 A Right.

10 MR. BAGHDADY: Okay. If we could mark this
11 as Plaintiffs' Exhibit 1.

12 (Plaintiffs' Exhibit No. 1 marked for identification.)

13 Q (MR. BAGHDADY) I'm going to hand you what has been
14 marked as Plaintiffs' Exhibit Number 1 and ask you
15 if you can identify that document?

16 A Yes, I have seen this document before.

17 Q All right. Can you tell me what it is?

18 A It's the deed on the property at 23 Blackstock
19 Road. That property had belonged to my grandfather
20 and my mother. And her siblings' names are on here
21 because she represented my -- her siblings.

22 Q So there's a list. If you look at the deed, on the
23 top of the deed it indicates that Garrie King,
24 Julius Hardy, Rosa Hardy, and Gettys Murray
25 transferred all the interest in this property to



1 Irene Hardy Jackson.

2 A Right. So Rosa Hardy is not my mother's sibling.
3 She is my mother's stepmother. Rosa is. She was
4 married to my mother's dad. But Gettys Murray,
5 Garrie King, and Julius Hardy are my mother's
6 siblings.

7 MR. BAGHDADY: Okay. Thank you.

8 I would like to mark this as Plaintiffs'
9 Exhibit 2.

10 (Plaintiffs' Exhibit No. 2 marked for identification.)

11 Q (MR. BAGHDADY) I'm going to now hand you what's
12 been marked as Plaintiffs' Exhibit 2 and ask you if
13 you can identify that document?

14 A Yes, I have seen this document. This was the
15 document to the property at 23 Blackstock Road,
16 sometimes referred to as 23 and 25 Blackstock Road
17 in Inman.

18 Q All right. And can you tell me why that deed was
19 done?

20 A Okay. Irene Hardy Jackson and John C. Jackson, my
21 parents, deeded this to my sister Diane Jackson.
22 Diane is my baby sister, and she lived on the
23 property with them, taking care of them. They
24 deeded it to her for safe keeping for the siblings.

25 Q All right. When you say she kept it "for the



1 siblings," can you explain that a little bit more
2 what you mean by that?

3 A Well, my mother, Irene Hardy Jackson, whose name
4 was on the original deed with her dad -- she looked
5 out, as we called it, for her siblings. She
6 represented them. In case anything happened, she,
7 you know, saw to it that -- she was supposed to see
8 to it that each one of them got, you know, their
9 share of the property.

10 So they did this with Diane, since Diane was
11 there on the property. They didn't want anything
12 to, you know, happen to it. So they, you know, put
13 it in Diane's name. And we knew it was in, you
14 know, Diane's name.

15 Q But though while it was in her name, who was it for
16 the benefit of?

17 A For all of us, all of the siblings, the sisters and
18 brothers. It was, you know, for all of us.

19 MR. BAGHDADY: Okay. Thank you.

20 I'd like to mark that as Plaintiffs'

21 Exhibit 4. I know we're skipping one.

22 (Plaintiffs' Exhibit No. 4 marked for identification.)

23 Q (MR. BAGHDADY) All right. I'm going to hand you
24 what's been marked as Plaintiffs' Exhibit 4.

25 A Okay.



1 Q Are you familiar with the person at the top of that
2 document?

3 A I am.

4 Q All right. And I'm going to ask you to tell me if
5 you can identify that document?

6 A Yes. This is from Gary L. Burgess, Sr., who is our
7 pastor, and he was also a notary. And he was the
8 notary that was present when we agreed to sign the
9 property over so that Lorine could put her name on
10 the property. He was the notary that was present.

11 Q And what was the purpose of that document or that
12 meeting, that document reflecting what was
13 happening at that meeting?

14 A Okay. The property was in Diane's name, and Diane
15 had used it as collateral for something. And we
16 didn't know it at the time, but the property was
17 not supposed to be used for collateral, or it was
18 not supposed to have any liens on it or anything
19 like that. Used for -- you know, to be mortgaged
20 or anything like that. Nothing like that was
21 supposed to, you know, happen to the property.

22 Okay. And we found out that she had used it
23 for, as I said, to go to somebody's bond or
24 something like that. And there was a discussion
25 that we should take it out of Diane's name and put



1 it in someone else's name. And Lorine wanted it in
2 her name. So, you know, we talked about it and,
3 you know, there was input about what was what.
4 That the property could never be mortgaged, put up
5 for collateral, or used as a loan. What do you
6 call that word? When you put up something for a
7 loan on --

8 Q Mortgage?

9 A Mortgage. It could nothing be -- you know, nothing
10 like that could never be done to it. No kind of
11 lien or anything on it.

12 So we said okay, you know. It was decided
13 that if we put the property in Lorine's name -- she
14 said that she didn't have any -- she lived out of
15 state. She lived in Maryland. And she was saying
16 that she could use it for a deduction on her income
17 taxes since she didn't have nothing. And I
18 explained to her that taxes would be higher for her
19 living out of state than it would be for somebody
20 living in state. You know, the taxes are going to
21 be higher. And she said that was okay, she could
22 pay it. She was working two jobs or something like
23 that. And she could pay it. She wanted to use it
24 for a deduction.

