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S.C. SUPREME COURT

**Exhibit A**

Order Appointing CDM Corporation as Guardian and  
Conservator for Gloria Ormand-Ward in *In re: Glorida  
Ormand-Ward*, Case No. 2021-GC-26-00069

STATE OF SOUTH CAROLINA ) IN THE PROBATE COURT, PROBATE COURT  
COUNTY OF HORRY ) HORRY COUNTY, SC  
Case No. 2021-GC-26-000697021 SEP 24 P 12: 04

IN THE MATTER OF: GLORIA ORMAND-WARD,  
An Alleged Incapacitated Individual

KATHY G. WARD  
PROBATE JUDGE

Grand Strand Medical Center, )  
) )  
Petitioner, )  
) )  
vs. )  
) )  
Gloria Ormand-Ward and Norma Lefler, )  
) )  
Respondent. )  
) )  
) )  
) )

ORDER FINDING INCAPACITY  
AND  
APPOINTMENT OF GUARDIAN  
AND  
APPOINTMENT OF CONSERVATOR

**THIS MATTER** came before the Court for final hearing on September 24, 2021, before the undersigned Judge of the Probate Court for Horry County, South Carolina, pursuant to a Petition filed on August 3, 2021, in the above-referenced matter and thereafter served by Petitioner, requesting a hearing and a determination that **GLORIA ORMAND-WARD**, (herein also “Respondent Ormand-Ward”) is an incapacitated person for whom appointment of a Guardian and Conservator is proper and requesting that the Court appoint CDM Corporation, by and through its representative, Stephen Mantell, as Guardian and Conservator for Respondent Ormand-Ward.

Present at the hearing were: Dundee W. Carter, Esquire, attorney for Petitioner, Grand Strand Medical Center (herein also “Petitioner”); Petitioner’s representative, Keri Melson, Director of Patient Safety and Risk Management at Grand Strand Medical Center; Mary W. Tovornik, Esquire, the Court appointed Attorney for Respondent Ormand-Ward; Stephanie Van Pelt, Esquire, the Court appointed Guardian *Ad Litem* for Respondent Ormand-Ward; and Stephen Mantell, a representative of CDM Corporation.

Based upon the pleadings, exhibits, testimony and the entire record in these matters, the undersigned makes the following:

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### FINDINGS OF FACT

1. All interested persons, and all persons required by law, have been properly served with a copy of the pleadings, notices and other documents, waived service or personally appeared in this matter.

2. Respondent Ormand-Ward is seventy-seven (77) years old and is a resident of Horry County, South Carolina, her last known address being, 682 Providence Dr., Myrtle Beach, South Carolina, 29572. Respondent Ormand-Ward is not married and her closest living family member is her cousin, Norma Lefler of 62 Cedar Street, Unit 1103, Seattle, Washington.

3. The Examiner Report and Affidavit Regarding Capacity of Dr. Daniel Lane, MD dated July 6, 2021, and thereafter re-confirmed by Dr. Lane as accurate on September 16, 2021, has been filed with the Court and certifies that Respondent Ormand-Ward has been diagnosed with progressive vascular dementia, permanent bipolar mood disorder, temporary pulmonary embolism and is not capable of making complex decisions or capable of caring for herself. As a result of her condition, Respondent Ormand-Ward is incapacitated to the extent that she lacks the ability to effectively receive, evaluate and respond to information or make or communicate decisions such that a person, even with appropriate, reasonably available support and assistance cannot meet the essential requirements for her physical health, safety, or self-care, and cannot manage her property or financial affairs, necessitating the need for a guardian and conservator.

4. The Examiner Report and Affidavit Regarding Capacity of Dr. Daniel Lane, MD further provides that Respondent Ormand-Ward is unable to provide for her health, education, maintenance or support for herself, and she does not have the capacity to retain any of the following rights: Marry or Divorce; Reside in a place of her choosing; Consent or withhold consent to any residential or custodial placement; Give, withhold, or withdraw consent and make other informed decisions relative to medical, mental, and physical examinations, care treatment and therapies; Make end-of-life decisions, including, but not limited to, a "do not resuscitate" order or the application of any medical procedures intended solely to sustain life; Consent or withhold consent to artificial nutrition and hydration; Consent or refuse consent to hospitalization and discharge or transfer to a residential setting, group home, or other facility for additional care and treatment; Authorize disclosure of confidential information; Operate a vehicle; Vote; Be employed without the consent of a Guardian; Buy, sell, or transfer real or personal property or transact business of any type; Make, modify or terminate contracts; or Bring or defend any action at law or equity.