25 Well, we talked about it. Some of us



1 disagreed about letting Lorine put her name on it
2 or not. So, you know, we decided that, okay, we
3 could even take turns, you know, our name on it in
4 that case. But there was nothing she could, you
5 know, do to the property because she was just
6 holding it, you know, for all of us. You know,
7 looking out for all of our interests in the
8 property.

9 So we decided that, okay, she could -- because
10 I was even asked, you know, "why don't you put your
11 name on it?" And I said, "Well, right now I've got
12 too many irons stuck in the fire." I'm trying to
13 do this and that. I'm trying to buy some land.
14 So, you know, let her put her name on the property.

15 So she decided -- we decided that it was okay,
16 let her put her name on the property. So she
17 decided to put her name on the property.

18 Q Right. She agreed to accept that?

19 A Yes.

20 Q But when she put her name on the property, who was
21 it for the benefit of?

22 A Well, it wasn't us. Because the things that we had
23 discussed that we were going to do -- for instance,
24 if there was any upkeep or anything that needed to
25 be changed on the property, we were going to get



1 together as a family and decide what needed to be
2 done -- you know, like what needed to be fixed and
3 how much it was and how we was going to divide the
4 costs of that up among the siblings.

5 We decided all of that before Lorine put her
6 name on the property. That along with the property
7 could never be mortgaged or used for a lien or
8 collateral or go to somebody's bond or, you know,
9 anything like that. Those were the things that we
10 discussed about the property.

11 Q Right. Because essentially it was a family
12 property --

13 A Right.

14 Q -- just technically, legally titled in her name?

15 A Right.

16 Q Okay. Since the property got put into her name,
17 has she acknowledged and/or recognized that this is
18 family property? Or has she taken the position
19 it's her own and she can do whatever she wants with
20 it and nobody else has an interest?

21 A That was the thing. She decided after her name was
22 on there and -- you know, about what we discussed
23 about meeting together as a family. You know, if
24 any upkeep or anything needed to be done to the
25 property, we was going to decide that. You know,



1 what could be done, how much, and who all was going
2 to pay what -- no, she did not call not one
3 meeting.

4 Q And then ultimately what she did was --

5 A Make any kind of changes that she wanted to.

6 Q And ultimately, what did she do with Diane, who was
7 living on the property?

8 A Evicted her.

9 Q And then after that eviction, you brought this
10 case?

11 A Right.

12 Q Okay.

13 A Is it okay if I make a comment?

14 Q No, no comments. Let me ask you: What do you want
15 the court to do in this case?

16 A Well, I feel that since the property was supposed
17 to belong to all the siblings, even the heirs of my
18 two dead brothers' kids -- you know, they all knew
19 about this too -- and I think the court should
20 either have all of our names, all of her siblings
21 put on that property or maybe even sell the
22 property and maybe give one of us a chance to buy
23 it back.

24 MR. BAGHDADY: But right now -- let me show
25 you a copy of the complaint in this case.



1 If you will, mark this as Exhibit 5.

2 (Plaintiffs' Exhibit No. 5 marked for identification.)

3 Q (MR. BAGHDADY) Can you identify what's marked as
4 Plaintiffs' Exhibit 5?

5 A Yes. This is the complaint that we filed against
6 her.

7 Q And I'd like you to look to the very last page of
8 the complaint. There's attachments. But above my
9 signature line, there is a prayer. I'd like you to
10 look at the prayer. I'll show you where that is.

11 Are those the things that you would like to
12 have the court do?

13 A Do I need to read this out loud?

14 Q No, you can just read it and say if that's what you
15 want to have done.

16 A Yes.

17 Q Okay.

18 A This is what we would like to have done.

19 Q Okay. The reason I pointed that out to you is that
20 we have not yet asked that the property be sold.

21 A Yes.

22 Q That might be something that could be negotiated in
23 the future, but it's not on the table yet.

24 MR. BAGHDADY: All right. Let's go ahead
25 and take a brief break.



1 (Off the record from 10:19 a.m. until 10:22 a.m.)

2 MR. BAGHDADY: We're adjourning the
3 deposition for now but possibly to reopen depending
4 on how things work with counsel that didn't appear
5 today.

6 FURTHER DEPONENT SAITH NOT.

7 (Whereupon, there being no further questions, the
8 deposition was adjourned at 10:22 a.m.)

9 (*This transcript may contain quoted material.
10 Such material is reproduced as read or quoted by
11 the speaker.)

12

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State of South Carolina)

)

CERTIFICATE

County of York)

Be it known that Darlene Pastel took the foregoing proceeding and hereby attests:

That I was then and there a notary public in and for the State of South Carolina at-large and that by virtue thereof I was duly authorized to administer an oath;

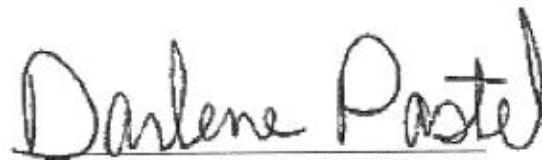
That the deponent/witness was first duly sworn to testify to the truth, the whole truth, and nothing but the truth concerning the matter in the controversy aforesaid;

That the foregoing transcript represents a true, accurate, and complete transcription of the testimony so given at the time and place aforesaid to the best of my skill and ability;

That I am neither a relative nor an employee of any of the parties hereto, nor of any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action.

Unless otherwise noted, this notary public administered the oath. Please refer to the transcript for any exceptions.

In witness thereof, I have hereunto affixed my signature and title.



Darlene Pastel, CVR-CM

Date: 10/17/2023
Notary public for South Carolina
My Commission expires 09/20/2027



STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG	)	SEVENTH JUDICIAL CIRCUIT
	)	
Annie Gray, Sadie Jackson,	)	Case No: 2022-CP-42-03465
M. Diane Jackson, William	)	
Jackson Sr., Eric	)	
Caldwell, Renee Rose,	)	
formerly and nka Renee	)	
Caldwell, and Bobby L.	)	
Rookard,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
Lorine Jackson aka	)	DEPOSITION OF
Lorene Jackson,	)	
	)	Marylyn Diane Jackson
Defendant.	)	

Date: Friday, October 6, 2023

Time: 10:31 a.m.

Location: Regus
220 North Main Street, Suite 500
Greenville, South Carolina

Reported by:
Darlene Pastel, CVR-CM



APPEARANCES

For the Plaintiffs:

Rolf M. Baghdady, Esq.
Rolf M. Baghdady, P.A.
Chapin, South Carolina

Also Present:

Sadie Jackson
William Jackson, Sr.
Joey Jackson

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Plaintiffs' Exhibit No. 5, Complaint	10



STIPULATIONS

It is stipulated by and between counsel for the respective parties that all objections are reserved until the time of trial, except as to the form of the questions.

- - - - -

The reading and signing of this deposition is waived by the deponent and counsel for the respective parties.

Whereupon,

Marylyn Diane Jackson, being duly sworn and cautioned to speak the truth, the whole truth, and nothing but the truth, testified as follows:

EXAMINATION

BY MR. BAGHDADY:

Q Good morning. Could you officially tell me your name?

A You love that. Marylyn Diane Jackson.

Q Okay, Diane. Thank you. Can you tell me who your parents are?

A Irene and John Jackson.

Q All right. And who are your parents' children, your siblings?

A Annie Gary, Sadie Jackson, Lorine Jackson, John Robert Jackson, myself, and William Jackson.

1 Q Okay. And two of your brothers have passed.

2 A Yes.

3 Q And each one has one child?

4 A Uh-uh.

5 Q One had two children?

6 A Right.

7 Q All right. And who are their kids?

8 A Edward's kids are Renee and Eric.

9 Q Okay.

10 A Bobby is John Roberts'.

11 (Plaintiffs' Exhibit No. 1 marked for identification.)

12 Q (MR. BAGHDADY) Okay. So I'd like to go ahead and
13 ask you if you can identify Plaintiffs' Exhibit 1?

14 A Yes.

15 Q Okay. What is that?

16 A It's the deed to the property on 23 Blackstock
17 Road.

18 (Plaintiffs' Exhibit No. 2 marked for identification.)

19 Q (MR. BAGHDADY) Okay. And I'd like to go ahead and
20 ask you if you can identify what has been marked as
21 Plaintiffs' Exhibit 2?

22 A Yes.

23 Q Can you tell me what that is?

24 A It's the deed also.

25 Q All right. Now, tell me who was the -- can you



1 tell me who the grantor -- who gave you that
2 property and who received that property?

3 A It was gave to me by my mother, Irene Hardy
4 Jackson, and John C. Jackson.

5 Q Okay. Tell me about what was understood when they
6 put the property in your name.

7 A I wasn't supposed to put it up for bond for nobody,
8 and I wasn't supposed to do anything without
9 everybody in the conversation.

10 Q "Everybody" being who?

11 A All the family members, my sisters and brothers.

12 Q All right. All the siblings. And so you always
13 understood that you were holding it for their
14 benefit --

15 A Right.

16 Q -- even though it was in your name? It wasn't like
17 you were owning it?

18 A I knew it wasn't mine.

19 (Plaintiffs' Exhibit No. 4 marked for identification.)

20 Q (MR. BAGHDADY) All right. Now, at some point in
21 time -- let me go ahead and show you what's been
22 marked as Exhibit Number 4. Take a moment to read
23 it. Because I think you were there at that
24 meeting.