5. Based upon the recommendation of Dr. Daniel Lane, the Court appointed Attorney, Mary W. Tovornik, Esquire along with the Court appointed Guardian *ad Litem*, Stephanie Van Pelt, Esquire, opined that the Respondent Ormand-Ward should retain the following rights: travel without the consent of a guardian; consent to or refuse education services; and participate in social, religious or political activities.

6. The record, testimony and evidence provided reflects that Respondent Ormand-Ward is an incapacitated individual that lacks sufficient understanding and capacity to make or communicate responsible decisions concerning her person and property. No Guardian has been previously appointed for Respondent Ormand-Ward, the appointment of a permanent Guardian for Respondent Ormand-Ward is necessary, and the Guardian should be permitted to exercise the following rights on behalf of the incapacitated person: the authority to consent, refuse, or withdraw consent to any and all types of medical care, treatment, surgical procedures, diagnostic procedures, medication, and the use of mechanical or other procedures that affect any bodily function, including, but not limited to, artificial respiration, nutritional support and hydration, and cardiopulmonary resuscitation; authority to authorize, or refuse to authorize, any medication or procedure intended to relieve pain; authority to choose appropriate housing; authority to authorize admission to or discharge, even against medical advice, from any hospital, nursing care facility, or similar facility or service; authority to take any other action necessary to making, documenting and assuring implementation of decisions concerning health care, including, but not limited to, granting any waiver or release from liability required by any hospital, physician, nursing care provider, or other health care provider; authority to sign any documents relating to refusals of treatment, including but not limited to, Do Not Resuscitate (DNR), withdrawal of life sustaining treatments and support; the Guardian should exercise authority relating to end of life decisions and/or life-sustaining treatment after taking into consideration the burdens of the treatment and whether the burdens outweigh the expected benefits when considering the relief of suffering, expense involved and quality, as well as, possible extension of life. The Court appointed Guardian should also be permitted to make decisions on placement, medical treatment, and providers of health care services.

7. The record in this matter further reflects that Respondent Ormand-Ward may have been the victim of an unauthorized transfer of assets and/or exploitation of her financial resources. Horry County Land Records (Horry County Register of Deeds) reveals that Respondent Ormond-

Ward previously owned real property located at 682 Providence Drive, Myrtle Beach, South Carolina, said property appearing to have been allegedly transferred by Warranty Deed via an electronic/DocuSigned signature of Gloria Ormand-Ward to Homedebone LLC on February 4, 2021, and thereafter recorded on February 18, 2021 in Deed Book 4391 at Page 65 for consideration in the amount of One Hundred (\$100.00) Dollars. The appointment of a conservator is necessary to conduct further investigation into whether Respondent Ormand-Ward has an ownership interest in the business known as Homedebone LLC and/or whether additional legal proceedings are necessary in order to pursue the recovery and/or to set aside the prior transfer of Respondent Ormand-Ward's property.

8. No person appearing at the hearing was aware of any additional assets owned by Respondent Ormand-Ward, including both real or personal property; and no person was aware of whether Respondent Ormand-Ward is receiving, or is entitled to receive, benefits from any other governmental agency or private enterprise. No Conservator has been previously appointed for Respondent Ormand-Ward, and the Durable Power of Attorney, designating David Litt as Attorney-in-Fact and "DocuSigned" by Respondent Ormand-Ward, does not appear to be a valid power of attorney in the state of South Carolina.

9. Respondent Ormand-Ward is vulnerable, unable to manage her own affairs, and her assets are at risk of being wasted and dissipated without the appointment of a conservator. Based upon the evidence presented, the appointment of a conservator is necessary to manage Respondent Ormand-Ward's financial affairs and to gather additional information and/or to perform a thorough investigation of Respondent Ormand-Ward's assets, to determine whether additional legal proceedings to recover previously transferred assets are necessary.

10. Stephen Mantell, representative of CDM Corporation, testified as to his willingness and qualifications to serve as Guardian and Conservator including, but not limited to, his previous experience in serving as a court appointed guardian and conservator, his fiduciary responsibilities, and his ability to furnish bond or give other suitable security as required pursuant to S.C. Code Ann. § 62-5-409. In addition, the proposed Guardian and Conservator testified that CDM Corporation has a Professional Liability Insurance Policy, which includes coverage for any of its' acts while serving in a fiduciary capacity and the Court has been provided with a copy of said policy. The Court finds that the professional liability insurance coverage is suitable security in this case to secure the fiduciary's performance.