25 A Yes.



1 Q Okay. Do you know who the person at the top of
2 Exhibit 4 is, Gary L. Burgess?

3 A Yes.

4 Q Okay. Who is that?

5 A He's a notary and also a cousin.

6 Q Uh-huh. And what is his position or job?

7 A Like being a notary?

8 Q Do you know --

9 A He's a schoolteacher.

10 Q Do you know what else he does?

11 A Preaches.

12 Q Yes. He's also a pastor; right?

13 A Right.

14 Q All right. Now, in the first sentence, in the
15 first paragraph, what does he say?

16 A "Around about the late 1980s, I was asked to
17 notarize a document conveying ownership of property
18 on Blackstock Road, the primary address
19 23 Blackstock Road, Inman, South Carolina, that has
20 three structures on the plot of the land at the
21 address."

22 Q Okay. Is this land that was referenced in the
23 deeds --

24 A Yes, it is.

25 Q -- that we looked at as Plaintiffs' Exhibit 1 and



1 2?

2 A Yes.

3 Q All right. And you were staying there?

4 A Right.

5 Q All right. And so do you agree with what he says
6 in the first sentence of the second paragraph?

7 A Yes.

8 Q That's what you understand -- what your parents did
9 was they put it in your name so it would not be
10 lost?

11 A Right.

12 Q All right. Now, I'd like you to look at the
13 sentence that says, "Diane Jackson agreed to sign
14 the land over to her sister, Lorine Jackson, for
15 safekeeping within the family."

16 What does that mean?

17 A It was my understanding she was -- when it was
18 conveyed to her, it was the same as me. We always
19 get together and say what's got to be done on the
20 property. And not -- it wasn't for her to keep.

21 Q It was for the benefit of everyone in the family?

22 A Right.

23 Q All the heirs?

24 A Right.

25 Q Now, he says there were people here when the



1 deed -- let me just ask you. The very last
2 sentence of the second paragraph. Read that out.
3 Starting with "I notarized."

4 A "I notarized the deed document in the presence of
5 all, verifying that they were who they said they
6 were."

7 Q All right. So who all was there?

8 A Mom, Dad, Lorine, me -- Jody was standing there.
9 He was out.

10 Q Okay. And then the notary, Gary Burgess.

11 A Yes, Pastor Burgess.

12 Q So you were there at that meeting. And those were
13 the terms -- understanding and discussion with
14 Lorine present when the deed was signed?

15 A Yes.

16 Q To Lorine?

17 A Yes.

18 MR. BAGHDADY: All right. Thank you.

19 I'd like to go ahead and mark this as

20 Plaintiffs' Exhibit 3.

21 (Plaintiffs' Exhibit No. 3 marked for identification.)

22 Q (MR. BAGHDADY) I'm now going to hand you what's
23 been marked as Plaintiffs' Exhibit 3.

24 Can you identify that document?

25 A Yes.



1 Q Tell me when you first discovered that document.

2 A Oh, gosh.

3 Q If you remember. Just generally, if you don't have
4 the exact date.

5 A Last year. I think we -- saying I had to be
6 evicted. We didn't know whose name was on the
7 deed, because nobody went and checked whose name
8 was on the deed. And it was not the right deed.

9 Q When you say "it's not the right deed" -- now, it
10 is a transfer from you to Lorine. How do you know
11 that that is not the right deed? Why do you say
12 it's not the right deed?

13 A These people had never been in my house. And
14 Pastor Burgess didn't want them on there.

15 But this piece of paper was blank when I seen
16 it.

17 Q When it was -- when you saw it, why was it blank?
18 Tell me the circumstances of how you signed it
19 blank.

20 A My sister brought it in.

21 Q Sister who?

22 A Lorine.

23 Q All right.

24 A She says -- I says, "How come Momma and them's
25 names not on there?" She says, "We going to go up



1 there and get their names after you put your name
2 where that checkmark is."

3 Q So when you signed it, were there any other names
4 on it other than yours?

5 A No.

6 Q Was there anyone else in the room other than
7 Lorine?

8 A Jody. That's it.

9 Q Who's Jody?

10 A My youngest son at the time.

11 (Plaintiffs' Exhibit No. 5 marked for identification.)

12 Q (MR. BAGHDADY) Okay. Thank you. Now I'm handing
13 you what's been marked as Plaintiffs' Exhibit 5.
14 Can you identify that document?

15 A Yes. This is the action we brought against her
16 about the property.

17 Q Okay. I'd like you to go to the page that lists
18 what you would like to have the court do. In the
19 wherefore clause, is that what you would like the
20 court to do?

21 A Yes.

22 Q Did you pay rent to Lorine?

23 A I don't know if you want to call it rent. It was
24 for taxes, I thought they said. But she listed it
25 as rent. Yes, it's \$330. Then she moved it up to



1 350.

2 Q And what was the purpose of that money?

3 A To fix the property.

4 Q Maintain it, pay the taxes?

5 A Yes.

6 Q When you say "fix," is that what you mean by fix?

7 A Uh-huh, taxes.

8 MR. BAGHDADY: Okay. I have no further
9 questions for you, Diane. Thank you. Well, let's
10 take a break.

11 (Off the record from 10:41 a.m. until 10:44 a.m.)