11. Stephanie Van Pelt, Esquire has filed a Guardian *Ad Litem* Report with the Court summarizing her findings on Respondent Ormand-Ward, reporting her findings on the proposed Guardian and proposed Conservator, and has complied with the Order appointing her in this matter.

12. On behalf of Gloria Ormand-Ward, Mary W. Tovornik, Esquire, the Court appointed Attorney for Respondent Ormand-Ward, filed an Answer with this Court on September 9, 2021, contesting incapacity and objecting to the appointment of a guardian and conservator. At the onset of the hearing and prior to the submission of testimony, Attorney Tovornik informed the Court that the position of her client, Respondent Ormand-Ward, had changed and she now acknowledges her need for assistance at this time and therefore consents to the appointment of the proposed guardian and conservator.

13. Based on the foregoing facts and by agreement of the parties, clear and convincing evidence has been presented to find that Respondent Ormand-Ward lacks the ability to effectively receive, evaluate, and respond to information or make or communicate decisions such that she, even with appropriate, reasonably available support and assistance, cannot meet the essential requirements for her physical health, safety or self-care, necessitating the need for a guardian. In addition, clear and convincing evidence has been presented that Respondent Ormand-Ward lacks the ability to effectively receive, evaluate, and respond to information or make or communicate decisions such that she, even with appropriate, reasonably available support and assistance, cannot manage her property or financial affairs, necessitating the need for a conservator.

14. Stephanie Van Pelt, Esquire, as the Court-appointed Guardian *ad Litem* for Respondent Ormand-Ward, has ably, zealously, and competently served Respondent Ormand-Ward during all phases of this proceeding. Attorney Van Pelt is entitled to be compensated and paid for the fees, costs and expenses incurred and devoted by her and her firm on behalf of Respondent Ormand-Ward with such fees, costs, and expenses to be paid upon the submission of an invoice. A copy of the Affidavit of Guardian ad Litem Fees for services rendered in this matter by the Attorney Van Pelt through the date of the hearing has been filed with the Court and such fees and costs in the amount of \$3,536.25 are hereby deemed fair and reasonable.

15. Mary W. Tovornik, Esquire, as the Court-appointed Attorney for Respondent Ormand-Ward, has ably, zealously, and competently served Respondent Ormand-Ward during all phases of this proceeding. Attorney Tovornik is entitled to be compensated and paid for the fees,

costs and expenses incurred and devoted by her and her firm on behalf of Respondent Ormand-Ward with such fees, costs, and expenses to be paid upon the submission of an invoice. A copy of the Affidavit of Attorney Fees for services rendered in this matter by the Attorney Tovornik through the date of the hearing has been filed with the Court and such fees and costs in the amount of \$2,175.00 are hereby deemed fair and reasonable.

16. Dundee W. Carter, Esquire, attorney of record for Petitioner, has ably, zealously, and competently served Petitioner during all phases of this proceeding and is entitled to be compensated and paid for the fees, costs and expenses incurred and devoted by counsel in this matter.

17. Attorney's fees, costs, and expenditures incurred and any additional fees, costs, and expenditures incurred through conclusion of services by Petitioner's attorney, the Court appointed Guardian ad Litem and the Court appointed Attorney are hereby deemed fair and reasonable and shall be a proper disbursement from any assets or discoverable estate and property of Respondent Ormand-Ward.

#### **CONCLUSIONS OF LAW**

1. This Court has jurisdiction of the subject matter pursuant to S.C. Code Ann. § 62-5-201 and of the persons before the Court.

2. All interested parties have been properly served with the Summons and Petition pursuant to S.C. Code Ann. § 62-5-303(A) and § 62-5-403(A) and proper and timely Notice of Hearing has been given by Petitioner to all such parties pursuant to S.C. Code Ann. § 62-5-303(C) and § 62-5-403(C).

3. Venue is proper in this matter pursuant to S.C. Code Ann. § 62-5-302 and § 62-5-401.

4. Respondent Ormand-Ward is an incapacitated individual as defined in S.C. Code Ann. §62-5-101 (12) and it is in the best interest of Respondent Ormand-Ward that a Guardian and Conservator be appointed with all the authority and power as conferred by law over Respondent Ormand-Ward's person and property.