12 Q (MR. BAGHDADY) All right. While you were in the
13 property, tell me a little bit about the things you
14 were doing for the family.

15 A Carrying them to the doctor's office. Checking
16 their blood pressure, blood sugar. Trying to make
17 sure they had the right food in the house. I also
18 cut the yards and fixed inside the houses up. A
19 jack-of-all-trades just say.

20 Q All right. And when you had the transaction for
21 the deed transferring the property over and you
22 signed it with Gary Burgess, how much money did
23 Lorine give you for this property?

24 A Zero.

25 Q Okay. Not even \$10?



1 A Not even \$10.

2 MR. BAGHDADY: All right. No further
3 questions. And we'll adjourn for now, keeping it
4 potentially open depending on what the other
5 counsel may want to do since he was not present
6 today.

7 FURTHER DEPONENT SAITH NOT.

8 (Whereupon, there being no further questions, the
9 deposition was adjourned at 10:45 a.m.)

10 (*This transcript may contain quoted material.
11 Such material is reproduced as read or quoted by
12 the speaker.)

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State of South Carolina)

CERTIFICATE

County of York)

Be it known that Darlene Pastel took the foregoing proceeding and hereby attests:

That I was then and there a notary public in and for the State of South Carolina at-large and that by virtue thereof I was duly authorized to administer an oath;

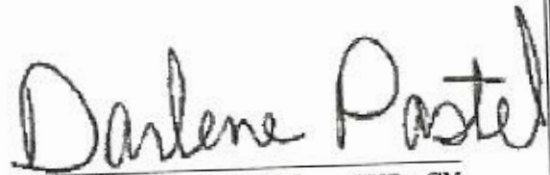
That the deponent/witness was first duly sworn to testify to the truth, the whole truth, and nothing but the truth concerning the matter in the controversy aforesaid;

That the foregoing transcript represents a true, accurate, and complete transcription of the testimony so given at the time and place aforesaid to the best of my skill and ability;

That I am neither a relative nor an employee of any of the parties hereto, nor of any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action.

Unless otherwise noted, this notary public administered the oath. Please refer to the transcript for any exceptions.

In witness thereof, I have hereunto affixed my signature and title.



Darlene Pastel, CVR-CM

Date: 10/17/2023
Notary public for South Carolina
My Commission expires 09/20/2027

5608 Delaware Drive
Forest Heights, Md.
October 25, 2022 20745

Rolf M. Baghdady PA
118 COBBLESTONE COURT
CHAPIN, S.C. 29036-9705

Ref: Spartanburg County, S.C.
Common Pleas
CASE #2022 CP 4203465

Annie Gary, Sadie Jackson, Diane Jackson-Wright
William Jackson Sr, Eric Caldwell, Renee Rose and
Bobby L. Reokard.

DEAR SIR,

I, LORINE JACKSON deny the allegations
in the above reference complaint CASE #2022 CP 4203465.

RESPECTFULLY,

LORINE JACKSON
Lorine Jackson



1. Give the names and addresses of persons known to the party or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

James Cheeks

366 N. Church St. Ste. 3000
Spartanburg, SC 29303

Drafted and executed deed of transfer.

Gary Burgess

202 Sweetheart Nook **Pendleton, SC 29670**

Knows the details regarding the plaintiff giving the land to her sister.

2. Set forth a list of photographs, plats, sketches, or other prepared documents in possession of the party that relate to the claim or defense in the case.

Current Deed

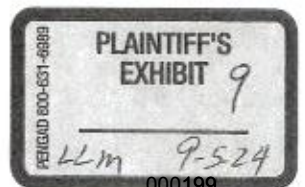
3. Set forth the names and addresses of all insurance companies which have liability insurance coverage relating to the claim and set forth the number or numbers of the policies involved and the amount or amounts of liability coverage provided in each policy. N/A

4. Set forth an itemized statement of all damages, exclusive of pain and suffering, claimed to have been sustained by the party. **\$48,000 of damages to property.**

5. List the names and addresses of any expert witness whom the party proposes to use as witness at the trial of the case. N/A

6. For each person known to the party or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witness.

James Cheeks



366 N. Church St.
Ste. 3000
Spartanburg, SC 29303

Drafted and executed deed of transfer.

Gary Burgess

202 Sweetheart Nook Pendleton, SC 29670

Knows the details regarding the plaintiff giving the land to her sister.

No written statements

REQUEST FOR PRODUCTION

1. Produce all photographs, plats, sketches or other prepared documents in possession of the party that relate to the claim or defense in the case. **Copy of Deed**
2. Produce all documents identified or referenced in the Defendant's Interrogatories to Plaintiffs. **Copy of Deed**

STATE OF SOUTH CAROLINA }
COUNTY OF SPARTANBURG }

Address of Grantee: 1707 Benning Rd., NE #33
Washington, DC 20002

1-4406203.00

RECORDED

1989 MAY -4 AM 8:53

R.M.C.
SPARTANBURG, S.C.
Dollars.

KNOW ALL MEN BY THESE PRESENTS, that I, MARYLYN DIANE JACKSON

in consideration of Ten dollars (\$10.00), love and affection,

the receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto

Lorine Jackson, her heirs and assigns

All that lot or parcel of land lying on the East side of Blackstock Road in the Town of Inman, County and State aforesaid being known and designated as Lot #15 on Plat "A" of the Simeon Gowan Lands, said plat being recorded in Plat Book 4, page 176, R.M.C. Office for Spartanburg County and being more fully described as follows: Beginning at the corner of Lots 15 & 16 on said plat and running along Blackstock Road N. 17.50 W. 101.8 feet; thence along the line of Lot 14 N. 85 E. 227.7 feet to an alley; thence along said alley S. 5.00 E. 100 feet; thence along the line of Lot 16, 205 feet to the beginning corner and being bounded by said Blackstock Road, Lot Nos. 14 & 16 and the said alley.

DERIVATION: This being the same property conveyed to Marylyn Diane Jackson by Irene Hardy Jackson and John C. Jackson by deed dated March 15, 1985 and recorded in Deed Book 51D, page 51, R.M.C. Office for Spartanburg County.

together with all and singular the rights, members, hereditaments and appurtenances to said premises belonging or in anywise incident or appertaining; to have and to hold all and singular the premises before mentioned unto the grantee(s), and the grantee's(s') heirs (or successors) and assigns forever. And the grantor(s) do(es) hereby bind the grantor(s) and the grantor's(s') heirs (or successors) executors and administrators to warrant and forever defend all and singular said premises unto the grantee(s) and the grantee's(s') heirs (or successors) and assigns against the grantor(s) and the grantor's(s') heirs (or successors) and against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to restrictions and easements of record, if any.

WITNESS the grantor's(s') hand(s) and seal(s) this 4th of May 19 89.

SIGNED, sealed and delivered in the presence of:

[Signature]
[Signature]

[Signature] (SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF SOUTH CAROLINA /
COUNTY OF SPARTANBURG

PROBATE

Personally appeared the undersigned witness and made oath that (s)he saw the within named grantor(s) sign, seal and as the grantor's(s') act and deed deliver the within written deed and that (s)he with the other witness subscribed above witnessed the execution thereof.

SWORN to before me this May 4,

19 89.

[Signature]
Notary Public for South Carolina.

(SEAL)

[Signature]

My commission expires 1/29/91.



STATE OF SOUTH CAROLINA /
COUNTY OF

RENUNCIATION OF DOWER

I, the undersigned Notary Public, do hereby certify unto all whom it may concern, that the undersigned wife (wives) of the above named grantor(s) respectively, did this day appear before me, and each, upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever, renounce, release and forever relinquish unto the grantee(s) and the grantee's(s') heirs or successors and assigns, all her interest and estate, and all her right and claim of dower of, in and to all and singular the premises within mentioned and released.

GIVEN under my hand and seal this

19

(SEAL)

Notary Public for South Carolina.

My commission expires

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF COMMON PLEAS

CASE NO: 2022-CP-42-03465

Annie Gray, Sadie Jackson, M. Diane
Jackson, William Jackson Sr.,
Eric Caldwell, Renee Rose, formerly and
nka Renee Caldwell, and Bobby L. Rookard,

PLAINTIFFS,

v.

Lorine Jackson aka Lorene Jackson,

DEFENDANT.

ORDER GRANTING PLAINTIFFS'
MOTION FOR SANCTIONS FOR
FAILURE TO APPEAR AT A
DEPOSITION; FOR DENYING
PLAINTIFFS' MOTION FOR SUMMARY
JUDGMENT; & FOR DEFERRING THE
PLAINTIFFS' *IN LIMINE* TO THE
TRIAL JUDGE

Date and time of hearing: February 8, 2024 at 9:30 A.M.

Location: Spartanburg County Courthouse Courtroom 6C

Appearances: Rolf M. Baghdady, Attorney for Plaintiffs
Plaintiff Sadie Jackson
Plaintiff M. Diane Jackson

Johnny E. Watson, Attorney for Defendant Lorine Jackson aka Lorene Jackson

Witness appeared under subpoena: Pastor Burgess

Before the Honorable J. Mark Hayes II - Circuit Court of South Carolina At-Large Seat No. 5

The Court heard arguments and considered evidence from both counsel on the following:

- 1) Plaintiffs' Motion for Sanctions;
- 2) Plaintiffs' Motion for Partial Summary Judgment; and
- 3) Plaintiffs' Motion *in limine* all filed February 4, 2024.

After considering the arguments and evidence, the Court ruled as follows:

- 1) Granted Plaintiffs' Motion for Sanctions for failure to appear at the deposition by
determining the Defendant's Answer stands as pled, thus denying the Defendant the



opportunity to amend her Complaint, and made scheduling by the further notice of deposition of the Defendant optional to Plaintiffs;

2) Denied Plaintiffs' Motion for Summary Judgment; and,

3) Deferred ruling on the Motion *in limine* to the presiding Judge at trial.