5. Pursuant to S.C. Code Ann. § 62-5-304(A) and § 62-5-407(A), the Court shall exercise its authority to encourage maximum self-reliance and independence of Gloria Ormand-Ward and shall issue orders only to the extent necessitated by the incapacitated individual.

6. Pursuant to S.C. Code Ann. §62-5-101, et. seq. all rights and powers as set forth in S.C. Code Ann. § 62-5-304(A) and § 62-5-407(B), unless otherwise specified by the Court, shall be removed from the incapacitated individual and the Court appointed Guardian and Conservator should be permitted to exercise those rights on behalf of the incapacitated individual as are necessary to protect the incapacitated individual and to provide for her health, education, maintenance and support.

7. Pursuant to S.C. Code Ann. §62-5-409, a court appointed Conservator shall be required to furnish bond conditioned upon faithful discharge of all duties of the conservator according to law and the court must approve all sureties.

**NOW THEREFORE, BASED UPON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

**IT IS HEREBY ORDERED** that a guardianship and conservatorship are appropriate given the evidence presented, and Gloria Ormand-Ward is incapacitated to the extent that she can/cannot exercise the following rights pursuant to S.C. Code Ann. § 62-5-304(A) and § 62-5-404(B):

Remove	Retain	Other	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Marry or divorce
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Reside in a place of his/her choosing, and consent or withhold consent to any residential or custodial placement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Travel without the consent of the proposed Guardian
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. Give, withhold, or withdraw consent and make other informed decisions relative to medical, mental, and physical examinations, care, treatment and therapies
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. Make end-of-life decisions including, but not limited to, a 'do not resuscitate' order or the application of any medical procedures intended solely to sustain life, and consent or withhold consent to artificial nutrition and hydration
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. Consent or refuse to consent to hospitalization and discharge or transfer to a residential setting, group home, or other facility for additional care and treatment
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. Authorize disclosures of confidential information
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8. Operate a vehicle
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9. Vote
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10. Be employed without the consent of the proposed Guardian
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11. Consent to or refuse educational services
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	12. Participate in social, religious or political activities
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13. Buy, sell, or transfer real or personal property or transact business of any type
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	14. Make, modify, or terminate contracts
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	15. Bring or defend any action at law or equity

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**IT IS FURTHER ORDERED** that **CDM Corporation, by and through its representative, Stephen Mantell,** is hereby appointed as Guardian of the person of Gloria Ormand-Ward, with all the authority and power as conferred by law, and may consent, or withhold consent, to any and all medical or other professional, care, counsel, treatment, or services for Respondent Ormand-Ward.

**IT IS FURTHER ORDERED** that the Guardian shall prepare and file a complete Plan of Care (Form #521GC) for Gloria Ormand-Ward within thirty (30) days of its appointment, and shall prepare and file a complete Guardian Report (Form #534GC) with the Court each year.

**IT IS FURTHER ORDERED** that **CDM Corporation, by and through its representative, Stephen Mantell,** is hereby appointed as Conservator of Gloria Ormand-Ward and shall have the authority to exercise all powers of a conservator in administration as set forth in S.C. Code Ann. § 62-5-422(A).

**IT IS FURTHER ORDERED** that the Conservator shall be required to maintain its professional liability insurance coverage for the duration of the conservatorship and in the event the fiduciary fails to renew the professional liability insurance policy, the Conservator shall submit a fiduciary bond pursuant to in S.C. Code Ann. § 62-5-409 and shall maintain the fiduciary bond for the remainder of this conservatorship.

**IT IS FURTHER ORDERED** that within thirty days of appointment, the Conservator shall prepare and file with the Court a complete inventory of the estate of the protected person, file a financial plan with the Court pursuant to S.C. Code Ann. § 62-5-414, and shall report to the Court regarding his administration of the estate annually as set forth in S.C. Code Ann. § 62-5-416.

**IT IS FURTHER ORDERED** that all persons are directed and commanded to provide access to any of Gloria Ormand-Ward's financial account(s) and all of the property of Gloria Ormand-Ward, of every kind and nature, which may be in such person's possession or under such person's control to the Conservator, on demand by the Conservator and upon presentation of a copy of his Certificate of Appointment.