IT IS SO ORDERED:

Date

J. Mark Hayes II
Circuit Court of South Carolina
At-Large Seat No. 5

Proposed order prepared by:
Rolf M. Baghdady Trial Counsel
SC Bar No: 0464
Rolf M. Baghdady, P.A.
118 Cobblestone Court
Chapin, SC 29036
(803) 345-7653
E-mail: rolf@rolfbaghdady.com
Attorney for Plaintiffs



Spartanburg Common Pleas

Case Caption: Annie Gray , plaintiff, et al VS Lorine Jackson

Case Number: 2022CP4203465

Type: Order/Sanctions

IT IS SO ORDERED

s/ J. Mark Hayes, II #2132

Electronically signed on 2024-03-12 16:15:45 page 3 of 3

It is unfortunate that this situation is at the point it is. The document I notarized was to sign the land over to Lorine Jackson. It was my understanding at the time, over thirty years ago, that it was important to my Uncle John Jackson and Aunt Irene Jackson that the land not be lost outside of the family. Lorine Jackson is a child of John and Irene Jackson, her ownership of the land satisfies my uncle and aunt's aim to keep the land in the family. I was not privy to any discussions about land being held for the family.

Signature: _____

Sworn to before me by said _____

Gary Burgess

This 7th day of February, 2024

Notary Public _____

My Commission Expires: 12-19-2033

Gary Burgess

Hide original message

On Tuesday, February 6, 2024 at 01:33:06 PM EST, best of the <freedomexperts@gmail.com> wrote:

----- Forwarded message -----

From: **Johnny Watson** <lawofficejcw@gmail.com>

Date: Tue, Feb 6, 2024 at 1:31 PM

Subject: Fwd: Equitable claims that can be proved by parol evidence

To: best of the <freedomexperts@gmail.com>, <dr.burgessgroup@bellsouth.net>

----- Forwarded message -----

From: **Rolf Baghdady** <rolf@rolfbaghdady.com>

Date: Tue, Feb 6, 2024 at 12:10 PM

Subject: Equitable claims that can be proved by parol evidence

To: Johnny Watson <lawofficejcw@gmail.com>

Good Afternoon Johnny, as you can see from the cases below, your 2 arguments as to entitlement to a jury trial and statute of frauds as a bar to parol testimony are addressed below. Furthermore Dr. Burgess letter clearly explained the unrecorded deed he did was to keep the property "within the family" not an outright conveyance to Lorine. What other arguments do you have?

ACTIONS TO DETERMINE RESULTING TRUSTS SOUND IN EQUITY

Actions to determine resulting trusts sound in equity. Hayne Fed. Credit Union v. Bailey, 327 S.C. 242, 248, 489 S.E.2d 472, 475 (1997). As such, this court may determine facts in accordance with our view of the preponderance of the evidence.

Townes Assocs. v. City of Greenville,

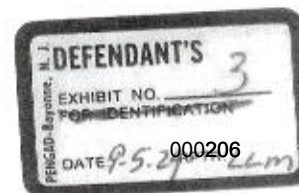
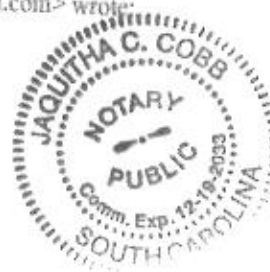
266 S.C. 81, 86, 221 S.E.2d 773, 775 (1976). "While this permits us a broad scope of review, we do not disregard the findings of the Master, who saw and heard the witnesses and was in a better position to evaluate their credibility." Tiger, Inc. v. Fisher Agro, Inc., 301 S.C. 229, 237, 391 S.E.2d 538, 543 (1989).

WHILE TRUSTS ARISING BY OPERATION OF LAW, I.E. RESULTING TRUSTS AND CONSTRUCTIVE TRUSTS, MAY BE PROVED BY PAROL EVIDENCE

Appellants contend there is insufficient evidence to support the imposition of a resulting trust or a constructive trust and that an express trust could not be proved by parol evidence.

While trusts arising by operation of law, i.e. resulting trusts and constructive trusts, may be proved by parol evidence, an express trust may not. Whitmire v. Adams, 273 S.C. 453, 257 S.E.2d 160 (1979); Privett v. Garrison, 235 S.C. 119, 110 S.E.2d 17 (1959); Lollis v. Lollis, 291 S.C. 525, 354 S.E.2d 559 (S.C. 1987).

Best regards-Rolf Rolf M. Baghdady, P.A. Attorney at Law Licensed in SC, GA, FL, & NY Home Office Location 118 Cobblestone Court Chanin, SC 29036-0705 (803) 245-7653 (FAX) (803) 245-7654



Defendant's Exhibit 5, Rental contract

Rental Contract

Contract between myself, Lorine Jackson, and my sister, M. Diane Jackson as of this day 10/26/2016.