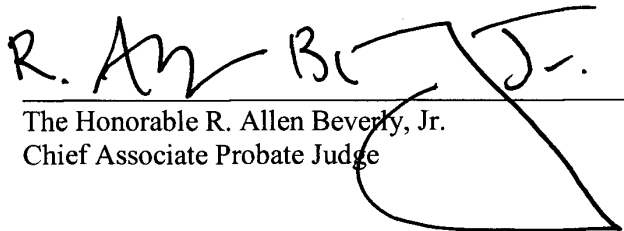
**IT IS FURTHER ORDERED** that within thirty (30) days, the Guardian shall notify the Court in writing of any changes in: (i) address, (ii) Gloria Ormand-Ward's custodial dwelling or address, and (iii) Gloria Ormand-Ward's condition should she become more capable, or less capable, of exercising rights previously removed or retained.

**IT IS FURTHER ORDERED** that the Guardian and the Conservator are bound by all the other duties, responsibilities, and fiduciary obligations contained in the S.C. Code Ann. § 62-5-309 and S.C. Code Ann. § 62-5-407, *et. seq.*, except as modified by order of this Court. The Guardian and Conservator shall be accountable to this Court for any violations of its duties or for any failure to file and account to the Court. Failure to comply with this Order is punishable by this Court's contempt powers, which may include community service, fines, or imprisonment, or any combination thereof that the Court deems appropriate.

**IT IS FURTHER ORDERED** that the Guardian and Conservator shall be entitled to reasonable sums and compensation for its services as allowed by law, and Petitioner shall be entitled to the reimbursement of such fees and costs incurred in this action from any discoverable estate or property of Gloria Ormand-Ward, including but not limited to, Petitioner's attorney fees, Guardian ad Litem fees, and compensation paid to the Guardian and Conservator for its services rendered in this matter.

**The notice required by S.C. Code Ann. § 23-31-1040 (a copy of which is attached to and made a part of this Order) has been provided to Gloria Ormand-Ward or his representative.**

**IT IS SO ORDERED.**

  
The Honorable R. Allen Beverly, Jr.  
Chief Associate Probate Judge

September 24<sup>th</sup>, 2021.  
Conway, South Carolina

**PURSUANT TO S. C. CODE ANN. § 23-31-1040(D), YOU ARE HEREBY NOTIFIED THAT IT IS UNLAWFUL AND A FELONY UNDER STATE AND FEDERAL LAW FOR YOU TO SHIP, TRANSPORT, POSSESS, OR RECEIVE A FIREARM OR AMMUNITION.**

Section 23-31-1040. (A) It is unlawful for a person who has been adjudicated as a mental defective or who has been committed to a mental institution to ship, transport, possess, or receive a firearm or ammunition.

(B) A person who violates this section is guilty of a felony, and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than five years, or both.

(C) In addition to the penalty provided in this section, the firearm or ammunition involved in the violation of this section must be confiscated. The firearm or ammunition must be delivered to the chief of police of the municipality or to the sheriff of the county if the violation occurred outside the corporate limits of a municipality. The law enforcement agency that receives the confiscated firearm or ammunition may use the firearm or ammunition within the agency, transfer the firearm or ammunition to another law enforcement agency for the lawful use of that agency, trade the firearm or ammunition with a retail dealer licensed to sell firearms or ammunition in this State for a firearm, ammunition, or any other equipment approved by the agency, or destroy the firearm or ammunition. A firearm or ammunition must not be disposed of in any manner until the results of any legal proceeding in which the firearm or ammunition may be involved are finally determined. If SLED seized the firearm or ammunition, SLED may keep the firearm or ammunition for use by SLED's forensic laboratory. Records must be kept of all confiscated firearms or ammunition received by the law enforcement agencies pursuant to this section. A law enforcement agency that receives a firearm or ammunition pursuant to this subsection may administratively release the firearm or ammunition to an innocent owner. If possession of the firearm or ammunition is necessary for legal proceedings, the firearm or ammunition must not be released to the innocent owner until the results of any legal proceedings in which the firearm or ammunition may be involved are finally concluded. Before the firearm or ammunition may be released, the innocent owner shall provide the law enforcement agency with proof of ownership and shall certify that the innocent owner will not release the firearm or ammunition to the person who has been charged with a violation of this subsection which resulted in the firearm's or ammunition's confiscation. The law enforcement agency shall notify the innocent owner when the firearm or ammunition is available for release. If the innocent owner fails to recover the firearm or ammunition within thirty days after notification of the release, the law enforcement agency may maintain or dispose of the firearm or ammunition as otherwise provided in this subsection.

(D) At the time the person is adjudicated as a mental defective or is committed to a mental institution, the court shall provide to the person or the person's representative, as appropriate, a written form that conspicuously informs the person or the person's representative, as appropriate, of the provisions of this section.