I agree to rent the property at 23 Blackstock Road in Inman, S.C. 29349 from 11/01/2016 through 04/30/2017 for the sum of \$300 per month. This giving her time to adequately find proper living quarters and also due to the approaching cold weather.

Be ye reminded to:

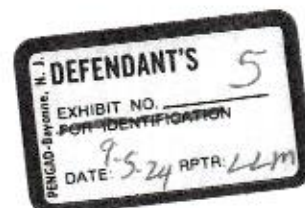
- 1) Remove all belongings from 25 Blackstock Road before 11/01/2016.
- 2) Removal of all unregistered automobiles from the property by 11/15/2016 and all yard waste/refuse.
- 3) Cafe building clear it out of your belongings also before 04/01/2017.


Lorine Jackson

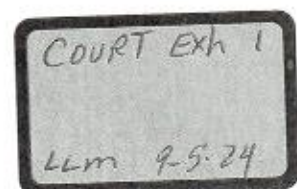

M. Diane Jackson

Notarized this 26th day of October, 2016

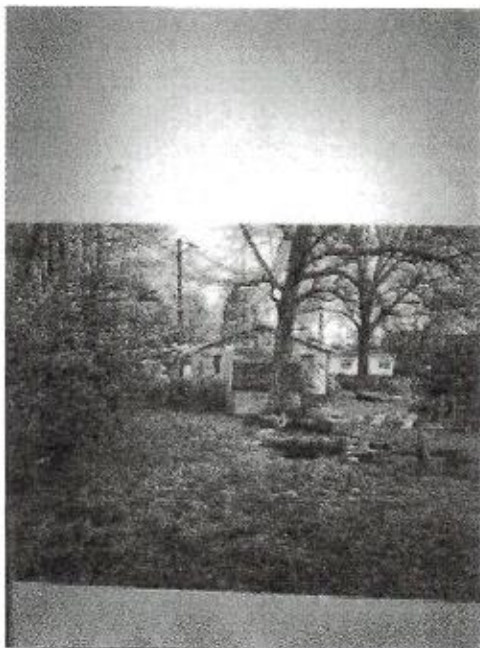

Robin B. Henderson
Notary Public
State of South Carolina
My Commission Expires 1-27-2022



Court's Exhibits









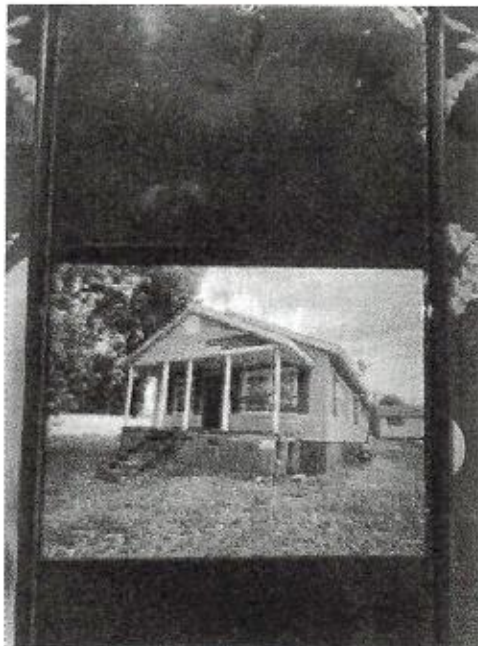
















RECEIVED

Jul 22 2025

SC Court of Appeals

Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all materials proposed to be included by any of the parties and not any other material.

July 22, 2025

/s/ Rolf M. Baghdady
Rolf M. Baghdady / SC Bar # 0464
Rolf M. Baghdady, P.A.
118 Cobblestone Court
Chapin, South Carolina 29036-9705
(803) 345-7653
E-mail: rolf@rolfbaghdady.com
Attorney for Appellants

RECEIVED

Jul 22 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

Grace G. Knie, Circuit Court Judge

Case No. 2022-CP-42-03465
Appellate Case No. 2024-001739

Annie Gray aka Gary, Sadie Jackson,
M. Diane Jackson, William Jackson Sr.,
Eric Caldwell, Renee Rose,
formerly & aka Renee Caldwell, and
Bobby L. Rookard,

Appellants,

v.

Lorene Jackson a/k/a Lorine Jackson,

Respondent.

PROOF OF SERVICE

I certify that I have served the RECORD ON APPEAL on Lorene Jackson by mailing a bound copy (USPS, postage prepaid) to her attorney of record, Johnny Elliot Watson, Sr., at 2715 Edgewood Avenue, Columbia, South Carolina 29204 on July 22, 2025.

June 22, 2025

s/ Rolf M. Baghdady

Rolf M. Baghdady / SC Bar # 0464

Rolf M. Baghdady, P.A.

118 Cobblestone Court

Chapin, S.C. 29036-9705

(803) 345-7653

E-mail: rolf@rolfbaghdady.com

Attorney for Appellants